ZONING ORDINANCE

ADOPTED: SEPTEMBER 16, 2026

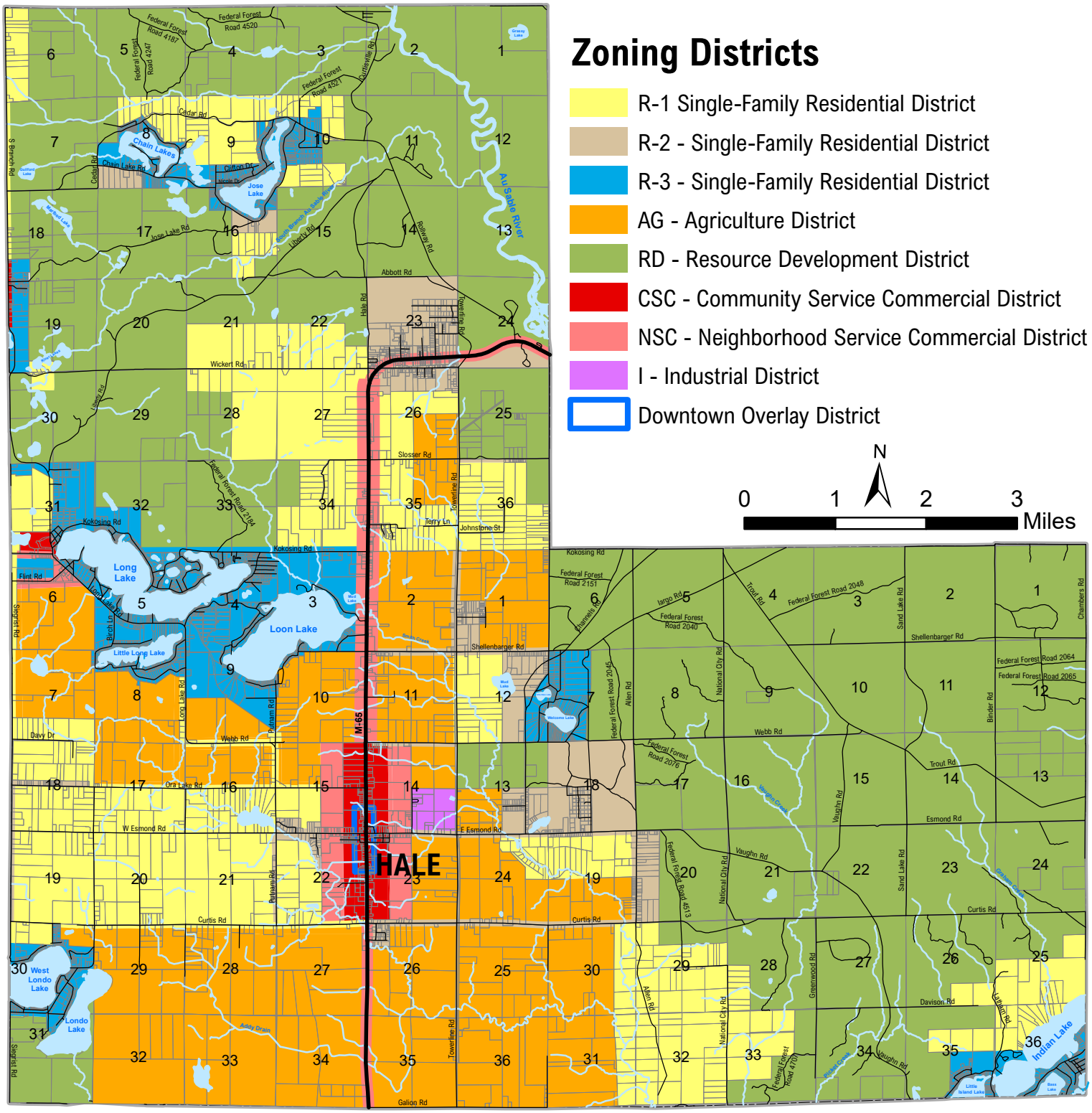


PLAINFIELD TOWNSHIP

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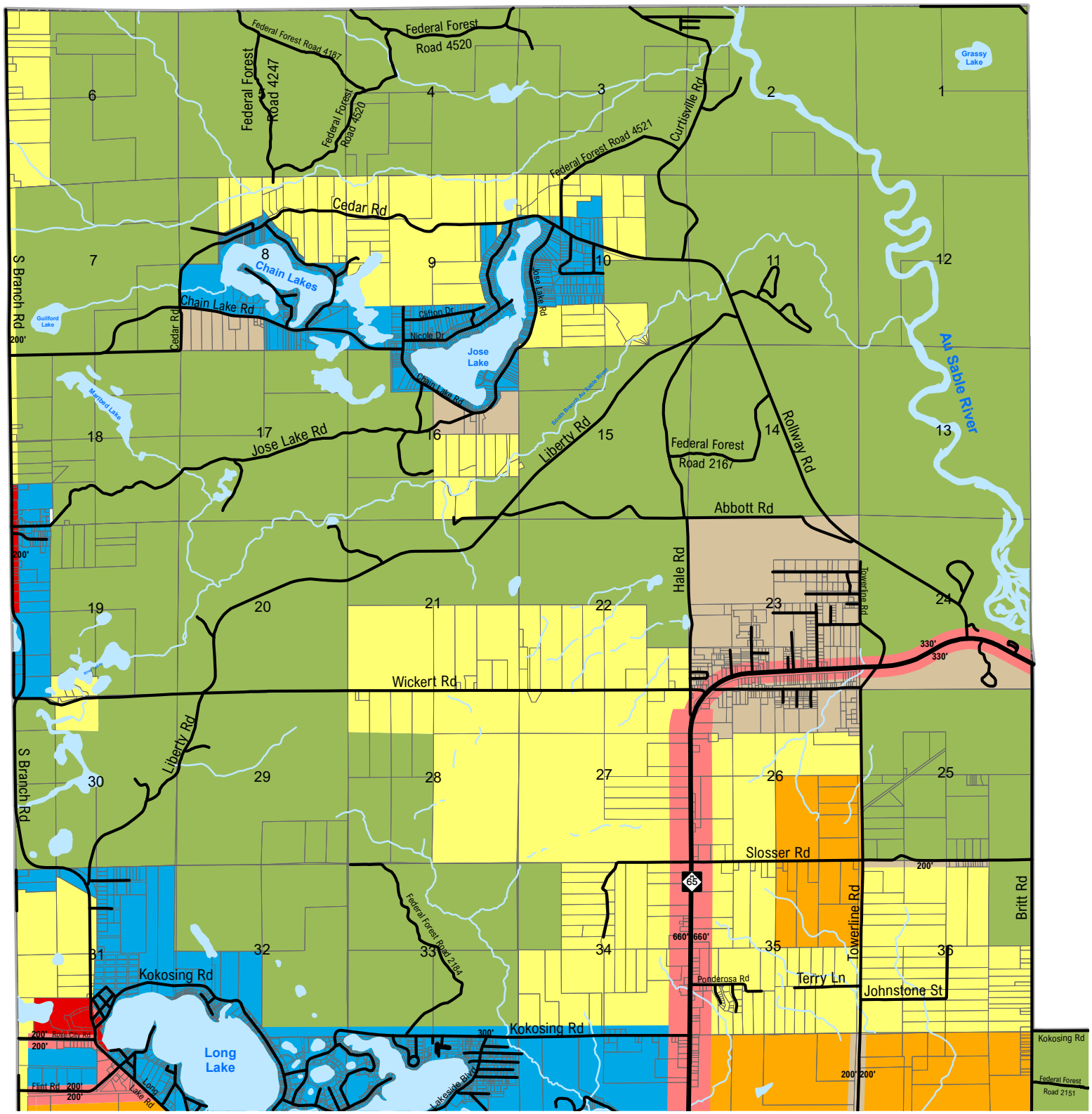
415 E Main St, Hale MI 48739 (PO Box 247)



Adopted: 9/16/26

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T24N R05E



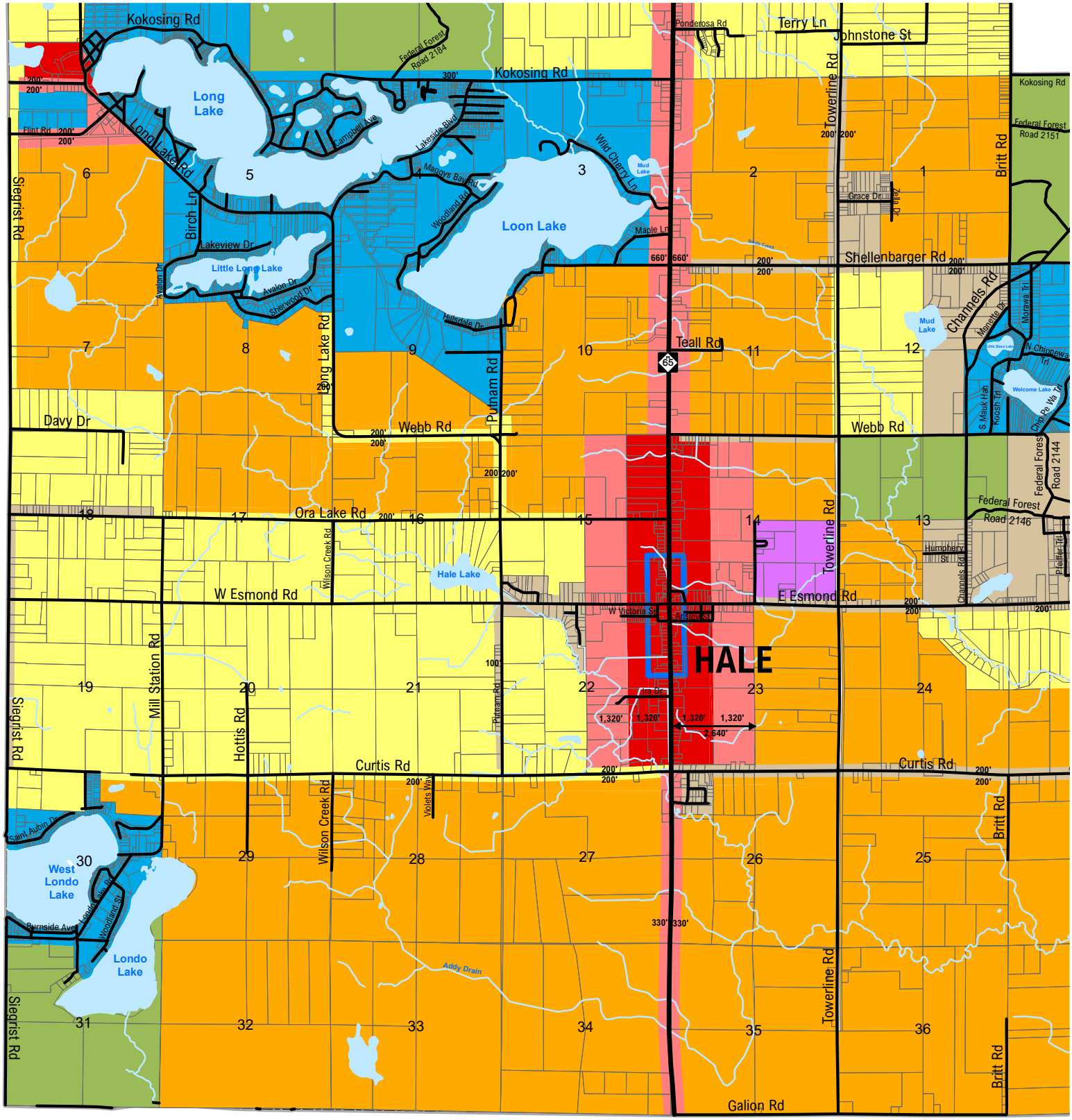
Zoning Districts

0 1 2 Miles N

- R-1 Single-Family Residential District
- R-2 - Single-Family Residential District
- R-3 - Single-Family Residential District
- AG - Agriculture District
- RD - Resource Development District
- CSC - Community Service Commercial District
- NSC - Neighborhood Service Commercial District

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Zoning Districts

0 1 2 Miles

N

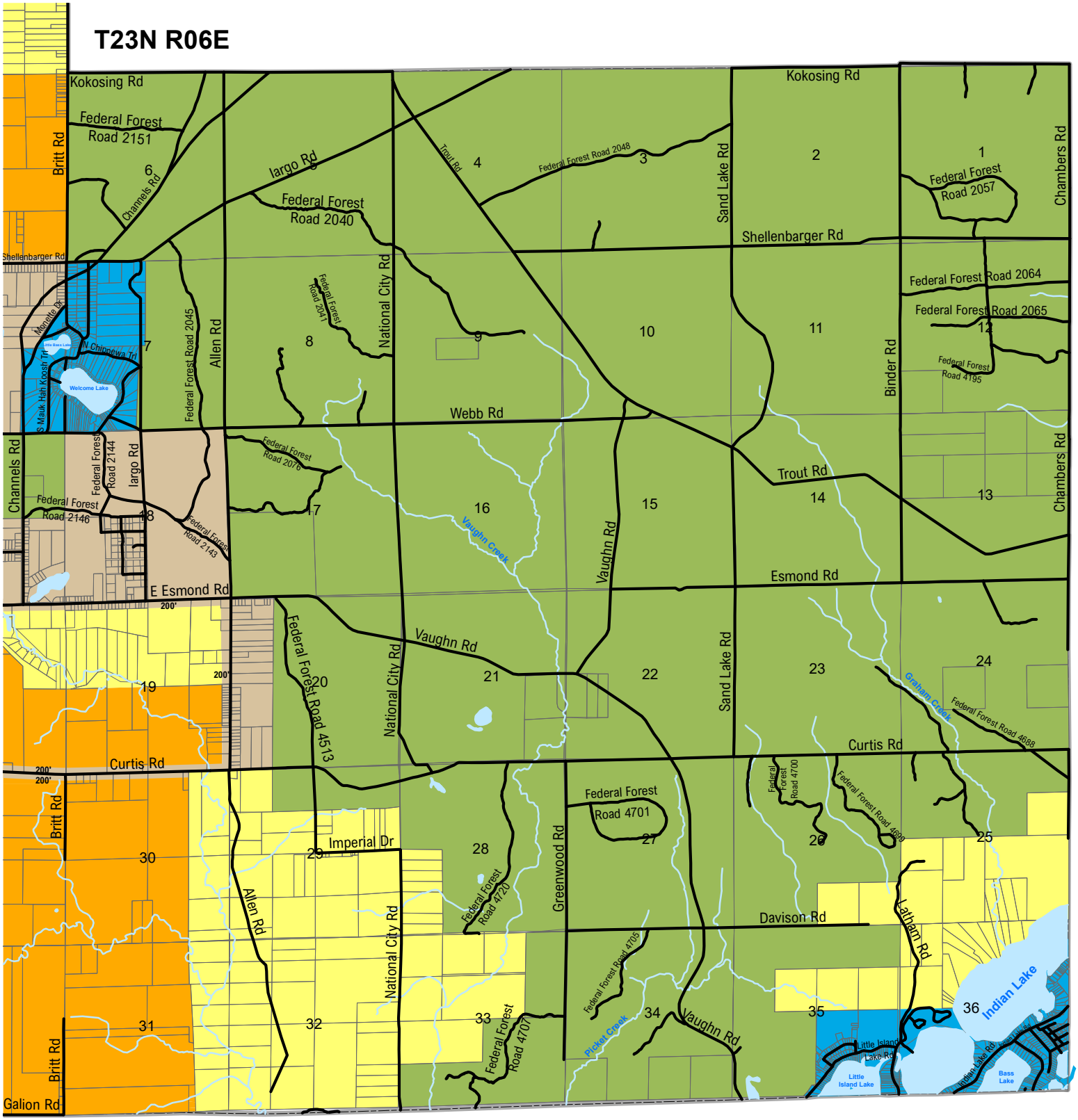
T23N R05E

- R-1 Single-Family Residential District
- R-2 - Single-Family Residential District
- R-3 - Single-Family Residential District
- AG - Agriculture District
- RD - Resource Development District
- CSC - Community Service Commercial District
- NSC - Neighborhood Service Commercial District
- I - Industrial District
- Downtown Overlay District

Adopted: 9/16/26

RETURN TO PREVIOUS VIEW

T23N R06E



Zoning Districts

0 1 2 Miles

N

- R-1 Single-Family Residential District
- R-2 - Single-Family Residential District
- R-3 - Single-Family Residential District
- AG - Agriculture District
- RD - Resource Development District

RETURN TO PREVIOUS VIEW

Adopted: 9/16/26

Plainfield Township
ZONING ORDINANCE

Plainfield Township
Iosco County
Michigan

Adopted: September 16, 2026

Effective: October 1, 2026

Prepared with the Assistance of:
Northeast Michigan Council of Governments
www.nemcog.org

Funding Assistance for Ordinance Development Provided By:
Michigan State Housing Development Authority (MSHDA) Housing Readiness Incentive Grant Program

Table of Contents

Article	Section	Name	Page
1		**Purpose & Authority**	
	1.01	Title	1-1
	1.02	Authority	1-1
	1.03	Purpose	1-1
2		**Definitions**	
	2.01	Rules Applying to Text	2-1
	2.02	Definitions	2-2
		A	2-2
		B	2-9
		C	2-11
		D	2-15
		E	2-16
		F	2-17
		G	2-19
		H	2-20
		I	2-21
		J	2-21
		K	2-22
		L	2-22
		M	2-24
		N	2-26
		O	2-27
		P	2-28
		R	2-29
		S	2-31
		T	2-39
		U	2-40
		V	2-40
		W	2-40
		Y	2-43
		Z	2-43

Article

3 General Provisions

Section	Name	Page
3.01	Scope of Ordinance	3-2
3.02	Lot – Building Relationship	3-3
3.03	Damaged Building & Structures	3-3
3.04	Illegal Dwellings	3-3
3.05	Barrier-Free Modification	3-4
3.06	Required Water Supply and Wastewater Disposal	3-4
3.07	Access to a Public Road or Highway	3-4
3.08	Building Grades & Drainage	3-4
3.09	Moving Buildings	3-4
3.10	Accessory Buildings	3-5
3.11	Decks & Raised Platforms; Pathways/Stairways	3-8
3.12	Temporary Buildings & Structures	3-9
3.13	Construction Debris	3-11
3.14	Recreational Vehicles	3-11
3.15	Visibility at Intersections	3-12
3.16	Hazardous Substances	3-13
3.17	Man-Made Waterbodies	3-13
3.18	Essential Services & Public Utility Facilities	3-13
3.19	Solid Waste Receptacle Areas	3-14
3.20	Exterior Lighting	3-14
3.21	Driveway Entrances & Gates	3-17
3.22	Frontage Access Roads	3-17
3.23	Temporary Transient Uses	3-18
3.24	Animals	3-18
3.25	Voting Place	3-19
3.26	Yard Sales	3-19
3.27	Anti-Funnel/Anti-Keyholing	3-19
3.28	Reserved	3-21
3.29	Fences	3-21
3.30	Required Screening	3-23
3.31	Nonconforming Buildings/Structures, Uses & Lots	3-26
3.32	Off-Street Parking, Loading & Unloading Requirements	3-30
3.33	Signs	3-37

	3.34	Driveways & Private Roads	3-47

Article

4 District Regulations

Section	Name	Page
4.01	Districts	4-1
4.02	Zoning Map	4-2
4.03	Application of Regulations	4-3
4.04	Unlisted Uses	4-4
4.05	Resource Development District (RD)	4-5
4.06	Agriculture District (AG)	4-11
4.07	Single-Family Residential District (R-1, R-2 and R-3)	4-17
4.08	Neighborhood Service Commercial District (NSC)	4-25
4.09	Community Service Commercial District (CSC)	4-31
4.10	Downtown Overlay District (DTO)	4-38
4.11	Industrial District (I)	4-45
4.12	Full Table of Permitted & Special Uses	4-53
4.13	Schedule of Regulations	4-69

5 Plan Review

Section	Name	Page
5.01	Purpose of Plan Review	5-1
5.02	Role of the Zoning Administrator	5-1
5.03	Approval Overview Table	5-2
5.04	Data Required for Plot Plans	5-3
5.05	Data Required for Site Plans	5-3
5.06	Zoning Administrator Review Procedure	5-6
5.07	Planning Commission Review Procedure	5-7
5.08	Site Plan Approval Standards	5-10
5.09	Amendment to an Approved Site Plan	5-12
5.10	Expiration of Site Plan Approval	5-13
5.11	Violation of Approved Site Plan	5-13

Article

6 Special Use Review

Section	Name	Page
6.01	Purpose	6-1
6.02	Authority to Grant Special Use Permits	6-1
6.03	Special Use Review Procedure	6-1
6.04	Special Use Approval Standards	6-5
6.05	Inspection	6-7
6.06	Expiration, Transfer, or Violation of a Special Use	6-7

7 Supplemental Regulations

Section	Name	Page
7.01	Purpose	7-1
7.02	Home Occupations	7-1
7.03	Accessory Dwelling Units	7-4
7.04	Farm Markets & Roadside Stands	7-5
7.05	Outdoor Dog Kennels	7-6
7.06	Food Trucks & Food Truck Parks	7-6
7.07	Adult Entertainment Facilities	7-7
7.08	Commercial Events Facilities	7-10
7.09	Junkyards	7-13
7.10	Gas Stations & Auto or Vehicle Repair Garages	7-14
7.11	Trap & Skeet Shooting Ranges	7-14
7.12	Planned Unit Developments (PUD)	7-16
7.13	Wireless Facilities	7-25
7.14	Small Cell Wireless Facilities	7-31
7.15	Accessory Solar Panels	7-33
7.16	Solar Energy Facilities (Utility-Scale)	7-35
7.17	Accessory Wind Turbines	7-46
7.18	Wind Energy Facilities (Utility-Scale)	7-49
7.19	Battery Energy Storage Systems	7-61
7.20	Data Centers	7-70
7.21	Dwellings	7-76

Article

8 Zoning Board of Appeals

Section	Name	Page
8.01	Establishment of Zoning Board of Appeals	8-1
8.02	Membership & Terms of Office	8-1
8.03	Meetings	8-2
8.04	Powers & Duties	8-3
8.05	Variance Standards	8-4
8.06	Procedures	8-5
8.07	Voiding of and Reapplication for Variances	8-8

9 Administration & Enforcement

Section	Name	Page
9.01	Purpose	9-1
9.02	Administration	9-1
9.03	Zoning Permit Application Process	9-3
9.04	Conflicting Regulations	9-8
9.05	Fees	9-8
9.06	Performance Guarantee	9-10
9.07	Public Notice Requirements	9-10
9.08	Use of Consultants	9-13
9.09	Conditions	9-13
9.10	Rehearing Process	9-13
9.11	Violation	9-14
9.12	Approval Process Reference Chart	9-15

10 Adoption & Amendments

Section	Name	Page
10.01	Amendment to this Ordinance	10-1
10.02	Amendment Procedures	10-1
10.03	Amendment Review Factors	10-4
10.04	Conditional Rezoning	10-5
10.05	Severability	10-8
10.06	Rights & Remedies	10-9
10.07	Vested Right	10-9
10.08	Repeal of Previous Ordinance	10-9
10.09	Adoption & Effective Date	10-9

PLAINFIELD TOWNSHIP, IOSCO COUNTY, MICHIGAN, HEREBY ENACTS:

Article 1
Purpose & Authority

Sec	Name	Pg
1.01	Title	1-1
1.02	Authority	1-1
1.03	Purpose	1-1

Section 1.01 Title

This Ordinance shall be known as the Plainfield Township Zoning Ordinance.

Section 1.02 Authority

This Ordinance is ordained and enacted into law in accordance with the provisions of MCL 125.3101, et. seq., the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

Section 1.03 Purpose

The fundamental purpose of this Ordinance is to promote the health, safety, comfort, peace, morals, convenience, and general welfare of the inhabitants of the Township. The provisions hereinafter adopted are intended:

A. To establish districts which regulate the use of land and structures to meet the needs of the Township citizens for food, fiber, energy, and other natural resources and for places of residence, recreation, industry, trade, service, and other uses of land.

B. To establish land development regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.

C. To ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities.

D. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.

E. To provide the growth and development of the Township in a planned and orderly manner and through the wise and efficient use of public services required to be provided to the residents of the Township.

F. To facilitate the conservation of agricultural, forest and open space lands, wetlands, and land areas containing natural or cultural resources necessary to the social and economic well-being of present and future generations.

G. To encourage the use of lands and resources of the Township in accordance with their suitability by directing development towards areas most suitable, and to provide guidelines for best development practices.

H. To promote economic progress and protect and enhance property values.

I. To reduce hazards to life and property, promote safety in traffic, and provide protection from the spread of fire.

J. To protect the surface and groundwater quality of the Township as the main ingredient of the quality of life.

K. To provide for a method of adoption of amendments to this Ordinance.

L. To provide for conflicts with other state laws, state administrative rules and regulations, local ordinances and regulations, and within this Ordinance.

M. To provide for penalties for violations of this Ordinance.

N. To provide for the collection of fees for zoning permits required under this Ordinance.

O. To provide for appeals of the provisions of this Ordinance.

Article 2 Definitions

Sec	Name	Pg	Sec	Name	Pg
2.01	Rules Applying to Text	2-1		L	2-22
2.02	Definitions	2-2		M	2-24
	A	2-2		N	2-26
	B	2-9		O	2-27
	C	2-11		P	2-28
	D	2-15		R	2-29
	E	2-16		S	2-31
	F	2-17		T	2-39
	G	2-19		U	2-40
	H	2-20		V	2-40
	I	2-21		W	2-40
	J	2-21		Y	2-43
	K	2-22		Z	2-43

Section 2.01 Rules Applying to Text

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise:

A. Regulations pertaining to specific issues supersede more general regulations.

B. The word "shall" is mandatory and directory and never discretionary. The word "may" is permissive.

C. Words used in the present tense shall include the future.

D. Words in the singular number shall also denote the plural, and the plural shall also denote the singular.

E. The word “building” includes the word “structure,” and the word “dwelling” includes “residence.”

F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

G. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply in combination.

2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

H. The word "lot" includes the words "plot" or "parcel."

I. “Township” shall refer specifically to Plainfield Township.

J. “Commission” shall refer specifically to the Plainfield Planning Commission.

K. “Board” shall refer specifically to the Plainfield Township Board.

L. “Board of Appeals” shall refer specifically to the Plainfield Township Zoning Board of Appeals.

M. “Days” means calendar days unless otherwise stated.

N. Terms not herein defined shall have the meaning determined by the Zoning Board of Appeals.

Section 2.02 Definitions

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

A

Abutting. Having property or district lines in common.

Access. A way of approaching or entering a property.

Accessory Building or Structure. A supplemental building or structure on the same lot or parcel of land as the principal building or buildings, or part of the principal building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential, or lodging purposes, or sleeping quarters for human beings unless permitted by the Ordinance as an Accessory Dwelling Unit. When an accessory building is attached to a principal building, such accessory building shall be considered part of a principal building for the purpose of determining the required setbacks. A carport is considered an accessory building. Fences, walls, and manufactured/mobile homes shall not be considered accessory buildings or structures. Decorative items such as statues, trellises, and other lawn decorations are not considered accessory structures.

Accessory Dwelling Unit. A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit, in a detached building, or as a stand-alone structure. Accessory dwelling units shall be developed in accordance with the standards set forth in **Section 7.03** and only in those zoning districts where the use is listed as allowed.

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

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

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

Adult Foster Care Facility.

As defined by the **Adult Foster Care Facility Licensing Act (PA 218 of 1979**, as amended), a governmental or nongovernmental establishment, licensed by the State of Michigan, that provides foster care to adults. Adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care. An adult foster care facility provides care to adults twenty-four (24) hours a day, for five (5) or more days a week, for two (2) or more consecutive weeks. See ***State-Licensed Residential Facility***.

A. An adult foster care facility **does not** include the following:

1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.

2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.

3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.

4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the Department of Health and Human Services under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.

5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.

6. A child-caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:

   a. Two (2), if the total number of residents is ten (10) or fewer.

   b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).

   c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).

   d. Five (5), if the total number of residents is twenty-one (21) or more.

7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.

8. An establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

9. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.

10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.

11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

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

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

B. ***Adult Bookstore or Adult Video Store***. A commercial establishment that, as one of its principal business

purposes, offers for sale or rental for any form of consideration one (1) or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

   A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty-five (25) percent or more of the floor area or visible inventory within the establishment.

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

1. Persons who appear in a state of nudity;

2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

3. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

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

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

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;

2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

E. ***Adult Motion Picture Theater***. An enclosed building, with a capacity of fifty (50) or more persons, used for presenting material with an emphasis on matters depicting, describing, or relating to "specified anatomical areas" (as defined herein), for observation by patrons therein.

F. ***Adult Mini Motion Theater***. An enclosed building with a capacity for less than fifty (50) persons, used for presenting material with an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical area" (as described herein) for the observation by patrons therein.

G. ***Escort***. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

H. ***Escort Agency***. A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

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

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

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

1. A woman's breastfeeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.

2. Material as defined in Section 2 of **Obscene Material, 1984 PA 343**, as amended. MCL 752.362.

3. Sexually explicit visual material as defined in Section 3 of **Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors, 1978 PA 33**, as amended, MCL 722.673.

L. **Specified Anatomical Areas**.

1. Less than completely and opaquely covered:

   a. Human genitals, pubic region, and buttocks.

b. Female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

M. ***Specified Sexual Activities***.

1. Human genitals in a state of sexual stimulation or arousal.

2. Act of human masturbation, sexual intercourse, or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

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

A. The appellant must have participated in the challenged proceedings by taking a position on the contested decision, such as through a letter or oral public comment.

B. The appellant must claim some legally protected interest or protected personal, pecuniary (financial), or property right that is likely to be affected by the challenged decision.

C. The appellant must provide some evidence of special damages arising from the challenged decision in the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community.

Agriculture. Farms and general farming, including Horticulture, floriculture, dairying, livestock and Poultry raising, farm forestry and other similar Enterprises or uses, including animals that have been raised on the premises for the use and consumption of Persons residing on the premises. See also ***Farm, Commercial*** or ***Farm, Hobby***.

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including:

A. Bakeries selling goods grown primarily on-site.
B. Educational tours, classes, lectures, and seminars.
C. Family-oriented animated barns (haunted houses).
D. Farm stays.
E. Gift shops for agriculturally-related products and crafts.
F. Historical agricultural exhibits.
G. Organized meeting space (weddings, birthdays, corporate picnics) – falls under the definition of a ***Commercial Event Facility***.
H. Petting farms, animal displays, and pony rides.
I. Picnic areas (including restrooms).
J. Playgrounds, wagon/sleigh rides, nature trails.

K. Restaurants related to the agricultural use of the site.
L. Seasonal outdoor mazes of agricultural origin.
M. Small-scale entertainment (concert, car show, art fair).

Alterations. Any change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Ambient. Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.

Animal Hospital/Animal Clinic/Veterinary Clinic. A self-enclosed building wherein animals, including domestic household pets and farm animals, are given medical or surgical treatment and used as a boarding place for such animals, limited to short-term boarding incidental to hospital use. Such facilities include only those under the direction of a licensed veterinarian registered in the state of Michigan. Such facilities shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

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

Apartment. The term "Apartments" shall mean the Dwelling Units in a multiple-family dwelling.

Appeal. See ***Zoning Appeal***.

Applicant. Any person who applies for a permit.

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

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

Attached. Fastened to a principal building in a substantial manner.

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

Automobile Storage, Damaged. Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incidental to or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

Automobile or Trailer Sales Area. Any enclosed building or area or open space used for display, sale, or rental of motor vehicles or trailers in new or used and operable condition.

Average. For the purpose of this Ordinance, the term "average" shall be an arithmetic mean.

B

Back Lot. A lot that does not directly abut a lake, river, or other body of water and is separated from a waterfront lot by a public or private road or street, where the back lot and the waterfront lot are under the same ownership. A back lot is typically used in conjunction with the associated waterfront lot and does not possess independent waterfront frontage.

Bar or Tavern. An establishment primarily devoted to the serving of alcoholic beverages for consumption on the premises.

Basement. That portion of a building below grade, where the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be counted as floor area unless the room has a walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade which provides barrier-free access to the exterior of the structure and with at least fifty (50) percent of one (1) wall with no grade.

Battery Energy Storage System. One (1) or more devices, assembled together, capable of storing and discharging electricity, primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

Battery Energy Storage System, Off-Site. A Battery Energy Storage System (BESS) for the primary purpose of off-site use through the electrical grid.

Battery Energy Storage System, On-Site. A Battery Energy Storage System (BESS) that is intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid.

Bed and Breakfast/Tourist Home. An owner-occupied single-family dwelling unit, which may be used for the purpose of renting sleeping rooms to transient guests (less than thirty (30) consecutive days) for compensation, provided certain zoning requirements are met.

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

Berm. An earthen mound used for the purpose of landscaping, screening, or enclosure which is compacted

and finished with adequate topsoil to support grass or other landscape materials in a neat and well-maintained condition.

Biofuel Production Facilities (on Farms).

A. ***Biofuel***. Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

B. ***Ethanol***. A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel-grade ethanol for blending with gasoline.

C. ***Farm***. The land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

D. ***Proof Gallon***. That term as defined in 27 CFR 19.907. A gallon of liquid at 60 degrees Fahrenheit which contains fifty (50) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60) degrees Fahrenheit, referred to water at sixty (60) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river, or stream; or between any of the foregoing and any other barrier to the continuity of development.

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

Boarding House/Rooming House. An owner-occupied single-family dwelling containing guest rooms in which lodging is provided with or without meals for compensation and which is open to long-term (for thirty (30) consecutive days or more) guests only (not to the traveling public).

Boathouse. An accessory structure constructed either wholly or partially over a body of water and designed primarily to provide shelter for watercraft or for marine-related equipment.

Breezeway. Any covered passageway with open sides between two (2) buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

Buffer Strip. An area established to separate properties of divergent usage by providing a natural screening effect of both sight and sound which might otherwise be objectionable.

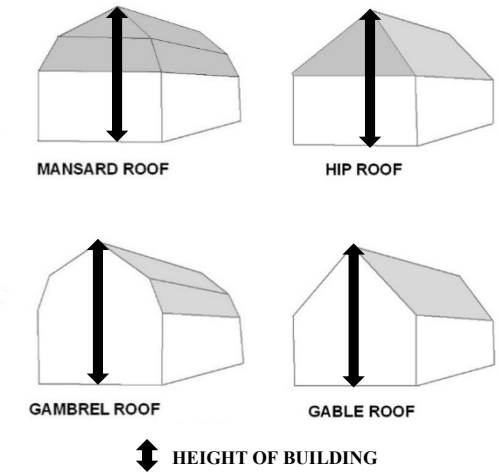
Building. An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes sheds, garages, stables, greenhouses, or other accessory structures.

Building, Detached. A detached building is one separated on all sides from adjacent buildings by open space from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Building Envelope. The space remaining on a lot or lots of record after the minimum setback and open space requirements have been complied with.

Building, Farm. See ***Farm Building***.

Building Height. The vertical distance from the established grade to the highest point of the roof surface (excluding protrusions such as chimneys and mechanical equipment) When the terrain is sloping, the height may be measured from the average ground level of the grade at the building wall.



Building Inspector. See ***Zoning Administrator***.

Building Permit. A building permit is the written authority issued by the Zoning Administrator in conformity with the Provisions of the Construction Code Ordinance.

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

Building, Temporary. A building that is permitted to exist for a temporary and defined period of time.

C

Camper. See ***Recreational Vehicle (RV)***.

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

Canoe/Boat/Kayak Livery. A place where boats and/or canoes are stored, rented, sold, repaired, docked, and serviced. Includes the term “boat yard.”

Car Lot. See ***Outdoor Sales/Rental Facility***.

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

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

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

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

A. ***Child Care Home, Family***. A state-licensed, owner-occupied private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. "Providing babysitting services" means caring for a child on behalf of the child's parent or guardian if the annual compensation for providing those services does not equal or exceed $600.00 or an amount that would, according to the internal revenue code of 1986, obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family Child Care Home includes a private home with increased capacity. "Increased capacity" means one (1) additional child added to the total number of minor children received for care and supervision in a family child care home. The definition of Family Child Care Home in **1973 PA 116**, as amended, supersedes this definition if a difference in definition exists.

B. ***Child Care Home, Group***. A state-licensed, owner-occupied private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity. "Increased capacity" means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in **1973 PA 116**, as amended, supersedes this definition if a difference in definition exists.

C. ***Child Care Center***. A facility other than a private residence receiving one (1) or more preschool or school-age children for periods of less than twenty-four (24) hours a day and where parents or guardians are not immediately available to the child. Care is provided for more than two (2) consecutive

weeks, regardless of the number of hours of care per day. May also be referred to as a day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

D. ***Child Caring Institution.*** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility operated by the State or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

Church, Temple, or Synagogue. A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings, and structures customarily associated with the church are classified as part of the principal use as a church, temple, or synagogue. Also called Religious Institution.

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

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

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

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

Commercial. A business operated primarily for profit, including those of retail trade and professional, personal, technical, and mechanical services.

Commercial District or Center. A concentration of commercial uses or activities on a specific area planned or zoned for commercial purposes.

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

Construction Code. Means the Michigan Building Code or any Code established in accordance with its provisions.

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

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

Condominiums.

A. ***Condominium Act***. **1978 PA 59**, as amended.

B. ***Condominium Documents***. The master deed recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

C. ***Condominium Unit***. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

D. ***General Common Elements***. The common elements other than the limited common elements.

E. ***Limited Common Elements***. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

F. ***Master Deed***. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.

G. ***Site Condominium***. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which

each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. In a site condominium, each condominium unit is considered a separate zoning lot.

Conflict of Interest. A situation where an official with duties under this Ordinance has either close family ties or economic interest with parties whose case is being considered.

Convalescent or Nursing Home. A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing, and medical care.

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

Country Club. A private social and recreation facility providing one (1) or more of the following activities: golf, riding, swimming, indoor and outdoor recreation, and clubhouse for members, their families, and invited guests.

D

Data Center. A facility whose primary service is data processing or data storage, and is used to house computer systems and associated components, such as central processing units, graphical processing units, neural networks, quantum bits, quantum processors, memory, data routing, data storage, server farm, bitcoin mining, crypto processing, virtual private networks, virtual servers, artificial intelligence training or processing, image processing, cloud computing, email servicing, a telecom hotel, telehouse co-location, or any other term applicable to facilities which are used for such purposes shall be deemed to be a data center.

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

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

Deck. A structure of a single elevation or varying elevations, used for outdoor living purposes that may or may not be attached to a building, and which protrudes above ground level. A deck may be open or partially or completely covered by a roof.

A. A deck with an upper platform that is greater than sixteen (16) inches in height shall meet the required setbacks of the principal building.

B. A deck with an upper platform that is sixteen (16) inches or less has no required setbacks.

Decommissioning. The process of terminating operation and completely removing a Solar Energy Facility, Wind Energy Facility, Battery Energy Storage System, Wireless Communications Facility, or other facilities and all related buildings, structures, foundations, access roads, and equipment.

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

District. See ***Zoning District***.

Drive-In Restaurant. A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises.

Drive-Through Establishment. A business establishment so developed that its retail or service character is dependent on providing a driveway approach and/or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure. In a drive-through establishment, orders are taken from the patron while in the vehicle.

Driveway. That portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot.

Dwelling. A building designed in accordance with the Township Construction Code or used exclusively as living quarters for one (1) or more families, but not including automobile chassis, tents, or portable buildings.

Dwelling, Mobile or Manufactured Home. See ***Manufactured Home***.

Dwelling, Multiple-Family. A dwelling structure, or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-Family. A dwelling structure designed exclusively for occupancy by one (1) family.

Dwelling, Two-Family or Duplex. A dwelling structure designed exclusively for occupancy by two (2) families independent of each other.

Dwelling Unit. Any building or portion thereof having living, cooking, and sanitary facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling. In no case shall a recreational vehicle, truck, bus, motor home, tent, or other such portable structure be considered a dwelling unit unless approved as a temporary dwelling unit.

E

Easement. The right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Electric Vehicle Charging Station. A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Charging Facility. A public or private parking lot that contains multiple electric vehicle charging stations and which has a principal purpose of providing charging stations. This facility may also contain amenities such as a building for patrons to wait for their vehicles to charge, food service, restrooms, and similar amenities.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon, extended, enlarged, or any physical operations on the premises required for the building. Excavations, fill, drainage, and other similar construction shall be considered a part of erection.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Essential service buildings require site plan review. Wireless facilities, utility-scale solar panels, battery energy storage systems, and wind turbines are not included within this definition.

Excavation. Any breaking of ground, except farm use, common household gardening, and ground care.

Extraction, Resource. The removal, extraction, or mining of sand, gravel, or similar material for commercial gain.

F

Family. An individual or two (2) or more persons occupying the premises and living as a single non-profit housekeeping unit whose relationship is of a continuing non-transient domestic character. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes and foster family group homes, as defined by **1973 PA 116,** shall be considered a residential use of property for the purposes of zoning and shall be regulated similarly to a single-family home.

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

Farm, Domestic (Hobby Farm). A lot used or intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes keeping farm animals as pets and raising animals

for educational experience. Dogs, cats, and other typical household pets are not regulated as a Domestic Farm.

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

Farm Market. A year-round or seasonal location where the sale of agricultural products or value-added agricultural products, directly to the consumer, takes place on property controlled by the affiliated farm. At least fifty (50) percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season or fifty (50) percent of the average gross sales for up to the previous five (5) years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least fifty (50) percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

Farm Product. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the **Michigan Commission of Agriculture and Rural Development**.

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

Feedlot. See ***Concentrated Animal Feeding Operations (CAFO)***.

Fence. A permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height and is normally used in setting off planting areas and gardens. Walls used in this manner shall be considered a fence. A single strand of wire shall not be considered a fence.

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

before such items were deposited or erected).

Flood Plain. That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle.

Floor Area, Gross (GFA). The sum of the horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade and finished construction similar to the first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of basements not included above, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed), or attached garages are not included.

Floor Area, Usable (UFA). The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half-story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.

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

Food Truck Park. A lot or lots under the control of a person or entity upon which two (2) or more Food Trucks are located and which is offered to the public for the purpose of conducting commerce relating to the sale of prepared food or drink. Approval for food truck parks shall be issued to the property owner and not to individual food trucks.

Foster Care Home. See ***State-Licensed Residential Facility***.

Frontage, Street. See ***Road Frontage***.

G

Game Preserve/Hunting Preserve. A farm or other rural property with captive game, licensed by the **DNR**, and used as a "hunt-for-fee" or similar commercial hunting operation in which animals are hunted and taken by clients or customers, who pay for the opportunity to hunt and take game species. Game farms may also be used to buy, breed, observe, and/or sell captive game species, as permitted by the **Michigan DNR**.

Gas Stations. Any building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including the use of space or facilities for the refinishing of motor vehicles or for the dismantling, for purposes of reuse or resale, of motor vehicles or parts thereof, or for the outdoor storage or repair of motor vehicles or parts thereof.

Grade. A ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

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

Guest House. See ***Accessory Dwelling Unit***.

H

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

Highway. Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. See also ***Road***.

Home, Motor. See ***Recreational Vehicle***.

Home Occupation Level 1. An occupation, profession, activity, or use that is clearly an incidental and/or secondary use of a residential dwelling unit and/or buildings accessory to a residential dwelling unit.

Home Occupation Level 2. A Home Occupation which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

A. Requires regular visits by clients or customers.
B. Needs frequent delivery or shipment of goods.
C. Conducts regular operations or stores materials outside of the residence.
D. Employs two (2) or more individuals who reside off-premises.

Homeless Shelter. See ***Residential Human Care Facility***.

Hospital. An institution providing health services, primarily for inpatients and medical or surgical care of the

sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel/Motel. A commercial building or part of a commercial building used for transient occupancy, in which the sleeping units are available to the general public and not limited to a particular group of individuals, which may include any of the following services: housekeeping, front desk service, continental breakfast, bellhop service, restaurant, drinking establishment, meeting rooms, banquet halls, or similar services. The term “hotel” or "motel" shall include motor courts, motor lodges, and similar facilities within this definition, but it shall not include resorts, bed and breakfast establishments, rooming/boarding houses, short term rentals, or multiple-family dwellings.

I

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

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

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

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

Institutional. An organization having a social, educational, or religious purpose established by law, custom, practice, or a system to serve the public.

J

Junk. All rubbish, refuse, waste material, garbage, and debris including but not limited to the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and non-putrescible solid waste (except body wastes), ashes, glass, cans, bottles, wastes, discarded, inoperative, dismantles or partially dismantled appliances or motorized vehicles or parts thereof. This shall not preclude home or farming composting for on-site use.

Junkyard. Any lot, parcel, field, or tract of land on which there is an accumulation of junk, equipment, or

machinery, whether operated for profit or not for profit basis. The term "Junkyard" includes automobile wrecking yards and salvage areas of more than two hundred (200) square feet for the storage, keeping, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building.

K

Kennel, Boarding. Any kennel where pet animals owned by another person are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

Kennel, Breeding. Any kennel where no more than ten (10) dogs, registered with a nationally recognized registration organization, over the age of six (6) months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos, to animal hospitals operated by veterinarians duly licensed under the law, or to residences who breed one (1) dog.

L

Laboratory, Research and Experimental. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Laboratory, Support. A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products; or forensic laboratories for analysis of evidence in support of law enforcement agencies.

Lake. A permanent natural or man-made body of surface water if at least five (5) acres in area.

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

Livestock. Those species of animals used for human food, fiber, and fur, or used for service to humans. For the purpose of this Ordinance, livestock does not include dogs and cats.

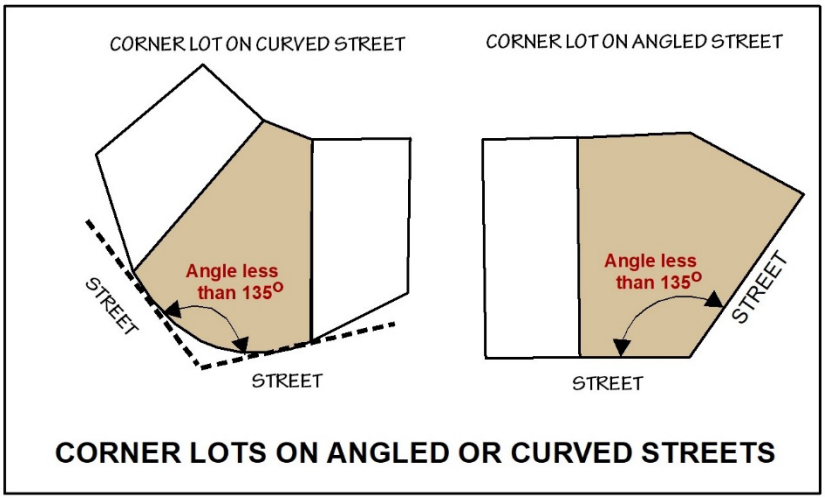
Loading Space. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in the computation of required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

Lot. The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures, but not including any area within any abutting right-of-way. The

boundaries of the lot shall be determined by its lot lines. See also ***Zoning Lot***.

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

Lot, Corner. Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred 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 point of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.



CORNER LOTS ON ANGLED OR CURVED STREETS

Lot Coverage. That percentage of the lot or parcel covered by all buildings and structures, including decks located on the lot or parcel.

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

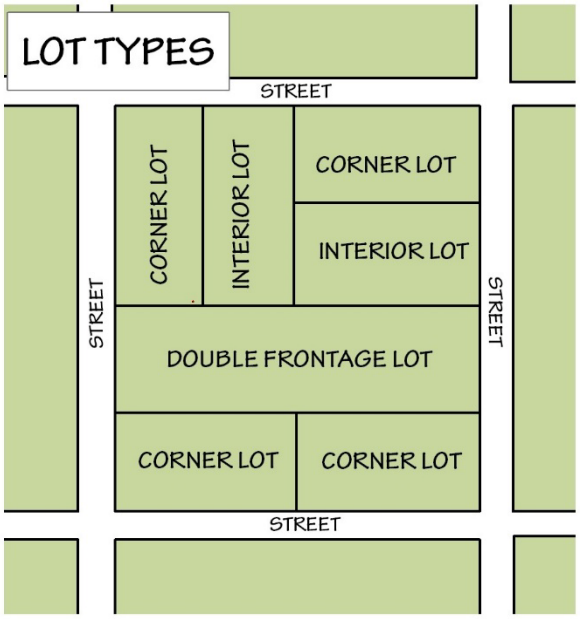
Lot, Double Frontage. Any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots abutting the road shall be considered a front lot line, and front setbacks shall be provided as required.

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

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

A. ***Lot Line, Front***.

1. In the case of an interior lot, that line separating said lot from the road.



2. In the case of a corner lot, "front lot line" shall mean that line abutting the road on which an address is assigned.

3. In the case of a double frontage lot, "front lot line" shall mean that line separating said lot from both streets.

4. In the case of a waterfront lot, the "front lot line" is the lake frontage.

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

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

Lot of Record. A lot existing prior to the adoption of this Ordinance and recorded in the office of the **County Register of Deeds**. For the purpose of this Ordinance, land contracts and purchase options not recorded in the **County Register of Deeds Office** but dated and executed prior to the effective date of this Ordinance shall also constitute a "lot of record". Includes "Parcel of Record".

Lot, Waterfront. A lot having a frontage directly upon a lake, river, or other reasonably sized impoundment of water, as determined by the Zoning Administrator. The portion abutting the water shall be designated as the water frontage, and the opposite side shall be designated the road frontage of the lot. Front yard setbacks shall be met on both the water frontage and the road frontage.

Lot Width. The horizontal distance between the side lot lines is measured at the two (2) points where the front lot line (along the road) intersects the side lot lines.

M

Manufactured Home. A structure, transportable in one (1) or more sections, which is capable of being transported on a chassis (not motorized or self-propelled) and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. This definition does not include a recreational vehicle. A manufactured home is constructed according to the **National Manufactured Home Construction and Safety Standards Act of 1974**, as amended. Also called a mobile home.

Manufactured Home Site. A plot of ground within a manufactured housing community designed for the accommodation of one (1) manufactured home.

Manufactured Housing Community. A lot which has been planned and improved for the placement of three (3) or more manufactured homes for residential dwelling use and is licensed by the State of Michigan.

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

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

Master Plan. The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing, in summary form, the community's conception of how it should grow in order to bring about the very best community living conditions.

Medical Marijuana. The following definitions are related to medical marijuana for the purpose of regulating Primary Caregivers:

A. ***Enclosed, Locked Facility***. That term is defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marijuana Act**, being MCL 333.26423).

B. ***Marijuana Establishment***. An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marijuana Act**, MCL 333.27951 et seq., including a marijuana grower, marijuana microbusiness, marijuana processor, marijuana retailer, marijuana secure transporter, or marijuana safety compliance facility.

C. ***Marijuana Facility***. An enterprise at a specific location at which a licensee is licensed to operate under **2016 PA 281, Medical Marijuana Facilities Licensing Act**, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the **Michigan Medical Marijuana Act**, MCL 333.26421 et seq.

D. ***Medical Marijuana***. That term, as defined in the **Public Health Code**, MCL 333.1101 et seq., the **Michigan Medical Marijuana Act**, MCL 333.26421 et seq., the **Medical Marijuana Facilities Licensing Act**, MCL 333.27101 et seq., and the **Marijuana Tracking Act**, MCL 333.27901 et seq.

E. ***Primary Caregiver***. That term, defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marijuana Act**, being MCL 333.26423), who is at least 21 years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patient's use of medical marijuana.

F. ***Primary Caregiver Facility***. A building in which the activities of a Primary Caregiver are conducted.

G. ***Qualifying Patient***. That term, defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marijuana Act**, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the **Michigan Medical Marijuana Act** and who has obtained a duly issued registry identification card from the **State Department of Licensing and Regulatory Affairs** or any successor agency.

Motel. See ***Hotel/Motel***.

Motor Court. See ***Hotel/Motel***.

Mural. Any message or image painted directly onto the wall of a building. Decorative art elements attached to the mural are considered part of the mural. A mural is not considered a sign.

N

Navigable Water. Any waterway navigable by vessels, or capable of being made navigable by vessels through artificial improvements, and includes the structures and facilities created to facilitate navigation.

Nonconforming Building or Structure. A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

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

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

Nonconforming Use. A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

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

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being. Examples of nuisances include but are not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat,

electronic or atomic radiation, objectionable effluence, noise of congregation of people, particularly at night, vehicular traffic, burned-out structures, and condemned structures.

Nuisance Per Se. A nuisance which is subject to remedy as a matter of law and is a violation of this Zoning Ordinance

Nursing Home. See ***Convalescent or Nursing Home***.

O

Occupied. A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.

Office. An enclosed area which has, as its principal use, rooms for professional or financial organizations, individuals, labor unions, civic, social, fraternal, and/or other related organizations or enterprises.

Office Park. District or area for office and office-related accessory uses.

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

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

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

Open Space. Any land area suitable for growing vegetation, recreation, gardens, or household service activities, such as clothes drying, but not occupied by any buildings.

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

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

Outdoor Sales/Rental Facility. Includes uses operated for profit, substantially in the open air, including sales and rental of the following (new or used): bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured/mobile homes, snowmobiles, farm implements, swimming pools, contractor's equipment, lawn equipment, and similar items. Repair of such items may be an accessory use.

P

Parcel. See ***Lot***.

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

Parking Lot, Off-Street. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Parking Space. A land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

Parking Space, Off-Street. An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

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

Patio. A paved open space, used for outdoor living purposes, and constructed of any materials providing a hard, durable surface, placed directly on the ground.

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

Permitted Use. A use by right which is specifically authorized in a particular zoning district.

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

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

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

Planning Commission. The body appointed by the Township Board under the provisions of the **Michigan Planning Enabling Act, 2008 PA 33**, as amended, MCL 125.3801 et. seq. For the purpose of this Ordinance, the term Planning Commission is deemed to mean the Plainfield Township Planning Commission.

Plat. A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of the **Land Division Act, 1967 PA 288**, as amended, and the Subdivision regulations of the Township, if and when enacted.

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

Pond. A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

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. Enclosed porches are considered part of the principal building.

Porch, Open. A covered or uncovered entrance to a building or structure which is unenclosed except for columns supporting a porch roof, projects out from the main wall of said building or structure, and has a separate roof or integral roof with the principal building or structure to which it is attached. Open porches are considered part of the principal building.

Practical Difficulties. See **Section 8.05.A.**

Private Road. See "**Road, Private**"

Principal Use. The primary or dominant use or activity to which a lot or parcel is put.

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

Public Utility. Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish the following under federal, state, or municipal regulations to the public: electricity, gas, steam, communications, transportation, water, stormwater collection, or wastewater collection and treatment.

R

Raised Platform. A platform measured from grade sixteen (16) inches in height and under with no footings, attached or unattached to a structure.

Recreational Facilities, Indoor. Recreational facilities where activities are limited to the inside of the structure, including theaters, skating rinks, bowling alleys, curling rinks, and other indoor sports and entertainment facilities.

Recreational Facilities, Outdoor. A commercial business that provides amusement facilities, such as, but not limited to, miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions open to the general public.

Recreational Vehicle (RV). A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers. This term does not include manufactured or mobile homes.

Recreation Vehicle Park (RV Park). See ***Campground/RV Park***.

Recycling Facility. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center. Does not include a transfer station.

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

A. Emergency shelter and services for battered individuals and their children in a residential structure.

B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities, including court-directed services.

C. Emergency shelter for individuals who are homeless.

D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

Resort. A recreational lodge, camp, or facility operated for gain, and which provides overnight lodging and one (1) or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting, fishing, and related or similar uses normally associated with recreational resorts. A resort may or may not contain a small commercial facility, such as a sporting goods store and/or a restaurant. Commercial facilities may be open to non-guests in addition to resort guests.

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.

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

Road. Any public or private right-of-way affording a principal means of vehicular access to abutting property.

Road, Private. A road which serves at least two (2) separately owned lots or parcels and has not been

accepted for maintenance by the **County Road Commission**, State of Michigan, or the federal government.

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

Road Frontage. The legal line which separates a dedicated road right-of-way or easement from abutting land.

Road Frontage Access. A public or private road paralleling and providing ingress and egress to adjacent lots and parcels, but connected to the major highway or road only at designated intersections or interchanges.

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

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

Road Right-of-Way Line. The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Roadside Stand. A temporary structure which is used for the display and sale of merchandise made on the premises. The seasonal operation of a roadside stand shall not be considered a commercial use.

S

Salvage. Junk that is salvageable for re-use or recycling purposes.

Salvage Yard. A place where waste, 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 the use of salvaged house and vehicle parts, and structural steel materials and equipment. Salvage yard shall not include uses conducted entirely within a completely enclosed building, pawn shops, establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded, or salvaged materials as part of manufacturing operations. For the purposes of this Ordinance, a Salvage Yard is considered a ***Junkyard*** for regulatory purposes.

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

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

purposes of this Ordinance, a Scrap Yard is considered a ***Junkyard*** for regulatory purposes.

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

Seasonal Use. Sales establishments which exist on a temporary basis, such as Christmas tree sales, seasonal produce, and fireworks. Regulated as ***Temporary Transient Uses***.

Setback. The minimum required horizontal distance from the applicable front lot line, rear lot line, and side lot line of a lot within which no buildings or structures may be placed. Setbacks are measured from the eave of the building to the lot line. See **Section 4.03** for regulations on measuring setbacks.

Setback, Road. The distance between the right-of-way line and the nearest point to any portion of the structure.

Setback, Waterfront. The distance between the shoreline and the nearest point to any portion of the structure.

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

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

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

Sign. The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as to show a message and visible to the general public.

A. ***Abandoned Sign***. A sign to which any of the following applies:

   1. The sign has remained blank over a period of one (1) year.

   2. The sign's message becomes illegible in whole or substantial part.

   3. A sign which has fallen into disrepair.

B. ***Accessory Sign***. A permanent sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the primary sign. Accessory signs provide ancillary information to support

the principal use of the premises.

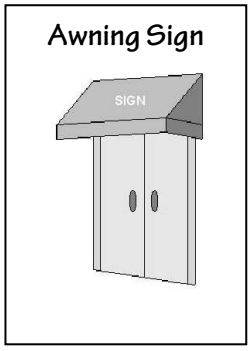
C. ***A-Frame Sign.*** Self-supporting temporary sign consisting of two (2) panels hinged at the top, providing messaging on each panel, and can be readily moved within a property or to another property. Also called "sandwich board." Classified as a ***Temporary Sign***.

D. ***Attention-Getting Device.***

1. ***Air Dancers.*** A tall inflatable model, usually of a person or an animal, that appears to move around due to air being blown into it.

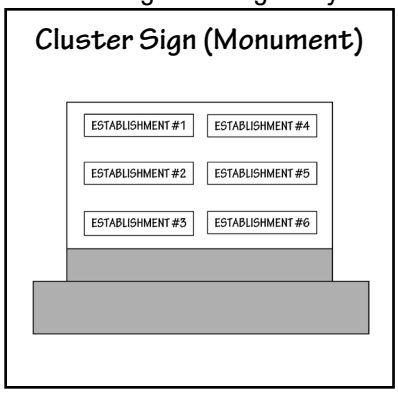
2. ***Feather Banner or Sail Sign.*** A temporary banner made of flexible material and typically shaped like a sail or feather that is usually placed in an upright position.

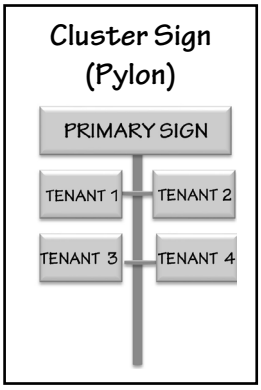
3. Other devices similar to D.1 and D.2 above.



E. ***Awning Sign.*** A sign painted on, printed on, or attached flat against the surface of an awning. The awning of a building may be made of flexible or rigid material. Rigid awnings may be covered in a traditional building treatment (such as siding) or may be covered in traditional roofing materials (such as shingles).

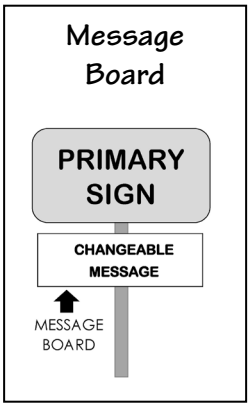
F. ***Cluster Sign.*** An on-premises sign which is used for a complex of establishments on one (1) lot and contains multiple signs on one (1) structure and may include one (1) for each establishment and one (1) for the complex as a whole.

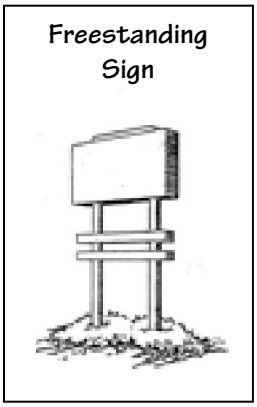


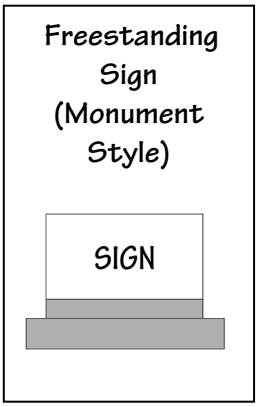


G. ***Freestanding Sign.*** A sign supported by permanent uprights or braces in the ground. Freestanding signs include monument-style signs.

H. ***Marquee Sign.*** Any sign attached to or supported by a marquee structure.

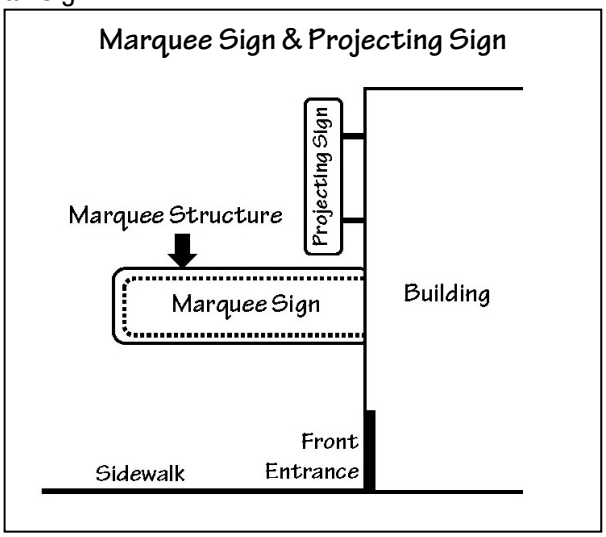






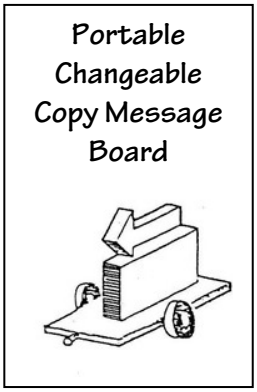
I. ***Message Center, Electronic***. A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means. Also called a Digital Sign.

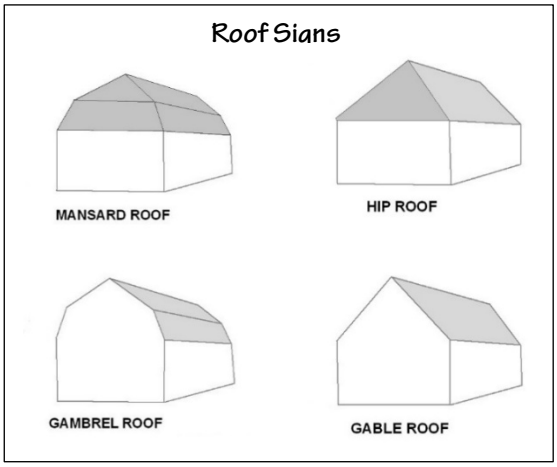
J. ***Message Center, Static***. A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.



K. ***Off-Premise Advertising Sign (Billboard)***. Any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign which does not pertain to the premises or to the use of the premises on which the sign is located or to goods sold or services rendered or activities conducted on such premises.

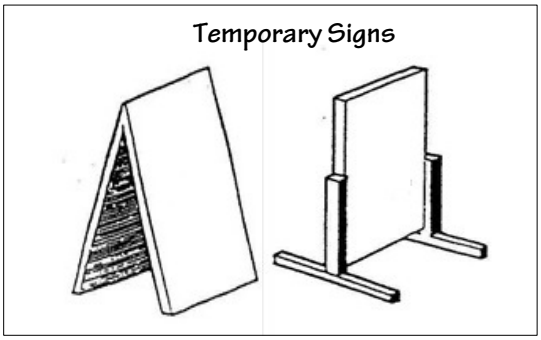
L. ***Portable Changeable Copy Message Board***. Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means, such as a trailer or wheels.





M. ***Projecting Sign***. A sign, other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

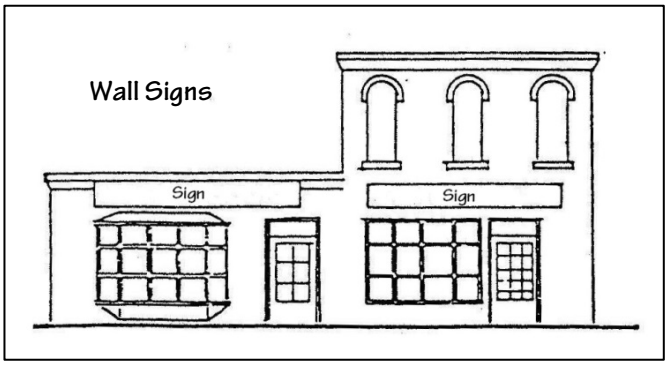
N. ***Roof Sign***. A display sign which is attached to the roof of the building. The roof is the gray area shown in the roof sign figure. Signs which are attached to the building wall and which project above a flat roof are <u>not</u> considered roof signs.



O. ***Temporary Sign***. A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public

demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.

P. ***Wall Sign***. Any sign that shall be affixed parallel to the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. A sign painted on the wall of a building shall not be considered a wall sign.



Sign Area. The entire area within a circle, triangle, parallelogram, or any other shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. 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.

Figure A

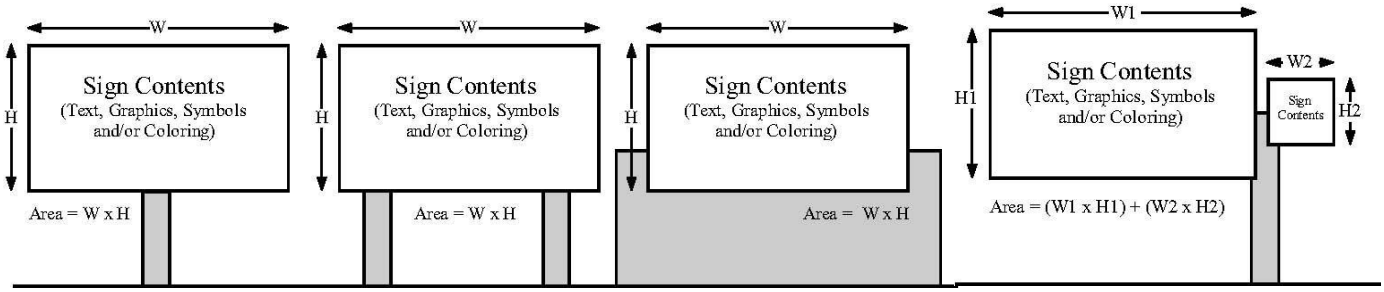
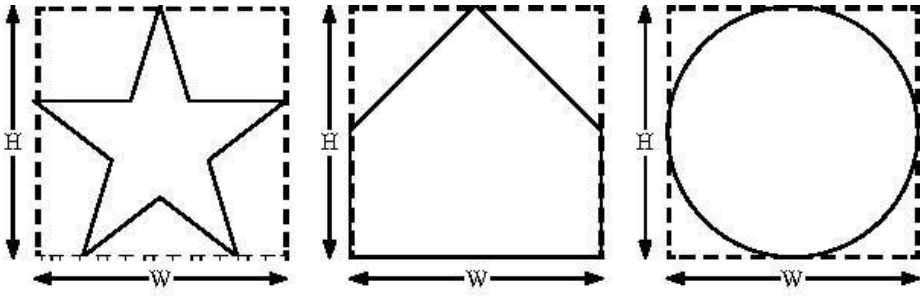


Figure B



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

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

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

Small-Scale Craft Making. A stand-alone facility which encompasses the production and sale of handmade items, including furniture, clothing, art, jewelry, toys, candles, collectibles, and similar items, on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50) percent of the structure is devoted to making crafts, while the remainder of the structure is devoted to sales. This is not a ***Home Occupation***.

Solar Energy Definitions:

A. ***Solar Energy Facility (Utility Scale)***. A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy collection facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

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

1. ***Building-Integrated Accessory Solar Energy Panels***. Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or

structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

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

3. ***Ground-Mounted Accessory Solar Energy Panels***. Accessory solar energy panels mounted on support posts, like a rack or pole that are attached to or rest on the ground.

C. ***Dual Use***. A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

1. ***Pollinator Habitat***. Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

2. ***Conservation Cover.*** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).

3. ***Forage***. Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

4. ***Agrivoltaics***. Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

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

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

F. ***Repowering***. Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.

G. ***Wildlife-Friendly Fencing***. A fencing system with openings that allow wildlife to traverse over or through a fenced area.

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

Special Use Permit, A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a Special Use.

State-Licensed Residential Facility – Six (6) or Less Persons. A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, or other relevant statutes, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care. Includes ***Adult Foster Care Facilities***, ***Assisted Living Homes***, and ***Convalescent or Nursing Homes***.

State-Licensed Residential Facility – Seven (7) or More Persons. A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, or other relevant statutes, and provides residential services for seven (7) or more individuals under twenty-four (24) hour supervision or care. ***Adult Foster Care Facilities***, ***Assisted Living Homes***, and ***Convalescent or Nursing Homes***.

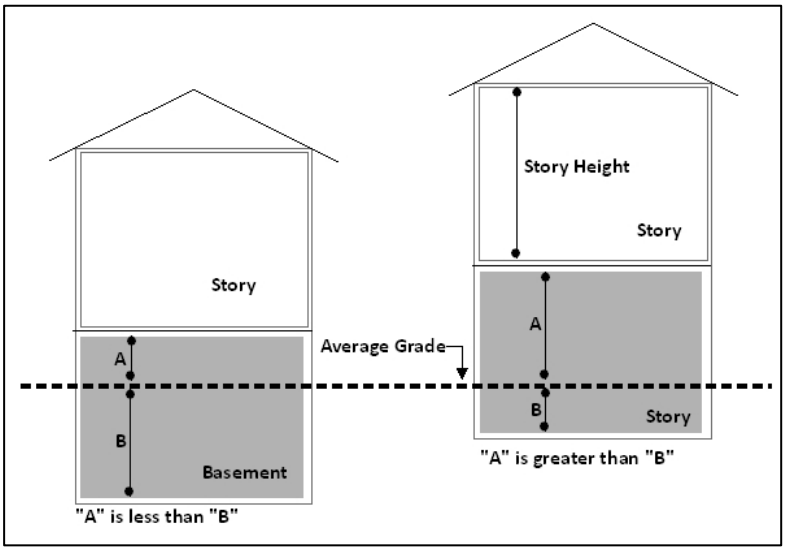
Storage. To leave or deposit in a place for preservation or disposal in one (1) or more of the following ways:

A. ***Storage, Accessory***. Storage which is accessory to the principal use of the premises.

B. ***Mini-Storage***. Groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for dead storage of customers' goods or wares.

C. ***Storage Facility***. A building or property on which storage is carried out as the principal use of the property.

Story. That part of a building included between the surface of one (1) floor and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height of the adjoining ground.



Story, Half. An uppermost story lying under a sloping roof the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

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

Street. See ***Road.***

Structure. Any man-made surface feature or designed earth feature other than normal grading for drainage purposes, including buildings, garden houses, pole barns, sheds, pergolas, decks, porches, playhouses, and game courts. See also ***Building***.

Structure Alterations. Any changes in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Swimming Pool. Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for the purposes of computing lot coverage.

T

Temporary Building. See ***Building, Temporary***.

Temporary Transient Uses. A use that operates for a short, limited period (often less than six months a year) or moves from place to place, such as pop-up shops, seasonal uses, or special events.

Temporary Use. See ***Use, Temporary***.

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

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

Townhouse. See ***Dwelling, Multiple-Family***.

Tower. See ***Wireless Communications.***

Township. Means Plainfield Township.

Trailer. Any vehicle designed to be drawn by an automotive vehicle.

Transfer Station. A facility at which refuse awaiting transportation to a disposal site or elsewhere is transferred from one type of collection vehicle to another. Refuse may be sorted and repackaged at a transfer station.

Travel Trailer. See ***Recreational Vehicle (RV)***.

U

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

Use, Accessory. See ***Accessory Use***.

Use, Principal. See ***Principal Use***.

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

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

V

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

W

Warehouse. A property where goods are stored by contract and/or for a valuable consideration, which goods are not intended for sale on those premises.

Wetlands. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

Wholesale Trade. An establishment which engages in the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

Wind Turbine Definitions.

A. ***Wind Turbine***. A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

   1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.

2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.

3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

B. ***Wind Energy Facility, Utility-Scale***. One (1) or more wind turbines designed and used primarily to generate electricity by or for sale to utility companies.

C. ***Wind Turbine, Accessory***. A wind turbine designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

D. ***Wind Turbine Height***. The distance between the ground and the highest point of the wind turbine, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine.

E. ***Anemometer***. A temporary wind speed indicator constructed to analyze the potential for utilizing a wind turbine at a given site. An Anemometer includes, but is not limited to, the Tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices used to monitor or transmit wind data.

F. ***Horizontal Axis Wind Turbine***. A wind turbine in which the rotor(s) rotate around a horizontal shaft.

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

H. ***Vertical Axis Wind Turbine***. A wind turbine in which the rotor rotates around a vertical shaft.

Wireless Communications.

A. ***Alternative Tower Structure***. Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

B. ***Antenna Array***. One (1) or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include an omnidirectional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

C. ***Co-Location***. The placement or installation of multiple sets of wireless communication equipment on a common support structure, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.

D. ***Height***. When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.

E. ***FAA***. **Federal Aviation Administration**.

F. ***Setback***. The required distance from the lot line of the lot on which the Wireless Communication Facility is located to the base of the Support Structure.

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

1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.

2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

H. ***Wireless Communications***. Any **FCC**-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum, including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

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

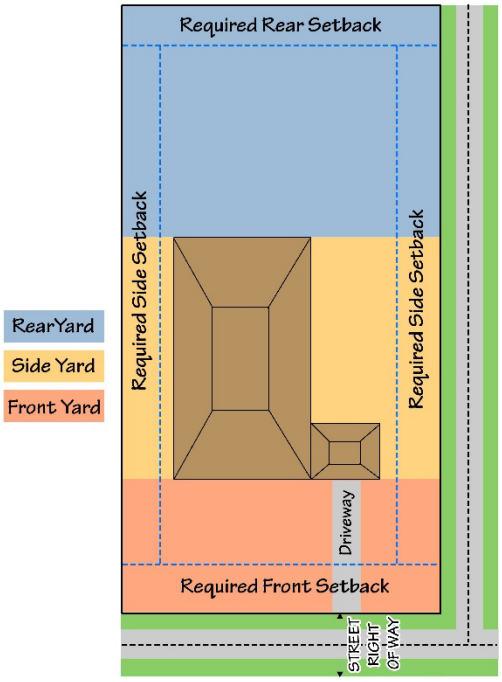
J. ***Wireless Communication Facility***. Any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, Wireless Communications Equipment, and sometimes a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.

K. ***Wireless Communication Facility (Ground-Mounted) – also called "Earth Station or Ground Station."*** A wireless communication facility in which the antenna array is mounted to the ground or other surface and which does not use a Wireless Communications Support Structure (tower).

L. ***Wireless Communications Support Structure (also known as "Tower")***. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, guyed towers, or other structures which appear to be something other than a mere support structure.

Y

Yards. A space open to the sky between a building and the lot lines upon which no structure may be placed except as otherwise provided by this Ordinance.



A. ***Front Yard***. The open space extending the full width of the lot between the principal building and front lot line. For waterfront properties, the front yard is the waterfront yard and the streetside yard.

B. ***Rear Yard***. The open space extending the full width of the lot between the principal building and rear lot line.

C. ***Side Yard***. The open space extending from the front yard to the rear yard between the principal building and the side lot line.

Z

Zoning Administrator. The Township official appointed by the Township Board to administer and enforce the standards of this Zoning Ordinance.

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

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

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

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

Zoning Permit. A zoning permit is written authority issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration, or use of a building or structure in conformity with the provisions of this Ordinance.

Article 3
General Provisions

Sec	Name	Pg
3.01	Scope of Ordinance	3-2
3.02	Lot – Building Relationship	3-3
3.03	Damaged Buildings & Structures	3-3
3.04	Illegal Dwellings	3-3
3.05	Barrier-Free Modification	3-4
3.06	Required Water Supply and Wastewater Disposal	3-4
3.07	Access to a Public Road or Highway	3-4
3.08	Building Grades & Drainage	3-4
3.09	Moving Buildings	3-4
3.10	Accessory Buildings	3-5
3.11	Patios, Decks & Pathways/Stairways	3-8
3.12	Temporary Buildings & Structures	3-9
3.13	Construction Debris	3-11
3.14	Recreational Vehicles	3-11
3.15	Visibility at Intersections	3-12
3.16	Hazardous Substances	3-13
3.17	Man-Made Waterbodies	3-13
3.18	Essential Services & Public Utility Facilities	3-13
3.19	Solid Waste Receptacle Areas	3-14
3.20	Exterior Lighting	3-14
3.21	Driveway Entrances & Gates	3-17
3.22	Frontage Access Roads	3-17
3.23	Temporary Transient Uses	3-18
3.24	Animals	3-18
3.25	Voting Place	3-19
3.26	Yard Sales	3-19
3.27	Anti-Funnel/Anti-Keyholing	3-19
3.28	Reserved	3-21
3.29	Fences	3-21
3.30	Required Screening	3-23
3.31	Nonconforming Buildings/Structures, Uses & Lot	3-26
3.32	Off-Street Parking, Loading & Unloading Requirements	3-30
3.33	Signs	3-37
3.34	Driveways & Private Roads	3-47

In addition to the development and performance requirements set forth in this Ordinance, other standards and requirements are necessary to ensure that the development of land occurs in an efficient and orderly manner. It is the intent of this Article to set forth provisions that will apply in all districts.

Section 3.01 Scope of Ordinance

A. General regulations apply to all districts except as noted herein. Where requirements of a general regulation differ, the more restrictive requirement shall prevail (**Section 9.04**).

B. Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

C. Zoning affects every structure and use and extends vertically from the ground up.

D. If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building, or structure shall be deemed a violation of this Ordinance and shall subject the owner or occupant of the lot to the enforcement provisions of this Ordinance.

E. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.

F. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.

G. No structure shall be erected in the road right-of-way.

H. No setback or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein.

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

J. No lot, outlot, or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the **Land Division Act, 1967 PA 288**, as amended.

K. **Uses, Activities, and Construction Already Begun**. Any lawful use, activity, building, or structure which exists or is under substantial construction, with properly issued permits, at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which

it is located, shall be considered a legal nonconformity and be allowed to remain as such, including completion of construction.

Section 3.02 Lot – Building Relationship

Every building erected, altered, or moved shall be located on a lot or parcel, as defined and required herein, and there shall be no more than on (1) principal building and its permitted accessory buildings and structures located on each lot or parcel except that, upon determination by the Zoning Administrator, groups of apartment buildings, offices, retail business buildings, agricultural structures, or other similar groups of buildings may be considered principal buildings or uses.

Section 3.03 Damaged Building & Structures

A. Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety, as determined by the Zoning Administrator, shall either be entirely removed or repaired within six (6) months from the date of the occurrence of the damage.

B. Nothing in this Ordinance shall prevent the strengthening of a lawful building or structure, or part thereof, which has been declared unsafe by the Zoning Administrator, building official, or public health inspector, nor the requirement to adhere to the lawful orders of such officials.

Section 3.04 Illegal Dwellings

A. **Garages or Accessory Buildings as Dwellings**. Garages or accessory buildings shall not be occupied for dwelling purposes except for Accessory Dwelling Units pursuant to **Section 7.03.** No structure without adequate sanitary facilities or otherwise structurally incomplete shall be used for dwelling purposes.

B. **Partially Completed Structures as Dwellings.** The use of any portion of a partially completed structure for permanent dwelling purposes shall not be permitted unless a temporary zoning permit has been issued.

C. **Portable Structures as Dwellings**. Recreational vehicles, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes except as otherwise allowed in this Ordinance.

D. **Basement as Dwelling.** No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

Section 3.05 Barrier-Free Modification

Nothing in this Ordinance shall prevent the modification of a building only as may be necessary to comply with barrier-free requirements and the **Americans with Disabilities Act**. A variance may be required for modification as stated herein. The need for such a variance shall be determined by the Zoning Administrator.

Section 3.06 Required Water Supply & Wastewater Disposal

No structure shall be erected, altered, or moved upon any lot for use as a dwelling, office, business, industry, or public facility 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, or industrial waste. All such installations and facilities shall conform to the requirements of the **District Health Department** and applicable state agencies, and all applicable permits authorizing said facilities shall be obtained.

Section 3.07 Access to a Public Road or Highway

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public road right-of-way shall not be occupied or built upon, except where access to a public road right-of-way is provided by a public or private easement or other right-of-way.

Section 3.08 Building Grades & Drainage

A. Stormwater drainage in excess of natural conditions shall be retained on site. This provision may require stormwater retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing stormwater ditch, stormwater pipe, or through other stormwater facilities that will be developed at the same time as the proposed new use. Written approval from the **Michigan Department of Transportation (MDOT)** shall be required for an additional site run-off directed into a state trunkline ditch.

B. The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage on abutting premises in excess of natural conditions or in an unnatural, concentrated manner that will cause damage to adjacent properties. When property is developed adjacent to existing properties that have been previously developed, existing grades shall have priority.

Section 3.09 Moving Buildings

The moving of a building to a different location shall be considered the same as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

Section 3.10 Accessory Buildings/Structures

Accessory buildings on residential and non-residential lots, except as otherwise permitted in this Ordinance, shall be subject to the following regulations. In the context of the regulation of accessory buildings, the word "waterfront" means natural, navigable water bodies. This Section does not apply to non-navigable water bodies, man-made water bodies, or water bodies which are wholly contained on one (1) lot.

A. **Permit Required**.

A zoning permit is required for all accessory buildings/structures.

B. **Permitted Use**.

Any accessory building/structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right in all zoning districts.

C. **Attached Accessory Buildings**.

Where the accessory building is structurally attached to a principal building, it shall be subject to and shall conform to all setbacks applicable to the principal building.

D. **Number Allowed**.

There is no limit to the number of accessory buildings that may be erected on a lot.

E. **Dimensional Standards and Location**.

1. **Height**.

   a. **Non-Waterfront Lots**. Accessory buildings in all districts on non-waterfront lots shall not exceed the maximum height allowed for a principal building.

   b. **Waterfront Lots.** A detached accessory building on the waterfront in all districts:

      (1) **Roadside Front Yard and Side Yards**. Detached accessory buildings shall not exceed twenty-five (25) feet in height.

      (2) **Waterfront Yard.** Detached accessory buildings shall not exceed fifteen (15) feet in height.

2. **Yards**. Detached accessory buildings may be located in any yard on non-waterfront lots. Detached accessory buildings shall not be erected in any waterfront yard on waterfront lots, with the exception of those not exceeding two hundred (200) square feet.

3. **Setbacks.**

a. **Non-Waterfront Lots**.

(1) **Front Setback.** Detached accessory buildings shall be setback the required distance of the principal building from the front lot line.

(2) **Side Setback.** Detached accessory buildings shall be setback six (6) feet from the side lot lines.

(3) **Rear Setback.**

(a) Detached accessory buildings shall be setback six (6) feet from the rear lot line.

(b) In those instances where the rear lot line is in common with an alley right-of-way, the accessory building shall not be closer than five (5) feet to such rear lot line.

b. **Waterfront Lots**.

(1) **Front and Rear Setbacks.** Detached accessory buildings shall be setback the required front setback distance of the principal building from both the front (waterfront) and rear lot lines (two (2) front yard setbacks).

(2) **Side Setback.** Detached accessory buildings shall be setback six (6) feet from the side lot lines.

c. **Setback from Other Buildings.** No detached accessory building shall be located closer than ten (10) feet to any principal building unless the wall of each building has a one (1) hour fire rating.

d. **Right-of-Way**. In no instance shall an accessory building be located within an easement or right-of-way.

F. **Non-Traditional Storage Facilities**.

a. Truck bodies, semi-trailers, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as an accessory building or structure.

b. **Shipping Containers**. Shipping containers shall be allowed to be used as accessory buildings or structures for storage purposes only. Shipping containers shall be either painted to blend in with the natural landscape or covered in a siding material that would typically be utilized for a

principal structure. Shipping containers shall be placed on a foundation or gravel surface with adequate drainage. There shall be a limit of two (2) shipping containers allowed per lot. No shipping containers shall be allowed on waterfront lots.

G. **Carports**. Carports, both manufactured and on-site construction, shall be allowed in all zoning districts if the lot is a minimum of ten thousand (10,000) square feet and shall meet all accessory building setbacks and shall be properly anchored. Carports may be erected in any front yard in any district (except carports shall not be erected in the waterfront yard). Waterfront carports shall be constructed on-site and resemble the principal building.

H. **Storage Buildings on Vacant Lots**. A homeowner, whether resident or non-resident, may construct a garage or other similar structures upon non-lakefront property, upon obtaining the required permits. No water or sewage system may be connected to such structure.

I. **Accessory Buildings as Dwelling**.

No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance (see **Section 7.03**).

J. **Pools, Outdoor, Including Swimming, Wading Jacuzzis, Whirl Pools, Hot Tubs, and Ponds, Except Farm Ponds**.

Private outdoor pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

1. There shall be a distance of not less than twenty (20) feet between the adjoining lot line and outside of the pool wall.

2. There shall be a distance of not less than five (5) feet between the outside pool wall and any building located on the same lot.

3. No pool shall be located less than fifty (50) feet from any front lot line.

4. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.

5. No pool shall be located in an easement.

6. For the protection of the public, all yards containing pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if

the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

K. **Electric Vehicle Charging Stations**.

Electric vehicle charging stations shall be considered an accessory structure. Electric vehicle charging stations shall be allowed in any yard and shall be setback at least ten (10) feet from the front lot line. Electric vehicle charging stations shall adhere to the side and rear setbacks listed in **subsection E** above.

L. **Accessory Solar Panels**.

See **Section 7.15**.

M. **Accessory Wind Turbines**.

See **Section 7.17**.

Section 3.11 Decks & Raised Platforms; Pathways/Stairways

A. **Decks and Raised Platforms**.

1. Decks greater than sixteen (16) inches shall meet all principal building setbacks. A zoning permit is required.

2. Raised platforms (a platform measured from grade sixteen (16) inches in height and under with no footings, attached or unattached to a structure) are not required to meet any setbacks. No zoning permit is required.

B. **Pathways and Stairways on Elevated Parcels**.

On parcels which are elevated, a pathway or stairway may be constructed in the setback area provided it meets the following requirements:

1. It is located, constructed, and surfaced so as to effectively control erosion.

2. It is essential to access the shore or a portion of the property because of steep slopes.

3. It is the minimum construction necessary to provide access.

4. It is no more than four (4) feet wide.

5. If landing areas are required, they can be no more than forty (40) square feet.

6. Benches, seats, and tables are prohibited.

7. Site plans are to be approved by the Zoning Administrator.

8. Stairways have a handrail on one (1) side that meets building code requirements.

Section 3.12 Temporary Buildings

Prior to the issuance of a permit for temporary buildings, the Township may require the applicant to deposit, to the credit of the Township, a $3,000 performance bond, a cash deposit of $500, or a letter of credit in the amount of $500 from an incorporated financial institution or bonding company licensed to do business in the state of Michigan. Signs shall be excluded from this provision.

A. **Temporary Dwellings During Construction**.

A temporary dwelling during construction may be a manufactured home, recreational vehicle, or other structure approved by the Zoning Administrator for temporary dwelling purposes.

1. The Zoning Administrator may issue a zoning permit, pursuant to the procedures of this Section, to allow a temporary dwelling within any zoning district on the same lot as a permanent dwelling. A temporary dwelling may be placed on a lot while the property owner is constructing a permanent dwelling on the same zoning lot.

2. Before issuing a zoning permit for a temporary dwelling, the Zoning Administrator shall find that the proposed temporary dwelling will meet all of the following standards:

    a. In the case of repairs to or construction of a permanent dwelling, the property owner shall possess a valid building permit for the contemplated repairs or construction.

    b. The temporary dwelling shall meet all height and setback requirements for the zoning district in which it is located. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not physically possible or would cause practical difficulties.

    c. The temporary dwelling shall be connected to safe, sanitary, and effective systems for the supply of potable water and the disposal of sewage wastes.

    d. Adequate off-street parking shall be provided for the occupants of the temporary dwelling.

3. The Zoning Administrator may attach reasonable conditions to a zoning permit for the temporary dwelling to ensure compliance with the above standards.

4. The use of a temporary dwelling shall be limited to one (1) year or the completion of repairs to or construction of the permanent dwelling under subsection 2 above, whichever comes first. The Zoning Administrator shall grant a one-time, one (1) year extension of the zoning permit for a temporary dwelling upon the filing of a written statement by the property owner that the circumstances giving rise to the original need for the temporary dwelling continue to exist and that the Zoning Administrator finds good cause for the extension. If the property owner desires to continue the use of a temporary dwelling based on the repairs to or construction of a permanent dwelling beyond the time of the zoning permit extension, he or she shall file a request for a temporary dwelling zoning permit, which shall then be processed by the Zoning Administrator in the same manner as a new application.

5. A temporary certificate of occupancy shall be issued. Once the temporary dwelling is removed, a permanent certificate of occupancy shall be issued.

6. A temporary dwelling shall be removed from the lot on which it was placed within thirty (30) days after the expiration of the zoning permit for the temporary dwelling, and the lot shall be restored to its condition immediately prior to the placement of the temporary dwelling. Provided, however, this provision shall not require the removal of a recreational vehicle used as a temporary dwelling from the lot, but shall require that the recreational vehicle no longer be used as a temporary dwelling.

7. No annexes or additions shall be added to temporary dwellings.

B. **Workforce Housing**.

Temporary dwellings shall be permitted for the occupancy of workers. The business/farm owner or lessee shall first make written application to the Planning Commission, which shall issue the permit for one (1) or more temporary dwellings if they meet the following:

1. The location of each unit is not to be less than one hundred (100) feet from any public highway and/or boundary of adjoining property.

2. An adequate pure water supply and sanitary facilities are conveniently nearby and available to meet all public health and safety requirements of the occupants of each temporary dwelling.

3. Workforce housing authorization will be determined by the Zoning Administrator.

C. **Temporary Construction Buildings**.

1. Temporary construction buildings used for offices or for storage of construction materials shall be permitted during construction.

2. The Zoning Administrator may require all pertinent data, including a description of land to be used, the number of temporary buildings involved, and the expected length of construction time. The Zoning Administrator shall verify that (a) the location of units will be not less than one hundred

(100) feet from a public highway and/or boundary of abutting property, and (b) adequate fresh water supply and sanitary facilities are available on site. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not physically possible or would cause practical difficulty.

3. Temporary construction buildings shall be removed from the lot within thirty (30) days of completion or abandonment of the construction. Temporary construction buildings shall be permitted to remain on the property as long as substantial construction is ongoing.

Section 3.13 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A three (3) month extension may be granted by the Zoning Administrator when he or she finds there is good cause for the extension.

Section 3.14 Recreational Vehicles

For the purposes of this Section, a developed lot is one which has a principal building or a storage building (such as a pole barn).

A. **General**.

1. A recreational vehicle is not to be considered a permanent residential dwelling unit.

2. Recreational vehicles shall not become permanent structures on a lot. The wheels and/or towing mechanism shall not be removed from a recreational vehicle. No foundation, skirting, or roof-overs shall be added to or around a recreational vehicle.

3. No permanent structures (such as decks or additions) shall be attached to a recreational vehicle.

4. No recreational vehicle shall be placed on a lot and rented out as temporary or permanent living quarters for compensation.

5. Recreational vehicles shall have a Health Department-approved septic and water hook-up.

B. **Occupancy of Recreational Vehicles**.

1. **All Districts Except Lakefront Lots**.

a. **Vacant Lots**. One (1) occupied recreational vehicle per acre, on vacant lots, shall be allowed up to a maximum of four (4) occupied recreational vehicles on a lot.

b. **Developed Lots**. One (1) occupied recreational vehicle shall be permitted on developed lots.

2. **Lakefront Lots in All Districts.**

a. **Developed Lots**. One (1) occupied recreational vehicle shall be permitted on developed lots.

b. **Vacant Lots**. One (1) occupied recreational vehicle shall be allowed on vacant lots of five (5) acres or more.

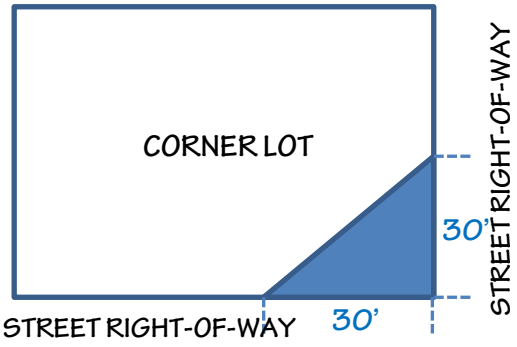
c. **Setbacks**. Recreational vehicles shall be setback at least two hundred fifty (250) feet from the ordinary high water mark.

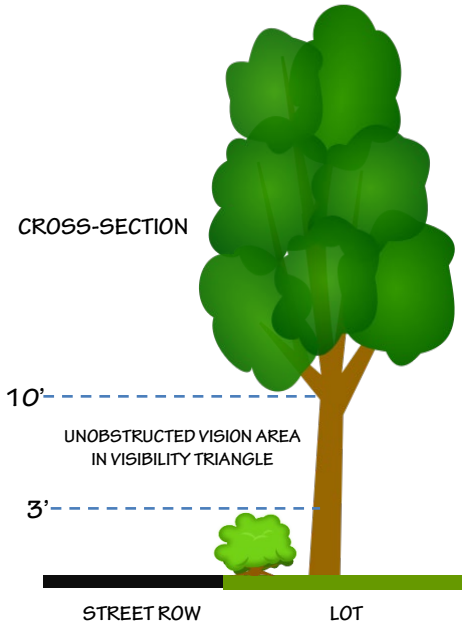
3. **Time Limit**. Recreational vehicles may be used from April 1st through December 31st. The Zoning Administrator may allow more than one (1) recreational vehicle on a lot in the case of a special event lasting no longer than one (1) week. A zoning permit is required to be issued prior to the start of the special event.

C. **Open Storage of Recreational Vehicles**. The following applies to recreational vehicles which are not being stored at a commercial recreational vehicle sales, repair, and storage facility. No more than two (2) recreational vehicles shall be stored on a developed lot which has a principal building or a back lot (unless completely enclosed inside a building). Storage of more than two (2) recreational vehicles shall be allowed at one (1) per acre up to a maximum of five (5) recreational vehicles.

Section 3.15 Visibility at Intersections

No structure including a building, fence, wall, hedge, screen, sign, vegetation, or planting shall be permitted to be erected, grown, or placed between the heights of three (3) feet and ten (10) feet above road grade on any corner lot or parcel within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.





Section 3.16 Hazardous Substances

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

1. Sites at which hazardous substances and polluting materials are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.

2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

3. General-purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.

4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.

B. Dumping of hazardous materials and/or nuclear wastes shall not be allowed within the Township, except as permitted by **1978 PA 113**, as amended.

Section 3.17 Man-Made Waterbodies

Man-made water bodies, including ponds, shall be setback twenty (20) feet from all lot lines of abutting properties.

Section 3.18 Essential Services & Public Utility Facilities

A. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. Utility facilities, including transformers, pump stations, substations, and buildings necessary to house utility equipment ("Utility Improvements"), shall be a permitted use in any district when the locating of such Utility Improvements are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. When this is the case, this Section shall supersede the **Tables of Permitted & Special Uses** in **Article 4**. Utility Improvements shall undergo site plan review pursuant to **Article 5** and shall adhere to the setback requirements of the

district in which they are proposed to be located. Screening may be required pursuant to **Section 3.30**. This Section shall not apply to storage yards and office buildings.

B. No such building constructed as a part of an essential service shall be used for human occupancy.

C. The surface of land used for pipeline rights-of-way shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.

D. **Public Utility Facilities/Public Service Corporations**.

The Planning Commission may permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Planning Commission shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

Section 3.19 Solid Waste Receptacle Areas

Truck-lifted or transported receptacle areas: all such receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas.

Section 3.20 Exterior Lighting

A. **Intent and Purpose**.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and rights-of-way by minimizing brightly lit surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

B. **General Standards**.

1. **Exempted Areas and Types**. The following types of outdoor lighting shall not be covered by this Ordinance:

   a. Residential decorative lighting, such as porch or entry lights, ground-level lawn and driveway lights, and special seasonal lights such as Christmas decorations.

b. Lights located within the public right-of-way or easement.

c. Temporary lighting needed for emergency services or to perform nighttime road construction on roads.

d. Temporary lighting for civic activities, fairs, or carnivals, provided the lighting is temporary.

e. Lighting required by the **Federal Communications Commission**, **Federal Aviation Administration**, **Federal Occupational Safety and Health Administration**, or other applicable federal or state agencies.

f. Lighting for school recreational facilities.

2. **Regulated Lighting**. The following types of lighting shall be regulated by this Ordinance:

a. Private parking lot lighting and site lighting for commercial, industrial, and institutional developments when parking spaces total more than five (5).

b. Multiple-family development parking lot lighting and site lighting.

c. Privately-owned street lighting.

d. Building facade lighting.

e. Security lighting, spotlights, and floodlights.

f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity, and/or glare to the foregoing.

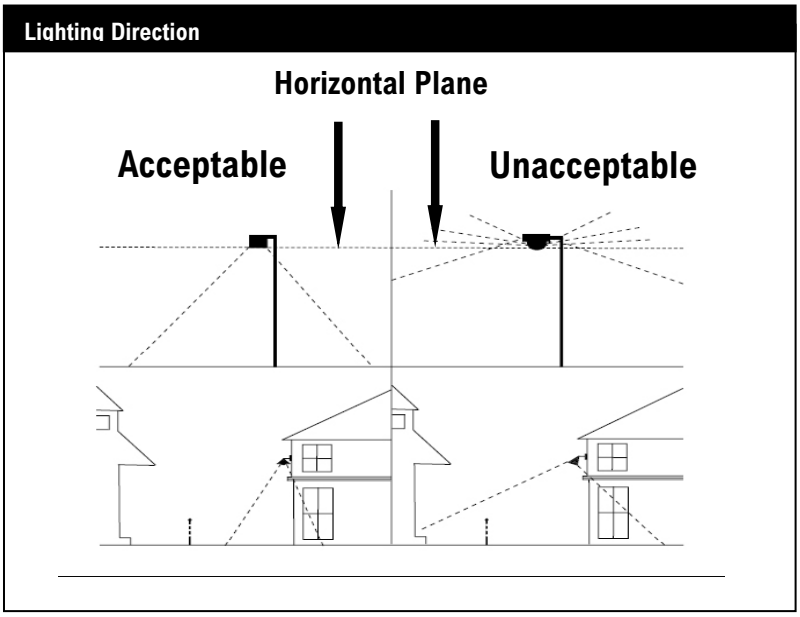
g. Standards related to the lighting of signs are contained in **Section 3.33**.

3. **Standards**. Lighting shall be designed and constructed as per the following requirements:

a. **Design**. All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious with the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.

b. **Lighting Confined to Site**. Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

c. **Lighting Directed Downward/Shielded**. Except for diffused globe-style walkway lights and the lighting addressed in subsection d below, all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the lot line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cutoff above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.



d. **Upward Directional Lighting**. All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags shall be placed and shielded so as not to interfere with the vision of persons on abutting streets or adjacent property.

e. **Moving Lights**. All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.

f. **Interference with Traffic Control Devices**. No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.

g. **Gas Stations**. Ceiling lights in gas pump island canopies shall be recessed.

Section 3.21 Driveway Entrances & Gates

Driveway entrances or gateway structures, including, but not limited to, walls, columns, and gates marking driveway entrances to private or public uses, may be located in a required setback, except as provided in **Section 3.15: Visibility at Intersections**, provided that such entranceway structures shall comply with all codes and ordinances of the Township and shall be approved by the Zoning Administrator.

Section 3.22 Frontage Access Roads

Ingress and egress from frontage access or service roads for all uses permitted in NSC, CSC, and I districts fronting on major intercommunity and local arterial as defined and designated by the Township Planning Commission are required in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions. The following regulations shall apply to the use of all land fronting upon these major thoroughfares, except for existing uses located upon existing lots and parcels.

A. Connecting service roads shall be required between parking areas on adjacent land uses.

B. Owners of all property shall submit, to the Township, a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee, to the satisfaction of the Township Board, a safe and efficient movement of traffic. The said license shall be recorded in the office of the County Register of Deeds. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain, or close the said service roads and/or parking area.

C. No less than two (2) driveways at least twenty (20) feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least three hundred (300) feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.

D. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.

E. Parking lots, driveways, and service roads shall at least be surfaced with processed road gravel and maintained in a usable, dust-free condition.

F. Parking area layout shall follow the standards prescribed in this Ordinance.

G. Service roads and driveways shall be at least paved with processed road gravel and have a width of twenty (20) feet.

H. At its discretion, the Planning Commission may recommend to the Township Board that, if a lot or parcel is not in need of a frontage access road because it is the only lot or parcel developed or under development in a Zoning District which requires such access roads or the development of the lot or parcel can function in relation to adjoining lots and parcels until such time as two (2) contiguous lots or parcels need to provide such an access road, the owners/developers of such parcels need not construct such access roads, but will be required to reserve in a sufficient setback from all roads an area capable of constructing such an access road at a later date; providing that the owner/developer provides the Township Board with an adequate financial guarantee to cover the total estimated cost of constructing such an access road at a later date (e.g., when the frontage access road, in the judgment of the Planning Commission and Township Board, the access road is needed).

Section 3.23 Temporary Transient Uses

Temporary transient use of an existing lot, building, or structure may be permitted in any district upon approval of a Plot Plan Review by the Zoning Administrator, and upon finding that the location of such an activity will not adversely affect possible health, safety, and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Zoning Administrator, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the district regulations. Upon authorization, the Zoning Administrator shall issue a permit which will cause compliance with this Ordinance and any specified conditions required by the Zoning Administrator.

Section 3.24 Animals

A. **Household Pets**.

Small domesticated household pets, such as dogs, cats, and birds are limited to the maximum number existing in dwelling units in the Township which is generally not more than three (3) per species; however, ~~if~~ more than three (3) per species are permitted in RD, AG, and R-1 Districts pursuant to the following:

1. All other county, state, and federal laws shall be complied with.

2. An additional area of land equal to one-sixth (1/6) acre for each additional animal shall be provided.

B. **Animals for Special Purposes**.

Large domestic animals, which are used essentially for pet contests, riding, educational, or other special purposes, as individual animal specimens, are permitted, at the rate of one (1) on a minimum of three (3) acres for the first animal and one (1) acre for each additional animal, in RD, AG, and R-1 districts.

C. **Chickens, Ducks, or Geese on Category 4 Sites**.

Chickens, ducks, or geese may be kept on lots which are classified as Category 4 sites by the **Michigan Department of Agriculture and Rural Development** after approval by the Planning Commission using the Special Use Process (review standards in **Section 6.04** shall not apply) pursuant to the following conditions:

1. Roosters are prohibited.

2. Chickens, ducks, or geese shall be kept in and confined in a properly designed and constructed coop or a fenced and covered enclosure, which may be located only in the rear yard of the property.

3. Each fenced and covered enclosure shall be designed with adequate yard space for each bird, and the coop and the fenced and covered enclosure combined shall not cover more than fifty (50) percent of the rear yard. Enclosures shall be clean and resistant to predators and rodents.

4. Enclosures shall be located at least twenty-five (25) feet from any abutting lot line.

5. No chickens, ducks, or geese shall be kept on lots with more than one (1) dwelling.

Section 3.25 Voting Place

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

Section 3.26 Yard Sales

Yard sales shall be limited to the sale of items from the dwelling and accessory structure located upon the lot or parcel upon which the yard sale is being conducted. The number of yard sales which can be conducted from any one (1) dwelling location is three (3) per year and shall be limited to seven (7) days each. Multiple dwellings can combine into one (1) yard sale. Yard sales which do not comply with this Section shall be required to obtain a Level 2 Home Occupation approval.

Section 3.27 Anti-Funnel/Anti-Keyholing

A. **Intent**.

It is the intent of this Section to promote the integrity of the lakes within Plainfield Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excess use; to promote the ecological balance of the water by limiting incompatible land use of the wetlands associated with the lakes; and maintain the natural beauty of the lake by minimizing man-made adjustments to the established shorelines. Nothing in this Ordinance shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county, or local government.

B. **Regulations**.

In any zoning district where a parcel of land is contiguous to a lake, channel, or stream, such parcel of land may be used as access property or as common open space held in common by a subdivision, associated or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the waterfront, only if the following conditions are met:

1. That said parcel of land contains a minimum of seven thousand (7,000) square feet; fifty (50) lineal feet of water frontage for each individual dwelling unit or each single-family unit to which such privileges are extended or dedicated. The minimum depth for such a parcel shall be one hundred forty (140) feet. No access property so created shall have less than two hundred (200) feet of water frontage with at least fifty (50) lineal feet of water frontage for each individual dwelling unit. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.

2. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the State of Michigan wetlands map viewer, or have otherwise been determined to be wetlands by the State of Michigan, and that in no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.

3. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.

4. That access property, as provided for in and meeting the conditions of this Ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and /or accessory structure (s), or for any commercial or business use.

5. That piers or docks on such access property shall not be closer than fifty (50) feet from another pier or dock, nor longer than one hundred (120) percent of the average of the four (4) adjacent residential lot piers or docks on either side of the access property to a maximum length of fifty (50) feet of lot frontage.

C. **Non-Conforming Uses**.

In any district in which accesses have been established before the effective date of this Ordinance or subsequent amendments thereto, such accesses shall retain historic uses. It is the intent of this Ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

D. **Definition**.

"Access Property" Shall mean a property, parcel, or lot abutting a lake, and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease license,

gift, business invitation or any other form or dedication or conveyance.

Section 3.28 - Reserved

This section is reserved for future use.

Section 3.29 Fences

For the purposes of this Section, a solid wall used to enclose the general boundary of a property shall be considered a fence. A hedge used to enclose property shall not be considered a fence. The Zoning Administrator shall determine whether a fence requires a permit.

A. **Zoning Permit**.

A zoning permit is required for fences which are proposed within ten (10) feet of a side lot line or within twenty-five (25) feet of the right-of-way or ordinary high water mark.

B. **Agricultural Fences**.

Fences used for Commercial and Hobby Farms shall not be subject to the provisions of this Section except subsection E.

C. **Property Line Determination**.

In the installation of any fence, the property owner is responsible for the location of property lines and should obtain a professional survey if necessary to determine accurate property lines. The Township may require a professional survey prior to issuing a zoning permit for a fence. The Township shall not be held responsible for any property line or fence disputes between abutting property owners.

D. **Materials**.

1. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.

2. Fence materials shall include materials specifically designed for fence construction. The Zoning Administrator may approve alternate materials that are not specifically designed for fence construction upon submission of a drawing.

E. **Finished Side of Fence/Gates**.

The “finished” side of the fence shall be the side facing a street right-of-way or facing property other than

the property of the fence owner. The fence posts and horizontal/vertical supports shall face the side of the fence owner. Gates shall swing over the yard of the fence owner. This subsection shall apply to agricultural fences.

F. **Nonconforming Fences**.

Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming or to make repairs.

G. **Fence Location and Height**.

Unless other, more specific fence standards for specific uses are required elsewhere in this Ordinance, the following fence standards shall apply:

Table 3.29 Fence Location & Height[1]

	Residential	Commercial	Industrial
Front Yard[2]	4 FT	4 FT	12 FT
Side Yard	6 FT	8 FT	12 FT
Rear Yard	6 FT	8 FT	12 FT
Waterfront Yard[3]	4 FT (in all yards)		Not Applicable
	Waterfront fences shall be wire/chain link or split rail only.		
Setbacks	Fences shall maintain a six (6) inch setback from the lot line.		

[1] Fence heights listed are maximums. Fence height is measured from the abutting established ground level of the lot. However, a fence erected on a berm may be allowed by the Planning Commission to comply with screening requirements in **Section 3.30**.

[2] Fences up to six (6) feet in height shall be permitted in the front yard of non-waterfront residential lots that are two (2) acres or more in size if the fence is not within the required front setback of the principal dwelling.

[3] The waterfront yard provision shall not apply to man-made water bodies and water bodies that are wholly contained on the property owner's lot.

Fences shall comply with **Section 3.15: Visibility at Intersections**.

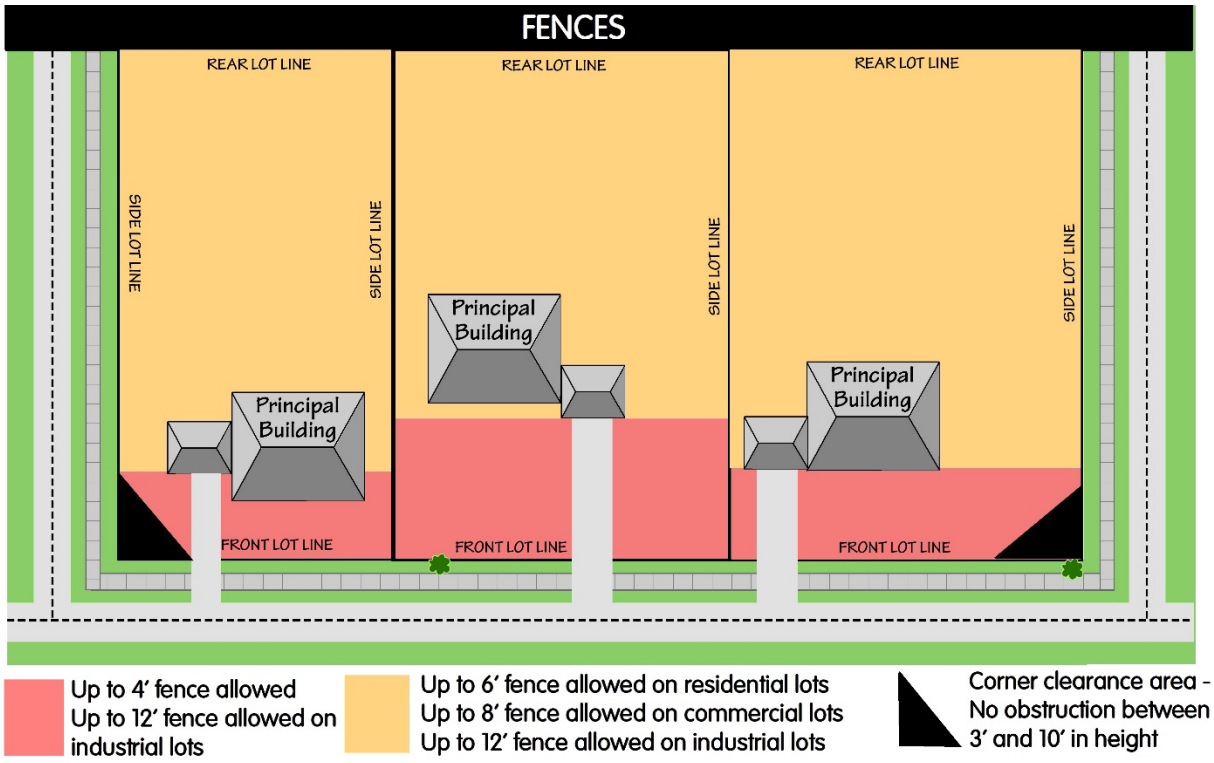
H. **Temporary Fences**.

Temporary fencing is a type of porous fencing that forces windblown, drifting snow, sand, or other airborne

material to accumulate in a desired place rather than accumulating on roads, private drives, and other property areas where the accumulation and drifts are not desirable. As used in this Ordinance, the term "temporary fence" includes not only the fencing material but also all posts to which the fencing material is attached. Temporary fences may be installed and maintained pursuant to a permit issued under this Ordinance from November 1st through April 1st. Temporary fences, including posts, may not be erected prior to November 1st and shall be removed by April 1st. Additionally, temporary fences should not be erected in such a manner as to cause debris to accumulate on neighboring properties or on any roads. Temporary fences are not permitted on the waterside of the ordinary high water mark.

I. **Deviations**.

Deviations from this Section may be approved by the Planning Commission and shall require a Special Use Permit. The Special Use standards in **Section 6.04** shall apply.



Section 3.30 – Required Screening

A. **General**.

1. In order to provide adequate protective screening for residential areas adjacent to or near non-residential areas, the following regulations shall apply. Whenever a non-residential use that requires

site plan review abuts a residential or agricultural district or use, the non-residential use shall provide and maintain, on each side lot line and the rear lot line of the property that abuts the residential or agricultural district or use, an obscuring fence, wall, vegetative buffer, or a combination thereof which shall be no less than six (6) feet in height.

2. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.

3. The applicant shall propose screening that provides a horizontal and vertical obscuring effect for the entire length of the required screening area. This Section applies when site plan review is required for new development or changes to existing development.

4. The Planning Commission may require more or less screening based on the conditions of the lot and the use/structures proposed. The following subsections provide standards for each type of screening device that may be used.

5. Such screening for shielding off-street parking or storage areas shall not be required when such areas are located more than two hundred (200) feet from such adjacent residential use or district.

B. **Greenbelt**.

1. A greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines, or firs so as to create a permanent buffer; or a hedge of evergreens not less than six (6) feet in height, so as to create a permanent buffer. Existing vegetation may count toward the required greenbelt.

2. The remainder of the landscaped area which is not planted with the aforementioned stock, shall be in a well-kept lawn.

   a. **Minimum Plant Sizes at the Time of Installation**.

Deciduous Canopy Trees	2½“ dbh
Deciduous Ornamental Trees:	2” dbh
Evergreen Tree:	6’ height
Deciduous Shrub:	2’ height
Upright Evergreen Shrub:	2’ height
Spreading Evergreen Shrub:	18” – 24” spread

3. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.

C. **Walls**.

A solid masonry wall at least six (6) feet in height above grade may be required between said greenbelt area

and the business, commercial, or industrial use. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20) percent; such openings shall be subject to approval by the Zoning Administrator.

D. **Berms**.

The Planning Commission may approve an earth berm to achieve a portion or all of the buffering requirement. When such a berm is provided, it shall be landscaped and maintained in a clean and orderly growing condition and shall meet the following design standards:

1. The berm shall be natural in appearance. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. The side slopes shall be protected from erosion by sodding or seeding. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio.

2. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.

3. Berms shall be constructed in a way that does not alter drainage patterns on-site or on adjacent properties or obstruct vision for reasons of safety, ingress, or egress.

4. Trees shall be allowed to be placed on berms.

5. No buildings or any structures shall be permitted upon or within any berm.

6. The Planning Commission shall review the effectiveness of an earth berm against other screening devices set forth in this Ordinance and determine if the berm is an acceptable alternative. The Commission, in making its review, shall consider the type of objects to be screened, the type of land use that the objects are to be screened from, topographic conditions in the area, and general appearances.

E. **Screening/Buffering Plans**.

The plans for required protective screening shall be submitted to the Zoning Administrator for recommendations as to the suitability and arrangement of planting material. Any limbs, shrubs, or bushes which extend into the property of the adjoining residential property owner may be trimmed back by the residential property owner.

F. **Waiver**.

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

1. Granting the modification or waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions for occupants of nearby properties.

2. Granting the modification or waiver will not otherwise impair the public health, safety, and general welfare of the residents.

3. Granting the modification or waiver will uphold the spirit and intent of this Ordinance.

Section 3.31 - Nonconforming Buildings/Structures, Uses & Lots

A. **Purpose**.

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. The continuance of all nonconforming uses, nonconforming buildings/structures, and nonconforming lots within the Township shall be subject to the conditions and requirements set forth in this Section.

B. **Change of Tenancy or Ownership**.

A change of tenancy, ownership, or management of any existing nonconforming use of land or structure does not alter its nonconforming status, provided there is no change in the nature or character of such nonconforming use that would be at variance with the provisions of this Ordinance.

C. **Elimination of Nonconformities**.

The existence of nonconforming uses and structures is hereby declared to be contrary to the best interests of the community, and it is hereby declared to be the policy of the Township, as expressed in this Ordinance, to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses and structures which constitute a nuisance or are detrimental to the public health and general welfare, the Township, pursuant to Section 208 (3) and (4) of **2006 PA 110**, as amended (**Michigan Zoning Enabling Act**, being MCL 125.3208) may acquire, by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures provided, however, that such property shall not be used for public housing. The Township Board may, at its discretion, provide that the cost and expense of acquiring such private property be paid from general funds or the cost and expense or any portion thereof be assessed to a special district.

D. **Prior Approval**.

Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building or commencement of a nonconforming use for which a zoning permit has been issued prior to the effective

date of this Ordinance, provided that construction is carried on diligently and without interruption; and that the entire building shall have been completed or the use has been started according to the plans filed with the permit application within two (2) years after the issuance of the zoning permit.

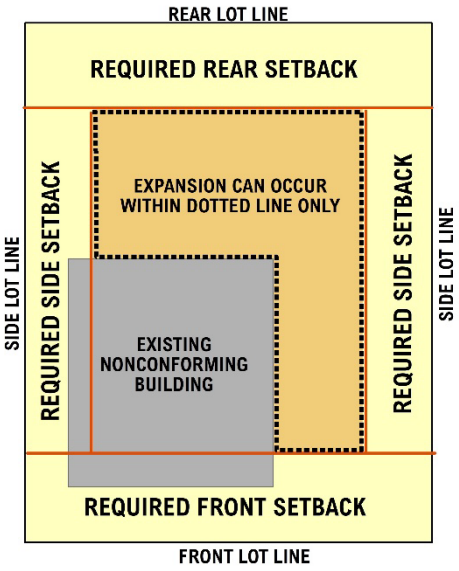
E. **Repairs to Nonconforming Buildings/Structures and Buildings/Structures Devoted to Nonconforming Uses**.

On any nonconforming building/structure and any building/structure devoted in whole or in part to any nonconforming use, ordinary maintenance may be done. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building/structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Nothing in this Section shall prevent compliance with barrier-free requirements of the **Americans with Disabilities Act**. Nothing in this Section shall prevent any alteration, improvement, or repair as required by the **Health Department** as necessary to protect the public health, safety, and welfare.

F. **Nonconforming Buildings/Structures**.

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

Alteration of Nonconforming Building



1. **Alteration.** No such structure may be enlarged or altered in a way which increases its nonconformity. See Figure at right. A nonconforming building which is nonconforming due to setbacks may be increased in height, however, a nonconforming building/structure shall not be increased in height in the portion of the building/structure which is nonconforming.

2. **Re-Location.** Should a building building/structurewhich is nonconforming due to setbacks be moved horizontally for any reason for any distance, it shall hereafter conform to the regulations for the area into which it is located.

3. **Repair/Maintenance**. Any lawful nonconforming building/structure may be repaired, reinforced, or maintained during its life to correct deterioration, obsolescence, depreciation, and wear, as long as the repairs do not increase the building/structure's nonconformity. (i.e., length of wall not meeting setback cannot be added to if the added portion of wall still does not meet setback, a step-in of the wall to meet the setback can be added).

4. **Damage or Destruction.**

a. **Accidental Damage or Destruction**. Any lawful nonconforming building/structure damaged or destroyed by the public enemy, fire, explosion, or an act of God or by other similar natural causes may be restored, rebuilt, or repaired and shall be so as to not increase the original building's nonconformity. However, if the building/structure is damaged more than fifty (50) percent of the building/structure's square feet, it shall only be reconstructed in conformance with this Ordinance.

b. **Purposeful Removal**. If the nonconforming portion of any lawful nonconforming building/structure is damaged or destroyed more than fifty (50) percent of the building/structure's square feet by purposeful removal, it shall only be reconstructed in conformance with this Ordinance.

G. **Nonconforming Uses.**

1. **Expansion of Nonconforming Use**. No nonconforming use shall be enlarged or expanded to occupy a greater area of land or building than was occupied at the effective date of this Ordinance, except as provided below:

a. **Expansion of Nonconforming Use Throughout a Lot**. Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming use of land, the Planning Commission, by following the Special Use Permit notice provisions of this Ordinance, may allow an expansion or enlargement, provided that it is shown that such expansion or enlargement complies with all of the following:

(1) Will not reduce the value or otherwise limit the lawful use of adjacent premises.

(2) Will essentially retain the character and environment of adjacent premises.

(3) Will not cause, perpetuate, or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion, or land overcrowding).

The Special Use standards in **Section 6.04** shall not apply.

b. **Expansion of Nonconforming Use Throughout a Building**. Any nonconforming use may be carried on or expanded throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Ordinance.

2. **Restoration of Damage**. Any lawful nonconforming use, or conforming building/structure devoted to a nonconforming use, damaged by fire, explosion, the public enemy, an act of God, or by other similar, natural causes may be restored, rebuilt, or repaired to the conditions that existed prior to

the damage. If such a building/structure is a nonconforming building, then the building/structure shall conform to this Ordinance.

3. **Discontinuance or Abandonment**. If a property owner has an intent to abandon a nonconforming use and, in fact, abandons this nonconforming use for a period of one (1) year or more, then any subsequent use shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:

   a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.

   b. Whether the property, buildings, and grounds have fallen into disrepair.

   c. Whether signs or other indications of the existence of the nonconforming use have been removed.

   d. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.

   e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

4. **Reversion to a Nonconforming Use**. If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.

5. **Displacement of a Conforming Use**. No nonconforming use shall be extended to displace a conforming use.

6. **Change to Another Lesser Nonconforming Use**. The Township 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.

7. **Changes in Zoning District**. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provision shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

H. **Nonconforming Lots**.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the **Register of Deeds** at or before the effective date of adoption

or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a variance is obtained through approval of the Zoning Board of Appeals.

I. **Illegal Nonconforming Uses & Nonconforming Buildings/Structures**.

Those nonconforming uses and nonconforming buildings/structures which are created after the effective date of this Ordinance shall be declared a violation of the Zoning Ordinance. Uses which were illegal under a prior Ordinance and which do not conform to this Ordinance shall continue to be illegal.

Section 3.32 Off-Street Parking, Loading & Unloading Requirements

A. **Purpose**.

It is the purpose of this Section to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading, and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic-ways which are intended to be limited to moving automotive vehicles.

B. **When Compliance is Required**.

Off-street parking and loading provisions of this Section shall apply to the following:

1. **New Construction**. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance.

2. **Enlargement**. Whenever a building is expanded to increase its usable floor area.

3. **Change in Use**. Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.

4. **Parking Area Construction and Expansion**. Normal maintenance, such as re-grading of gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete, or other paved parking surface or the outright removal or substantial modification of the paved surface in preparation for paving, shall, for the purposes of this Section, be considered a new parking area.

5. **Existing Parking**. Regulations pertaining to off-street parking shall not apply to non-residential buildings in existence at the time of adoption of this Ordinance unless subsections 1 through 4 (above) occur. Off-street parking existing at the effective date of this Ordinance, which serves an

existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.

C. **Parking in Residential Districts.**

1. Outdoor parking of motor vehicles, in all Residential Districts, except in the AG district, shall be limited to passenger vehicles and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle. See **Section 3.14** for Recreational Vehicles. The outdoor parking of any other type of commercial vehicle or bus, except for those parked on school or church property, is prohibited in all residential districts except in the RD and AG districts. Parking space requirements for all types of vehicles may be provided either in garages or covered or outdoor parking areas conforming to the provisions of this Ordinance.

2. **Location of Parking Area.** Required off-street parking shall be located on the same lot as the principal building or on a lot within one hundred fifty (150) feet for single-family and two-family dwellings.

D. **Off-Street Parking Requirements – Other Than Single-Family and Two-Family**.

In all Districts, there shall be at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

3. **Site Plan Required.** Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit.

4. **Location of Parking Area.** Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof, except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings.

5. **Parking Space and Aisle Standards.** Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:

   a. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.

   b. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.

c. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.

6. **Truck Spaces**. Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and eighty (80) feet in length.

7. **Parking Lot Standards**. Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:

   a. **Parking Space Setbacks**. All off-street parking spaces shall not be closer than ten (10) feet to any lot line.

   b. **Drainage.** All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials of at least six (6) inches in depth which will have a dust-free surface resistant to erosion by wind and water.

   c. **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 be observable beyond the lot lines of the property upon which it is located.

   d. **Screening.** Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact evergreen planting not less than six (6) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

   e. **Backing Into Street.** 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.

   f. **Snow Storage**. An adequate area shall be provided for snow piling.

   g. **Surface**. The off-street parking areas shall be surfaced with a durable material such as gravel, reclaimed road millings (rap), asphalt, cement, or other material approved by the Planning Commission, which shall be graded to drain and dispose of stormwater.

8. **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. No items such as plastic animals, steamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar devices shall be permitted in the parking area or outside a building.

E. **Number of Parking Spaces**.

1. **Combined Parking.** Combined parking facilities are allowed when two (2) or more uses occur on one (1) property or when a building on one (1) property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

2. **Shared Parking - Churches**. Required off-street parking facilities for churches located in non-residential districts may be reduced by an equivalent number of off-street parking spaces located within three hundred (300) feet, if they are directly accessible and usable, as off-street parking spaces.

3. **Determining the Number of Parking Spaces.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

    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. **Places of Assembly**. In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has an open assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet.

    c. **Uses Not Listed**. The Zoning Administrator shall determine the number of parking spaces required for all uses, including those not listed in the table below. If the use is not listed, the Zoning Administrator shall determine the number of required spaces based on a comparison of the proposed use and a similar use that is listed in the following table. In the event that there is a dispute over the number of spaces required, the matter shall be referred to the Zoning Board of Appeals for review and decision.

    d. **Fractions**. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) full parking space.

    e. **Double Count**. Loading spaces as required in this Ordinance shall not be construed as part of the minimum required parking spaces for any facility.

4. **Off-Street Parking Space Requirements**.

Table 3.32 Parking Spaces Required	
Residential Uses	
Use	**Parking Spaces Required**
Bed & breakfast facilities/tourist homes/rooming houses	1 per guest room
Family or group day care homes	1 per 4 children or as required by license
Home Occupations & Cottage Industries	2 spaces for dwelling use plus 1 for each employee plus additional spaces for Cottage Industry as determined by Planning Commission to accommodate customers or clients
Manufactured homes in a manufactured housing communi	2 for each dwelling unit
Multiple-family dwellings	2 for each dwelling unit
Single-family and two-family dwellings	2 for each dwelling unit
Senior citizen housing	1 per dwelling unit
Institutional Uses	
Use	**Parking Spaces Required**
Child Day Care Centers	1 per 4 children or as required by license
Churches or similar places of worship; theaters, auditorium assembly buildings	One (1) for each four (4) seats or six (6) lineal feet of seating Without seats: One (1) per three (3) persons allowed within the maximum occupancy load as established by fixed seats local, county, or state fire, health, or building codes
Colleges and universities; technical or trade schools	1 per 3 students
Elementary, middle, and junior high schools	1 per 10 students
High schools	1 per 5 students
Hospitals	Visitor parking – 1 for 3 beds Employee parking – 1 for every 2 medical staff members
Library; museum; gallery; post office	1 per 800 sq ft of gross floor area
Nursing Home	1 per 6 beds
Private club	1 for each 2 members
Business Uses	
Use	**Parking Spaces Required**
Animal hospital; kennel	One (1) per four hundred (400) square feet of usable floor area, plus one (1) for each two (2) employees
Auto repair garage	Two (2) spaces for each service bay
Bank; financial establishment	1 per 250 sq ft of public area
Beauty parlor or barber shop	3 for each operator chair

Bowling alleys	4 for each bowling lane
Campground or RV park	One (1) for every campsite plus one (1) for each employee per shift
Drive-in establishment (other than drive-in and carry-out restaurant)	1 per 250 sq ft of public area plus adequate stacking space
Gas stations	3 per fuel pump
Golf course	Four (4) per hole plus one (1) per employee, plus the amount required for accessory use
Hotels and motels	1 per guest room
Laundromats	One (1) for each two (2) washing machines and/or dry cleaning machines
Manufacturing or industrial establishments; wholesale	1 per 900 sq ft of gross floor area
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Miniature or Par 3 golf course	One (1) per hole plus one (1) per employee
Mortuary; funeral home establishment	One (1) per fifty (50) square feet of floor area in the parlor area
Offices	1 per 250 sq ft of public area
Professional offices of doctors, dentists, veterinarians or s professions	2 per exam or treatment room
Restaurants or bars	1 for each 2 seats
Restaurant - drive-through or drive-in	Adequate stacking space so as not to be on-street; 1 per 200 sq ft gross floor area
Retail stores	1 per 250 sq ft of public area
Service establishments	1 per 250 sq ft of public area
Studios specializing in the instruction of musical arts, danc health, and fitness, and exercise centers	One (1) for each two hundred (200) square feet of usable floor area, plus spaces required for any pools, tennis courts, etc.
Truck Stop	Fuel Pump (12' x 70' / truck)
Vehicle wash	3 per wash stall
Vehicle Sales	1 800 sq ft of public area

F. **Off-Street Loading and Unloading Requirements**.

In connection with every use, except single-family, two-family, and multiple-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

1. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review

at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building, or structure.

2. Each off-street loading/unloading space shall not be less than ten (10) feet in width, eighty (80) feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.

3. A loading /unloading space may occupy all or part of any required side or rear yard setback, except the side yard setback abutting a public road in the case of a corner lot. No part of a required front yard setback may be occupied by a loading space.

4. A loading/unloading space shall not be located closer than fifty (50) feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.

5. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of all the uses computed separately.

6. All off-street loading/unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

7. Off-street loading space and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed.

8. All lights used for illumination shall be so arranged as to reflect the light away from the adjacent premises and roads, and no light source shall be visible beyond the lot lines of a lot or parcel upon which they are located.

9. Off-street loading/unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by truck, having over five thousand (5,000) square feet of gross floor area, shall be provided with at least one (1) off-street loading/unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space or fraction thereof shall provide one (1) additional loading/unloading space.

10. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Administrator. The Zoning Administrator's decision is appealable to the Zoning Board of Appeals.

G. **Flexibility in Parking Requirements**.

The Township recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to accommodate the specific parking needs of a particular use, prevent traffic congestion, prevent unauthorized parking on adjacent streets or a neighboring site, prevent excessive paving and stormwater runoff, and prevent the misuse

of space which could otherwise be left as open space. For the purposes of this subsection, the approving authority is the Planning Commission for those uses which require Planning Commission approval and is the Zoning Administrator for those uses which require Zoning Administrator approval.

1. The approving authority for a specific use may permit deviations from the requirements of this Section whenever it finds that such deviations are more likely to provide parking to accommodate the specific characteristics of the use in question. The applicant may be required to provide documentation justifying the requested deviation.

2. The approving authority may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the approving authority may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed. No structure shall be permitted within the reserved area.

3. A deviation from this Section may only be granted upon the following findings:

   a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions for occupants of nearby properties.

   b. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.

4. If the approving authority declines to allow the requested deviation, the applicant may appeal the decision to the Zoning Board of Appeals.

Section 3.33 Signs

A. **Purpose**.

The purpose of this Section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the communications needs of both businesses and other parties and creating a more attractive business environment and attractive residential neighborhoods. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this Section are intended to apply the minimum amount of regulation in order to protect property values and neighborhood character; promote pedestrian and traffic safety; and promote pleasing community aesthetics.

B. **Application and Zoning Permit**.

1. **Permit**. A permit is not required for the signs listed in **subsection C**. A permit shall first be obtained from the Zoning Administrator for all other signs.

a. A zoning permit is required when the sign structure is being removed and replaced or if any structural change is being made to the sign (including a change to a sign's size). A zoning permit is not required if a sign's message is being changed by re-painting, changing lettering, refacing the sign, or changing the sign's "skin" (non-rigid covering).

b. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

2. **Application**. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his/her authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits, and information. An application for a sign permit shall contain the following information:

a. The applicant's name and address in full, and a complete description of his relationship to the property owner.

b. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.

c. The address of the property.

d. An accurate scale drawing of the property showing the location of all buildings and structures and their uses, and the location of the proposed sign.

e. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.

f. Providing false information under this Ordinance is a violation pursuant to **Section 9.11**.

3. **Inspection.** All proposed sign locations or relocations shall be inspected on the site by the Zoning Administrator for conformance to this Ordinance. Prior to placement on the site, foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.

4. **Sign Permit Expiration**. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Planning Commission.

C. **Signs Authorized <u>Without</u> a Zoning Permit**.

The following signs are authorized without a sign permit:

TYPE OF SIGN	DESCRIPTION	SUBJECT TO SUBSECTION G
1. **Accessory Signs on Non-Residential Lots**.	On nonresidential lots, permanent, freestanding accessory signs that do not exceed nine (9) square feet each.	NO
2. **Accessory Signs on Structures**	On nonresidential lots, accessory signs on structures such as gas pumps or storage sheds.	NO
3. **Governmental Signs**	Signs erected by an agency of the local, state, or federal government.	NO
4. **Flags**		NO
5. **Warning Signs**	Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards, such as drop-offs, high voltage, fire danger, and explosives, are permitted. Warning signs may not exceed three (3) square feet.	NO
6. **Historical Site Signs**	A sign erected by a government agency which exclusively denotes a government-recognized historical site is permitted.	NO
7. **Placards and Signs Cut Into Building Materials**	Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.	NO
8. **Canopy, Awning or Marquee Signs**	Signs when located on or below a canopy, awning, or marquee.	NO
9. **Window Signs**	Signs in windows.	NO
10. **Temporary Signs**	Includes temporary signs and attention-getting devices such as sail signs, feather banners, and air dancers.	YES
11. **Bulletin Boards**	Bulletin boards erected by public, charitable, or religious institutions when they are located on the premises of such institutions.	NO
12. **Signs Not Visible**	Signs not visible by motorists or pedestrians on any road, alley, water body, public lands, or adjacent lots.	NO
13. **Required Signs**	Signs required by law.	NO
14. **911 Signs**	Signs required for 911 emergency services.	NO
15. **Signs Over Driveway**	Entranceway structures and signs over driveways.	NO
16. **Murals**	Murals include any text or image painted on a building. Murals are not considered a sign.	NO

D. **Prohibited Signs**.

The following limitations, obligations, and prohibitions apply to all signs:

1. **Absence of Permit**. Any sign for which a permit is required but has not been issued and which is not a permitted sign, is prohibited.

2. **Public Property**. No portion of a privately-owned sign, or its supporting structures, such as poles or cable, shall be placed on, or within the air space above, publicly-owned property, a public right-of-way (such as a street or sidewalk), or a proposed public right-of-way.

3. **Moving Signs and Swinging Signs**. Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion shall be permitted. Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension of attachment are prohibited.

4. **Traffic Interference**. The following signs are prohibited:

   a. Signs which imitate an official traffic sign or signal which contains the words “stop”, “go slow”, “caution”, “danger”, “warning”, or similar words, except as otherwise provided in this Section.

   b. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal, or which obstructs the view in any direction at a road intersection.

5. **Obscene Material**. No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.

6. **Miscellaneous Signs and Posters**. Tacking, pasting, or otherwise affixing of signs or posters visible from a public way (except “no trespassing”, “no hunting”, “beware of animal” warning or danger signs, and other legal postings as required by law) on the walls of buildings, barns, sheds, on trees, poles, posts, or fences shall be prohibited.

E. **Construction Requirements**.

1. **Material**. Signs shall be made of materials that are weather-tolerant.

2. **Codes**. All signs shall conform to the latest edition of the applicable building and electrical codes.

3. **Fastenings**. All signs shall remain safe and secure during the period of use.

4. **Fire Escapes/Egress**. A sign shall not obstruct a fire escape or egress.

5. **Lighting**. External lighting shall be directed down only. A shield on top is required. Side shields may be necessary so that it will not glare into the road or adjacent property. Flashing, rotating, and intermittent lighting are prohibited. Internally-lighted signs shall not cause glare onto adjacent properties or interfere with the vision of motorists or pedestrians.

6. **Sanitation**. Property surrounding any ground sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.

7. **Landscaping**. The area beneath and around a sign shall be landscaped with native plants and materials so as to complement the site and integrate the sign with buildings, parking areas, and natural site features.

8. **Responsibility for Compliance**. The owner of the lot on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.

F. **Signs Allowed.**

1. **Type**. Signs are permitted according to the type of use upon the zoning lot and shall be limited pursuant to the following tables. Each zoning lot may contain any of the sign types listed in the table. A zoning lot which contains a sign of one (1) type (i.e., freestanding signs) may also contain signs of any other type (i.e., wall signs).

2. **Sign Setbacks.** Except where specified otherwise in this Ordinance, all signs shall be set back a minimum of one-half (1/2) the district front setback requirements for principal buildings, as measured from the road right-of-way line.

3. **Sizes**. All sign sizes are maximums unless otherwise indicated.

Table 3.33.F.1

RD, AG, R-1, R-2, R-3 and NSC Districts

Sign Type	Single-Family & Two-Family Dwellings	Residential Developments (including Multiple-Family Dwellings, Subdivisions, Attached Housing Developments, PUDs)	Non-Dwelling Uses (Farms & Other Commercial Uses
Primary Sign, Freestanding *(permanent)*	**Size**: 6 sq ft **Number Allowed**: 1 per dwelling unit **Height**: 6 ft	**Size**: 32 sq ft **Number Allowed**: 1 per entrance **Height**: 10 ft to the top of sign	**Size**: 32 sq ft **Number Allowed**: 1 per road frontage **Height**: 10 ft to the top of sign
Wall Signs (Primary) *(permanent)*	**Size**: 6 sq ft *(max.)* **Number Allowed**: 1 per dwelling unit	**Size**: 25% of each building wall	
Temporary Signs *(no permit req)*	**Size**: 16 sq ft *(total square footage of all temporary signs)*		
Attention-Getting Devices *(no permit req)*	Not allowed	1 (32 sq ft each) per 40 linear feet of road frontage	
Portable Changeable Copy Message Boards	Not allowed	**Size**: 32 sq ft **Number**: 1	
Electronic or Static Message Center *(permanent) See* **subsection H** below	Not allowed	**Size**: 32 sq ft **Number Allowed**: 1 **Height**: 12 ft to the top of sign	
Cluster Signs *(permanent)*	Not allowed		
Projecting Signs *(permanent)*	Not allowed	**Size**: 20 sq ft **Number Allowed**: 1 per entrance **Height**: 8 ft from ground level *(minimum)*	**Size**: 20 sq ft **Number Allowed**: 1 per entrance **Height**: 8 ft from ground level *(minimum)*
Off-Premise Signs	Not allowed		
Roof Signs	Not allowed		
All numbers are maximums unless specified as a minimum			

Table 3.33.F.2 CSC and I Districts	
Sign Type	
Primary Sign, Freestanding *(permanent)*	**Maximum Size**: 100 sq ft **Number Allowed**: 1 per road frontage **Height**: 25 ft to the top of sign
Wall Signs (Primary) *(permanent)*	**Size**: 25% of each building wall
Temporary Signs *(no permit req)*	**Size**: 32 sq ft *(total square footage of all temporary signs)*
Attention-Getting Devices *(no permit req)*	1 (32 sq ft each) per 40 linear feet of road frontage
Portable Changeable Copy Message Boards	**Size**: 32 sq ft **Number Allowed**: 1
Electronic or Static Message Center *(permanent)* (see subsection G below)	**Size**: Signage is counted as part of the allowable square footage of the Primary Freestanding Sign or Primary Wall Sign **Number Allowed**: 1 **Height**: 25 ft to the top of sign (freestanding signs)
Cluster Signs *(permanent)*	**Size**: 64 sq ft **Number Allowed**: 1 per lot **Height**: 25' to the top of sign
Projecting Signs *(permanent)*	**Size**: 20 sq ft **Number Allowed**: 1 per entrance **Height**: 8 ft from ground level *(minimum)*
Off-Premise Signs	**Off-Premise Signs:** See **subsection H**.
Roof Signs	Not allowed
Residential lots in Commercial Districts shall comply with sign standards for single-family residences in **Table 3.33.F.1**. All numbers are maximums unless specified as a minimum	

G. **Electronic Message Centers/Digital Signs**.

1. An electronic message center/digital sign shall be allowed to have changing messages, scrolling messages, and animation, but shall not be allowed to contain flashing elements.

2. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect the safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.

3. An electronic message center/digital sign shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.

4. An electronic message center/digital sign shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

5. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message center and shall be subject to all provisions of this Ordinance.

H. **Large Off-Premise Signs (Billboards)**.

Large off-premise signs require Planning Commission approval. The following standards shall apply:

1. **Districts**. Outdoor advertising signs are permitted only on undeveloped and vacant unimproved lots in NSC and CSC Districts along M-65 only. If there is an existing use on the premises, the off-premise sign does not count toward the sign allowance for the use.

2. **Illumination**. A billboard may be externally illuminated, provided such external illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate except in conformance with **subsection 6** below.

3. **Structure**. A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard shall be maintained so as to ensure proper alignment of structure, continued structural soundness, and continued readability of the message.

4. **Size**. The total surface area, facing in the same direction, of any billboard shall not exceed three hundred (300) square feet. Signs may be single or double-faced and shall contain no more than two (2) faces or panels. Billboards shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Planning Commission, if it can be shown that excessive grades, building interference, bridge obstruction, and similar conditions obstruct views of the signs.

5. **Spacing**. Where two (2) or more billboards are located along the frontage of a road or highway, they shall not be less than one thousand (1,000) feet apart. A double-faced (back-to-back) or a V-

type structure shall be considered a single sign, provided the interior angle of such signs does not exceed twenty (20) degrees.

6. **Digital Off-Premise Signs**.

   a. **Rate of Change**. The rate of change between static messages or images shall not exceed more than one (1) change per eight (8) seconds. Each change shall be complete in one (1) second or less.

   b. **Luminance**. The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance of one hundred fifty (150) feet for those sign faces less than or equal to three hundred (300) square feet.

   c. Digital billboards shall be configured to default to a static display in the event of mechanical failure.

7. **Highway Advertising Act**. A billboard established along a State of Michigan trunkline, in addition to complying with the above conditions, shall also comply with all applicable provisions of the **Highway Advertising Act, 1972 PA 106**, as amended, and the regulations promulgated thereunder.

8. **Planning Commission Approval Required**. Billboards are subject to review and approval by the Planning Commission using the site plan review procedures in **Section 5.07** and the approval standards in **Section 5.08**.

I. Nonconforming Signs

1. **Intent**. This Ordinance is intended to encourage the eventual elimination of signs which do not comply with the Ordinance. The elimination of nonconforming signs is as much a subject of health, safety, and welfare as is the prohibition of any signs in violation of this Ordinance. Therefore, this Ordinance attempts to realize the removal of nonconforming signs and to avoid any unreasonable invasion of established property rights.

2. **Standards**.

   a. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.

   b. No person shall increase the extent of nonconformity of a nonconforming sign, nor may illumination be added to any nonconforming sign.

   c. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.

d. If a nonconforming sign is destroyed by any method, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within sixty (60) days. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to the extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.

e. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed, or the size and/or shape of the sign is altered, the sign shall be changed to a conforming sign.

f. **Abandoned Nonconforming Signs**. See subsection J.

J. **Abandoned Signs**.

In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove the sign. Upon the expiration of the ninety (90) days, the abandoned sign shall be deemed to be in violation of this Ordinance and shall be subject to the provisions of **Section 9.11**.

K. **Removal of Unsafe or Damaged Signs**.

In the event that any sign becomes insecure, in danger of falling, unsafe, or damaged, the owner or lessee shall, within ten (10) days of receipt of a written notice from the Zoning Administrator that the sign is in violation of this Ordinance, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists.

L. **Substitution Clause**.

Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

M. **Deviation from Sign Section**.

The Planning Commission may allow deviations from this Section, provided, however, no such deviation shall be based on the content (message) displayed on the sign. The following factors shall be considered by the Planning Commission when approving deviations:

1. Relationship of the sign to surrounding properties and rights-of-way.

a. Compatibility with adjacent land uses and signs.

b. Visibility of neighboring signs or buildings.

c. Visibility and legibility of the sign for pedestrian and vehicular traffic.

d. Lighting trespass impacts.

2. Relationship of the sign to features on the site of the sign installation.

a. Suitability of the sign and its location relative to particular site characteristics such as yard areas, vegetation, topography, and the like.

b. Compatibility of the sign with the size, location, and character of the principal building(s) on-site.

c. Impact of the sign on on-site vehicular and pedestrian circulation.

3. Impact of the sign upon parks and historic properties.

a. Impact of the sign upon views of prominent natural features.

b. Impact of the sign on parks and public spaces.

c. Impact of the sign upon historic buildings or properties.

4. Impacts of the sign on public safety.

a. Visibility of traffic safety devices.

b. Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.

c. Impacts of sign lighting upon vehicular traffic.

d. The safety of the placement of the sign.

Section 3.34 Driveways & Private Roads

A. **Nonconforming Private Roads**.

In the case of private roads built prior to this Ordinance, such roads may be used, but the use may not be increased without coming into compliance. No zoning permit shall be issued for additional development utilizing a nonconforming private road until the existing private road is in compliance with the standards of

this Section. In cases where the nonconforming road cannot comply with the standards of this Ordinance, the Planning Commission shall have the authority to waive particular standards of this Section, where the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.

2. The spirit and intent of the private road provisions will still be achieved.

3. No nuisance will be created.

B. **Driveways Which Provide Access to One (1) Parcel**.

Driveways that provide access to one (1) parcel shall meet the following standards:

1. Access to the principal buildings(s) shall require a driveway which has fifteen (15) feet horizontal and twelve (12) feet vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (This Section does not cover or require snow removal).

2. A vehicle turn-around area shall be provided within one hundred (100) feet of the principal buildings(s) capable of handling thirty (30) foot vehicles (Minimum T-type turn-around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. The county or township cannot be held responsible for non-maintenance of access.

C. **Easements Which Provide Access to Two (2) to Seven (7) Parcels**.

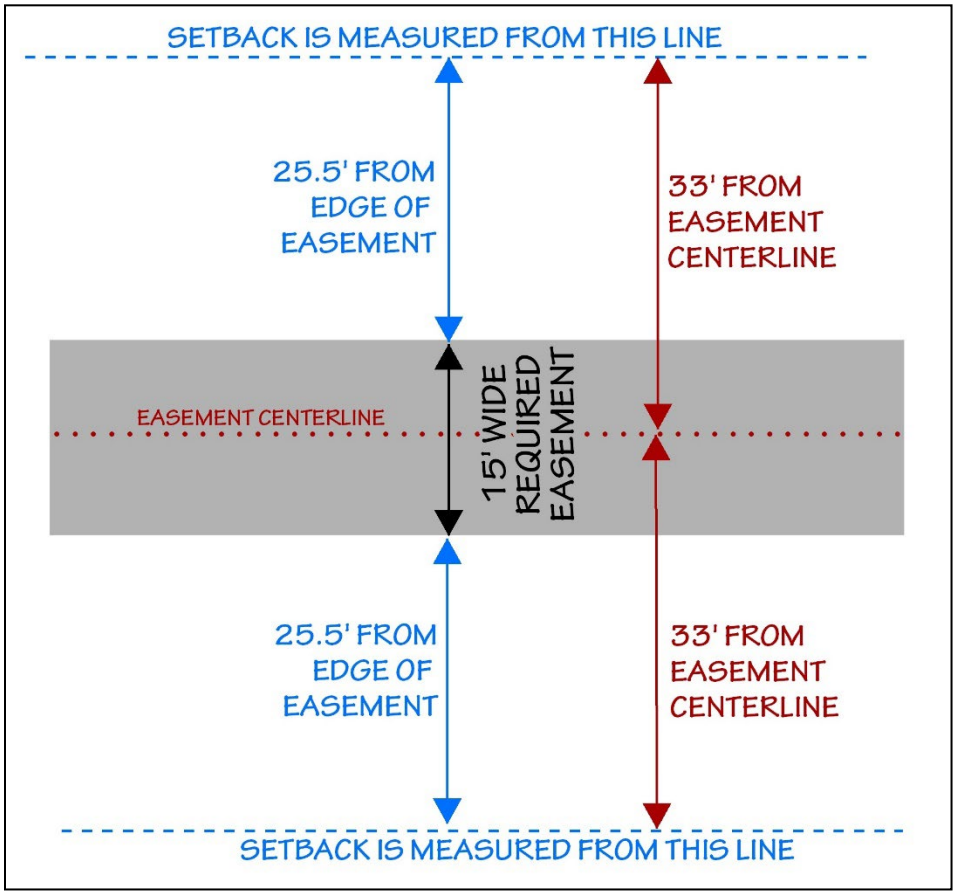
1. Easements that provide access to at least two (2) but not more than seven (7) parcels shall meet the following standards:

   a. Access to the principal buildings(s) shall require an easement which has fifteen (15) feet horizontal and twelve (12) feet vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (this Section does not cover or require snow removal).

   b. A vehicle turn-around area shall be provided within one hundred (100) feet of the principal buildings(s) capable of handling thirty (30) foot vehicles (minimum T-type turn-around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. The county or township cannot be held responsible for non-maintenance of access.

2. **Setbacks**. For the purposes of measuring building setbacks for zoning permits on easements providing access to two (2) to seven (7) parcels, the following process shall be used: from the edge of the fifteen (15) foot wide easement, twenty-five and a half (25.5) feet shall be added and the

setback shall be measured from that point (or thirty-three (33) from the easement centerline). See diagram below:



D. **Private Roads that Provide Access to Eight (8) or More Parcels**.

Private roads, providing access to eight (8) or more parcels, are permitted provided they conform to the requirements of this Section. No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator and subsequently approved.

1. **Private Road Standards**. The proposed private road shall meet the following standards:

   a. All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current **County Road Commission's** designated right-of-way width for local residential roads, whichever is greater. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. If a private road is proposed to become a public road in the future, the road shall meet **County Road**

Commission design standards and be constructed to those standards prior to acceptance by the Road Commission.

b. The maximum grade for roadways shall be seven (7) percent. The maximum grade within one hundred (100) feet of an intersection shall be five (5) percent.

c. No fence, wall, sign, landscape screen, or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve or within thirty (30) feet of the right-of-way of a street.

d. No more than twenty (20) lots or parcels may gain access to a single private road if only one (1) point of intersection is provided between the private road and a public road. No more than fifty (50) lots or parcels may gain access to a private road where two (2) or more points of intersection are provided between the private road and public roads. Where more than fifty (50) lots or parcels are served, the road shall be a paved road built to **County Road Commission** standards.

e. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public road or private road.

(1) Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.

(2) The minimum radius for circular cul-de-sacs roadway is sixty-six (66) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is not less than twenty-five (25) feet in width.

f. Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.

g. Construction authorization from the **County Road Commission** is required for connection to a road under the Commission's jurisdiction, and from the **Michigan Department of Transportation** if connected to a state trunkline. When applicable, a permit is also required from the county under **Part 91 of the Natural Resources and Environmental Protection Act, 1994 PA 451 (Soil Erosion and Sedimentation Control)**.

h. Intersections of private roads with public roads shall be at an angle, as close to ninety (90) degrees as possible, but in no case shall it be less than eighty (80) degrees or more than one hundred (100) degrees.

i. Private roads shall have a six (6) inch compacted 22A gravel base or a four (4) inch pit-run gravel base, with an additional four (4) inches of 22A gravel, or a paved surface. The gravel or paved surface shall have a width of at least twenty-two (22) feet with shoulders of five (5) feet on each side, totaling thirty-two (32) feet.

j. Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing county or state road stormwater system, the stormwater plan for the private road shall be submitted to the **County Drain Commissioner** and the **County Road Commission**, **Michigan Department of Transportation**, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.

k. Lots or parcels fronting on private roads shall meet the required front yard setback and lot width for the zoning district where located.

2. **Road Construction Approval Procedures**. No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

a. Application for approval of a private road shall include a digital copy (the Zoning Administrator may request hard copies) of a site plan sealed by a professional engineer showing:

(1) Existing and proposed lot lines.

(2) The location of existing and proposed structures.

(3) The width and location of the private road easement.

(4) A cross-section of the proposed road, showing the type of material the road base and surface will consist of.

(5) Utility plans including the location and size/capacity of stormwater drainage systems, sewer or septic system, water lines or private wells, and private utilities such as telephone, electric, and cable service.

(6) Any existing or proposed structures, trees, or other obstructions within the proposed right-of-way.

(7) All divisions of land shall be in compliance with the Township Land Division Ordinance.

(8) If the grade exceeds five (5) percent, the above-listed site plan shall be sealed by an engineer.

b. All plans as submitted for approval shall show the private road easement, including a legal description, and shall include the grade for these roads (if the grade exceeds five (5) percent).

c. Road maintenance agreement or covenants running with the land signed by the proprietor(s) shall be recorded with the Township Clerk and the **County Register of Deeds,** providing for:

(1) A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.

(2) A workable method of apportioning the costs of maintenance and improvements to current and future users.

(3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Township road standards for private roads and assess owners of lots or parcels on the private road for the improvements, plus an administration fee in the amount of twenty-five (25) percent of the total costs.

(4) No public funds of the Township will be used to build, repair, or maintain the private road.

d. Road easement agreement signed by the proprietor(s) shall be recorded with the Township Clerk and the **County Register of Deeds,** providing for:

(1) Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.

(2) A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons, and other bound to or returning from any of the properties having a need to use the road.

3. **Application Review and Approval or Denial**.

a. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the **County Drain Commissioner**, to the **County Road Commission** if connected to a county public road, and to **MDOT** if connected to a state trunkline for review and comment. The proposed road maintenance agreement, road easement agreement, and covenants running with the land shall be sent to the Township Attorney for review and comment.

b. **County Road Commission**, **MDOT**, **County Drain Commissioner**, Emergency Services and Fire Protection agencies, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road.

c. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.

d. The Zoning Administrator may arrange for inspections by an Engineer during construction or, and upon completion of the private road (if the grade exceeds five (5) percent).

4. **Failure to Perform**. Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the **County Road Commission**, **MDOT**, or the Township in its standards and specifications for road construction and development.

5. **Issuance of Building Permits for Structures on Private Roads**. No building permit shall be issued for a structure on any private road until the construction of such private road is given final approval by the Zoning Administrator.

6. **Posting of Private Roads**. All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietors. The applicant shall check with the County Emergency Services Department to avoid a duplication of road names.

7. **Notice of Easements**. All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

   a. This parcel of land has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.

   b. This notice is to make the purchaser aware that this parcel of land has ingress and egress over this easement only.

   c. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.

   d. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.

8. **Fees**. Before final approval, an application fee established by the Township Board and the cost for the Township Engineer to review the plans and inspect the construction shall be paid by the proprietor(s).

9. **Final Construction Approval**. The Zoning Administrator shall grant final construction approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

10. **Setbacks**. For zoning permit purposes on private roads, setbacks shall be measured from the edge of the private road right-of-way.

Article 4
District Regulations

Sec	Name	Pg
4.01	Districts	4-1
4.02	Zoning Map	4-2
4.03	Application of Regulations	4-3
4.04	Unlisted Uses	4-4
4.05	Resource Development District (RD)	4-5
4.06	Agriculture District (AG)	4-11
4.07	Single-Family Residential District (R-1, R-2 and R-3)	4-17
4.08	Neighborhood Service Commercial District (NSC)	4-25
4.09	Community Service Commercial District (CSC)	4-31
4.10	Downtown Overlay District (DTO)	4-38
4.11	Industrial District (I)	4-45
4.12	Full Table of Permitted & Special Uses	4-53
4.13	Schedule of Regulations	4-69

Section 4.01 Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which, together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

RD	Resource Development District
AG	Agriculture District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family Residential District
NSC	Neighborhood Service Commercial District
CSC	Community Service Commercial District
DTO	Downtown Overlay District
I	Industrial District

Section 4.02 Zoning Map

A. **Provision for Official Zoning Map**.

These districts, so established, are bounded and defined as shown on the map entitled: "**Zoning Map of Plainfield Township**" adopted by the Township Board, and which with all notations, references, and other information appearing thereon, is hereby declared to be a part of this Ordinance and to the same force and effect as if the districts shown thereon were fully set forth herein.

B. **Changes to Official Zoning Map**.

If, in accordance with the procedures of **Section 10.02** and of **Public Act 110 of 2006**, as amended, a change is made in a zoning district boundary, such change shall be made, on the Official Zoning Map, by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such changes shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance, and such changes, as approved, shall also be promptly made by the Township Clerk.

C. **Authority of Official Zoning Map**.

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot district, use, building or structure in the Township.

D. **Interpretation of Zoning Districts**.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

1. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad, or easement shall be construed as following such centerline.

2. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such a line.

3. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such lines.

4. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in a shoreline, shall be construed as following the actual shoreline.

5. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.

6. A boundary indicated as parallel to or an extension of a feature indicated in subsections 1 through 5 above shall be so construed.

7. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

8. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals, consistent with the intent and purpose of the Ordinance.

E. **Zoning of Vacated Areas**.

Whenever any road or other public way within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and come a part of the land formerly within such vacated road, alley, or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used as is permitted under Ordinance for such adjoining lands. In the case of a vacated right-of-way which also served as a district boundary, the centerline of such vacated right-of-way shall remain the district boundary line, and the lands on either side of said centerline shall acquire the zoning district of their respective adjoining properties without further governmental action.

F. **Zoning of Filled Areas**.

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area without further governmental action.

G. **Annexed Areas**.

Whenever any area is annexed to Plainfield Township, land that is zoned previously to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board.

Section 4.03 Application of Regulations

A. **Application of Area and Width Regulations**.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.

2. Every new lot shall meet the minimum lot width requirements set forth in this Article and shall have frontage on and/or access to a public road.

3. **Lot Width Measurement**. Lot width is the horizontal distance between the side lot lines, measured at the two (2) points where the required front lot line intersects the side lot lines.

B. **Principal Building Requirements**.

1. Setbacks, floor area, and height limitations for principal buildings erected, altered, removed, or enlarged after the effective date of this Ordinance shall conform to the standards shown in **Section 4.13: Schedule of Regulations** and the individual district regulations tables found within this Article. Nonconformities are regulated by **Section 3.31**.

2. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.

C. **Corner Lots**.

In the case of a corner lot, setbacks shall be met on both streets.

D. **Double Frontage Lots**.

In the case of a double frontage lot, the front lot line shall be the line separating the lot from each street.

E. **Water Frontage Lots**.

Front yard setbacks shall be met on both the water frontage and the road frontage. See ***Lot, Waterfront***.

F. **Official Setback Lines**.

Setbacks are measured from the eave of the building to the lot line.

Section 4.04 Unlisted Uses

It is the intent and purpose of this Zoning Ordinance to limit the permitted and Special Uses and activities to those specifically included in the respective Zoning Districts. Any use not listed in this Article shall be classified, by the Zoning Administrator, according to a similar use already listed. If the Zoning Administrator cannot determine if a similar use exists, he/she shall request classification of the use by the Planning Commission. If the Planning Commission cannot classify the use, then the use shall only be added to the Ordinance using the zoning amendment procedure in **Section 10.02**.

Section 4.05 Resource Development District (RD)

RD DISTRICT

A. **Purpose**.

The purpose of this District is to provide for the arrangement of land uses that are comparable with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, native flora, natural water features including extensive wetlands and higher water table soils, and other extensive land uses which retain the natural character of the area. Single-family homes on exceptionally large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells.

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.12: Full Table of Permitted & Special Uses**).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries, Delicatessens & Ice Cream Shops	S
Bed & Breakfasts/ Tourist Homes	S
Boarding & Rooming Houses	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.08	S
Food Trucks (more than 2 weeks) §7.06	S
Inns	S
Resorts (including cabin courts) (on 40 acres)	S
Short Term Rentals	S
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	S
Agriculture, Animal Services & Forest Products	
Agribusiness (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	S
Agricultural Equipment Sales, Service, Rental & Repair	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD
Agriculture, Animal Services & Forest Products (continued)	
Agricultural Products Processing & Storage	S
Agricultural Research & Development Facilities (public or private)	P
Agricultural Tourism (see following):	
Bakeries (selling goods grown primarily on-site)	S
Educational Tours, Classes, Lectures, & Seminars	S
Family-Oriented Animated Barns (haunted houses)	S
Farm Stays	S
Gift shops for agriculturally-related products, crafts	P
Historical Agricultural Exhibits	P
Organized Meeting Space (weddings, birthdays, corporate picnics) & Small Scale Entertainment (concert, car show, art fair) – Commercial Event Facility §7.08	S
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	P
Picnic Areas (including restrooms)	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**RD**
Agriculture, Animal Services & Forest Products (continued)	
Playgrounds, Wagon/Sleigh Rides, Nature Trails	**P**
Restaurants (related to the agricultural use of the site)	**P**
Seasonal Outdoor Mazes of Agricultural Origin	**P**
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	**S**
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab & release only)	**S**
Animal Services (such as dog grooming, animal daycare, & dog clubs)	**P**
Animal Shelters	**P**
Auctions for Livestock	**P**
Biofuel Production Facilities on Farms	**PS**
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (incl. wholesale)	**S**
Composting Facilities (large-scale facilities – compost material brought in & deposited)	**S**
Farms, Commercial (including agricultural buildings)	**P**
Farms, Hobby (including agricultural buildings)	**P**
Farm Markets including Roadside Stands - on property controlled by the affiliated farm §7.04	**P**
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	**S**
Forest Products Processing (sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	**S**
Game Preserves (where game is hunted)	**S**
Grain Elevators	**S**
Greenhouse, Nursery, Landscaping & Garden Supplies	**S**
Kennels, Boarding; Kennels, Breeding §7.05	**S**

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**RD**
Agriculture, Animal Services & Forest Products (continued)	
Roadside Stands – not on property affiliated with a farm §7.04	**P**
Seasonal "U-Pick" Fruits & Vegetables Operations	**P**
Slaughter Houses	**S**
Stables, Riding	**P**
Veterinary Clinics & Animal Hospitals	**S**
Arts, Entertainment & Recreation	
Archery Ranges, Outdoor	**P**
Conservation Areas; Natural Open Space; Natural Vista Areas; Geological Feature Area; Archeological Sites; Significant Natural & Historical Features; Recreation Areas (non-intensive); Nature Areas; Game Refuges; Hunting & Fishing Reservations; Wildlife Preserves; Fishing, Boating, & Other Water-Related Activity Site; (public or private) (on twenty (20) contiguous acres of land)	**P**
Art Galleries & Art Studios	**P**
Campgrounds (on twenty (20) contiguous acres of land)	**S**
Camps (ex: summer camps) (on twenty (20) contiguous acres of land)	**S**
Court Games & Swimming Clubs	**S**
Country Clubs, Golf Courses, & Golf Driving Ranges	**P**
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a residence)	**P**
Equipment Rental, Motorized (ORV, Snowmobile)	**S**
Equipment Rental, Non-Motorized (Outfitter) including Canoe/Boat/Kayak Liveries	**S**
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	**P**

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**RD**
Arts, Entertainment & Recreation (continued)	
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	**P**
Hunt Clubs	**P**
Museums	**P**
Parks & Playgrounds (on 40 acres)	**S**
Race Tracks (motorized)	**S**
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf) – mini-golf only in AG & CSC	**P**
Recreational (RV) Parks (on 40 acres)	**S**
Shooting Range, Indoor (in a completely enclosed building)	**S**
Shooting Range, Outdoor §7.11	**S**
Spectator Sports Arenas	**S**
Sportsmen's Clubs	**P**
Tours (Commercial Operations)	**P**
Those uses permitted under provisions of the **Natural Resources and Environmental Protection Act of 1994 PA 451**, specifically **Part 31 Water Resources Protection** (those specific to floodplains), **Part 301 Inland Lakes & Streams**, & **Part 303 Wetlands Protection**	**P**
Commercial, Services & Retail	
Boat/RV/Recreational Equipment Repair & Storage	**S**
Electric Vehicle Charging Facility	**S**
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	**S**
Flea Market	**S**
Health Spa	**S**
Locksmiths	**P**
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	**S**
Photofinishing/Photographers	**S**

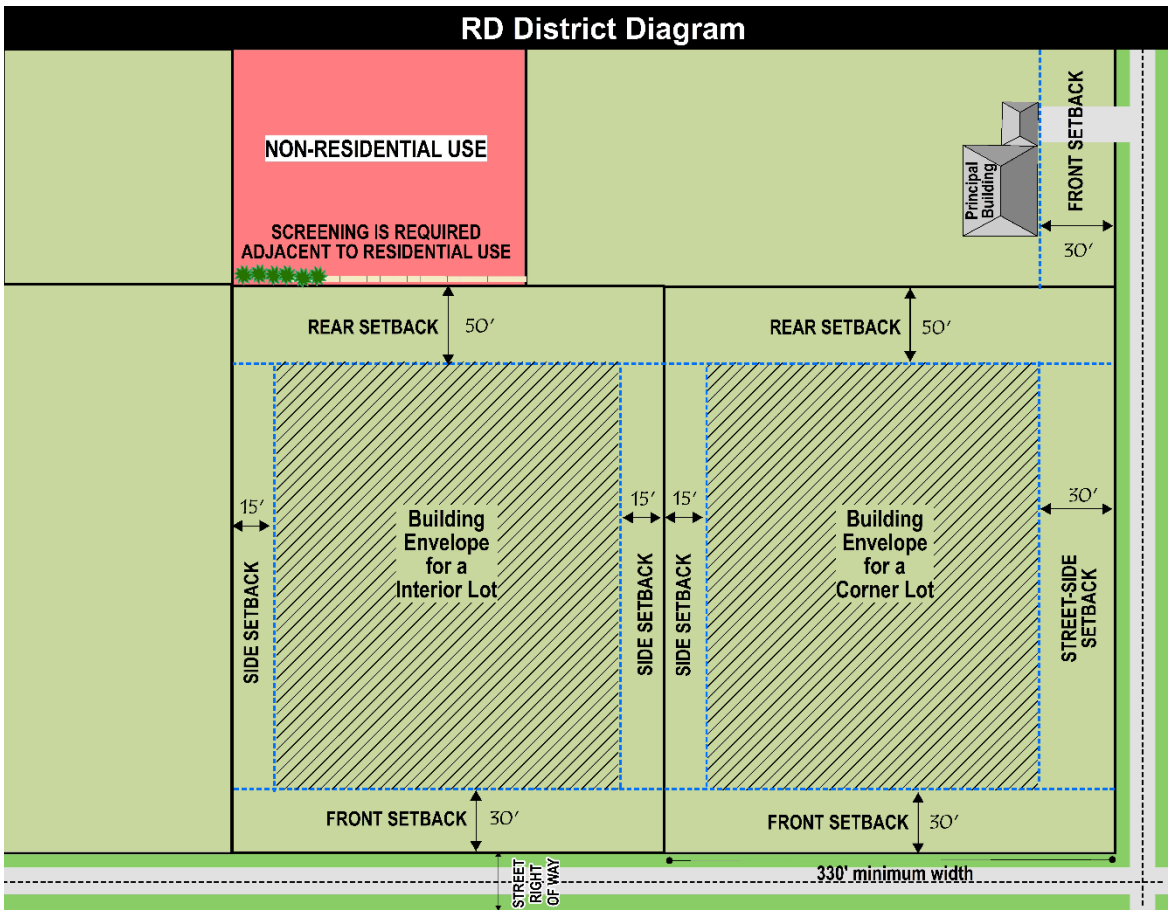
TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**RD**
Commercial, Services & Retail (continued)	
Retail:	
Art & Photography Shops	**S**
Bait & Tackle Shops	**S**
Farm & Feed Supply Stores	**S**
Farm Market §7.04	**S**
Florists	**S**
Garden Stores	**S**
Sporting Goods Stores	**S**
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	**S**
Taxidermy Shops	**S**
Educational Services/Churches	
Church, Temple, or Synagogue (Religious Institutions)	**S**
Private Instructional Facilities & Business Schools	**S**
Public, Charter or Private Schools (elementary through high school)	**S**
Public or Private Colleges/Universities	**S**
Trade Schools/Industrial Schools	**S**
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	**P**
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	**P**
Adult Day Care Facility - NOT IN PRIVATE HOME	**S**
Charitable Institutions (ex: soup kitchen); Non-Profit Organizations	**S**
Family Child Care Home	**P**
Group Child Care Home	**P**
Child Care Center or Day Care Center	**S**
Child Caring Institution (ex. orphange, etc.)	**S**
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	**S**

TABLE OF PERMITTED & SPECIAL USES	RD
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Human Care & Social Assistance (continued)	
Rehabilitation Institutions	S
State-Licensed Residential Care Facilities (6 or less persons)	P
State-Licensed Residential Care Facility providing care for 7 or more persons (including Adult Foster Care Homes, Assisted Living Homes, & Nursing/Convalescent Homes)	S
Vocational Rehabilitation Services	S
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. **Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, & vibration.**	S
Accessory Uses incidental to Manufacturing (offices, food services, caretaker bldgs)	S
Extraction of Natural Resources (including mining, quarries & gravel pits)	S
Miscellaneous	
Accessory Buildings, Structures & Uses Incidental to Principal Permitted Uses §3.10	P
Cemeteries including Columbaria & Mausoleums (human – 20 acres, pet – 10 acres)	S
Planned Unit Developments §7.12	S
Site Condominium Development	S
Public Facilities	
Public Buildings	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.03	P
Home Occupations – Level 1 §7.02	P

TABLE OF PERMITTED & SPECIAL USES	RD
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Residential Uses (continued)	
Home Occupations - Level 2 §7.02	S
Manufactured Housing Communities §7.21	S
Multiple-Family Dwellings §7.21	P
Single-Family Dwellings §7.21	P
Temporary Dwelling During Construction	P
Two-Family Dwellings §7.21	P
Workforce Housing §7.21	S
Transportation, Storage & Wholesale	
Air Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation	S
Drone (Unmanned Aerial) Centers	S
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	S
Utilities, Energy & Communications	
Amateur Radio Antennae (roof-mounted or ground-mounted)	S
Essential Services §3.18	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.18	P
Public utility facilities (without storage yards) – does not include Essential Service Buildings §3.18	S
Public utility facilities (with storage yards) – does not include Essential Service Buildings §3.18	S
Solar Energy – Accessory §7.15	P
Solar Energy Facilities – Utility-Scale §7.16	S
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.18	S
Wind Turbines, (Accessory) §7.17	P
Wireless Facilities (with or without support structures) §7.13	S
Wireless Facilities - Small Cell §7.14	S

C. Development Standards for the RD District.

1. Lot & Structure Standards		
a. **Lot Area (minimum)**	10 acres	
b. **Lot Width (minimum)**	330 ft	
c. **Building Height (maximum)**	35 ft	
	Accessory Buildings: 35 ft (25 ft on waterfront lots; 15 ft in the waterfront yard)	
	45 feet for all agricultural buildings, except grain elevators, silos, and windmills with a maximum of 120 ft	
d. **Ground Floor Area (minimum per dwelling unit)**	One-Story Dwelling: 500 sq ft	Minimum width of 20 ft on waterfront properties
	Two-Story Dwelling: 500 sq ft, minimum total of 720 sq ft for both stories	
2. Setbacks		
a. **Front (minimum)**	30 ft	
	Corner Lots: A front setback shall be required on both streets	
	Waterfront Lots: A front setback shall be required along the water and the street	
b. **Side (minimum)**	15 ft	
c. **Rear (minimum)**	50 ft	
3. Additional Development Standards		
a. **Accessory Buildings**	**Section 3.10**	
b. **Decks & Raised Platforms**	**Section 3.11**	
c. **Lighting**	**Section 3.20**	
d. **Fences**	**Section 3.29**	
e. **Screening**	Screening may be required between uses. **Section 3.30**	
f. **Nonconformities**	**Section 3.31**	
g. **Parking**	**Section 3.32**	
h. **Signs**	**Section 3.33**	


RD District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30'
REAR SETBACK
50'
REAR SETBACK
50'
15'
SIDE SETBACK
Building Envelope for a Interior Lot
15'
15'
SIDE SETBACK
SIDE SETBACK
Building Envelope for a Corner Lot
30'
STREET-SIDE SETBACK
FRONT SETBACK
30'
FRONT SETBACK
30'
STREET RIGHT OF WAY
330' minimum width

Section 4.06 Agriculture District (AG)

AG DISTRICT

A. **Purpose**.

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for building purposes in a pastoral, agricultural, woodland, or open land setting, which will remain unserved by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses.

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.12: Full Table of Permitted & Special Uses**).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	AG
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries, Delicatessens & Ice Cream Shops	S
Bed & Breakfasts/ Tourist Homes	S
Boarding & Rooming Houses	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.08	S
Food Trucks (more than 2 weeks) §7.06	S
Inns	S
Resorts (including cabin courts)	P
Short Term Rentals	S
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	S
Agriculture, Animal Services & Forest Products	
Agribusiness (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	S
Agricultural Equipment Sales, Service, Rental & Repair	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	AG
Agriculture, Animal Services & Forest Products (continued)	
Agricultural Products Processing & Storage	S
Agricultural Research & Development Facilities (public or private)	P
Agricultural Tourism (see following):	
Bakeries (selling goods grown primarily on-site)	S
Educational Tours, Classes, Lectures, & Seminars	S
Family-Oriented Animated Barns (haunted houses)	S
Farm Stays	S
Gift shops for agriculturally-related products, crafts	P
Historical Agricultural Exhibits	P
Organized Meeting Space (weddings, birthdays, corporate picnics) & Small Scale Entertainment (concert, car show, art fair) – Commercial Event Facility §7.08	S
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	P
Picnic Areas (including restrooms)	P

TABLE OF PERMITTED & SPECIAL USES	AG
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Agriculture, Animal Services & Forest Products (continued)	
Playgrounds, Wagon/Sleigh Rides, Nature Trails	P
Restaurants (related to the agricultural use of the site)	P
Seasonal Outdoor Mazes of Agricultural Origin	P
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	S
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab & release only)	S
Animal Services (such as dog grooming, animal daycare, & dog clubs)	P
Animal Shelters	P
Auctions for Livestock	P
Biofuel Production Facilities on Farms	PS
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (incl. wholesale)	S
Composting Facilities (large-scale facilities – compost material brought in & deposited)	S
Farms, Commercial (including agricultural buildings)	P
Farms, Hobby (including agricultural buildings)	P
Farm Markets including Roadside Stands - on property controlled by the affiliated farm §7.04	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	S
Forest Products Processing (sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	S
Game Preserves (where game is hunted)	S
Grain Elevators	S
Greenhouse, Nursery, Landscaping & Garden Supplies	S
Kennels, Boarding; Kennels, Breeding §7.05	S

TABLE OF PERMITTED & SPECIAL USES	AG
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Agriculture, Animal Services & Forest Products (continued)	
Roadside Stands – not on property affiliated with a farm §7.04	P
Seasonal "U-Pick" Fruits & Vegetables Operations	P
Slaughter Houses	S
Stables, Riding	P
Veterinary Clinics & Animal Hospitals	S
Arts, Entertainment & Recreation	
Archery Ranges, Outdoor	P
Conservation Areas; Natural Open Space; Natural Vista Areas; Geological Feature Area; Archeological Sites; Significant Natural & Historical Features; Recreation Areas (non-intensive); Nature Areas; Game Refuges; Hunting & Fishing Reservations; Wildlife Preserves; Fishing, Boating, & Other Water-Related Activity Site; (public or private) (on twenty (20) contiguous acres of land)	P
Art Galleries & Art Studios	P
Campgrounds (on twenty (20) contiguous acres of land)	S
Camps (ex: summer camps) (on twenty (20) contiguous acres of land)	S
Court Games & Swimming Clubs	S
Country Clubs, Golf Courses, & Golf Driving Ranges	P
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a residence)	P
Equipment Rental, Motorized (ORV, Snowmobile)	S
Equipment Rental, Non-Motorized (Outfitter) including Canoe/Boat/Kayak Liveries	S
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	AG
Arts, Entertainment & Recreation (continued)	
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	P
Hunt Clubs	P
Museums	P
Parks & Playgrounds	P
Race Tracks (motorized)	S
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf) – mini-golf only in AG	P
Recreational (RV) Parks	P
Shooting Range, Indoor (in a completely enclosed building)	S
Shooting Range, Outdoor §7.11	S
Spectator Sports Arenas	S
Sportsmen's Clubs	P
Tours (Commercial Operations)	P
Those uses permitted under provisions of the **Natural Resources and Environmental Protection Act of 1994 PA 451**, specifically **Part 31 Water Resources Protection** (those specific to floodplains), **Part 301 Inland Lakes & Streams**, & **Part 303 Wetlands Protection**	P
Commercial, Services & Retail	
Boat/RV/Recreational Equipment Repair & Storage	S
Electric Vehicle Charging Facility	S
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	S
Flea Market	S
Health Spa	S
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	S
Photofinishing/Photographers	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	AG
Commercial, Services & Retail (continued)	
Retail:	
Art & Photography Shops	S
Farm & Feed Supply Stores	S
Farm Market §7.04	S
Florists	S
Garden Stores	S
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	S
Taxidermy Shops	S
Educational Services/Churches	
Church, Temple, or Synagogue (Religious Institutions)	S
Private Instructional Facilities and Business Schools	S
Public, Charter or Private Schools (elementary through high school)	S
Public or Private Colleges/Universities	S
Trade Schools/Industrial Schools	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	P
Adult Day Care Facility - NOT IN PRIVATE HOME	S
Charitable Institutions (ex: soup kitchen); Non-Profit Organizations	S
Family Child Care Home	P
Group Child Care Home	P
Child Care Center or Day Care Center	S
Child Caring Institution (ex. orphange, etc.)	S
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	S
Rehabilitation Institutions	S

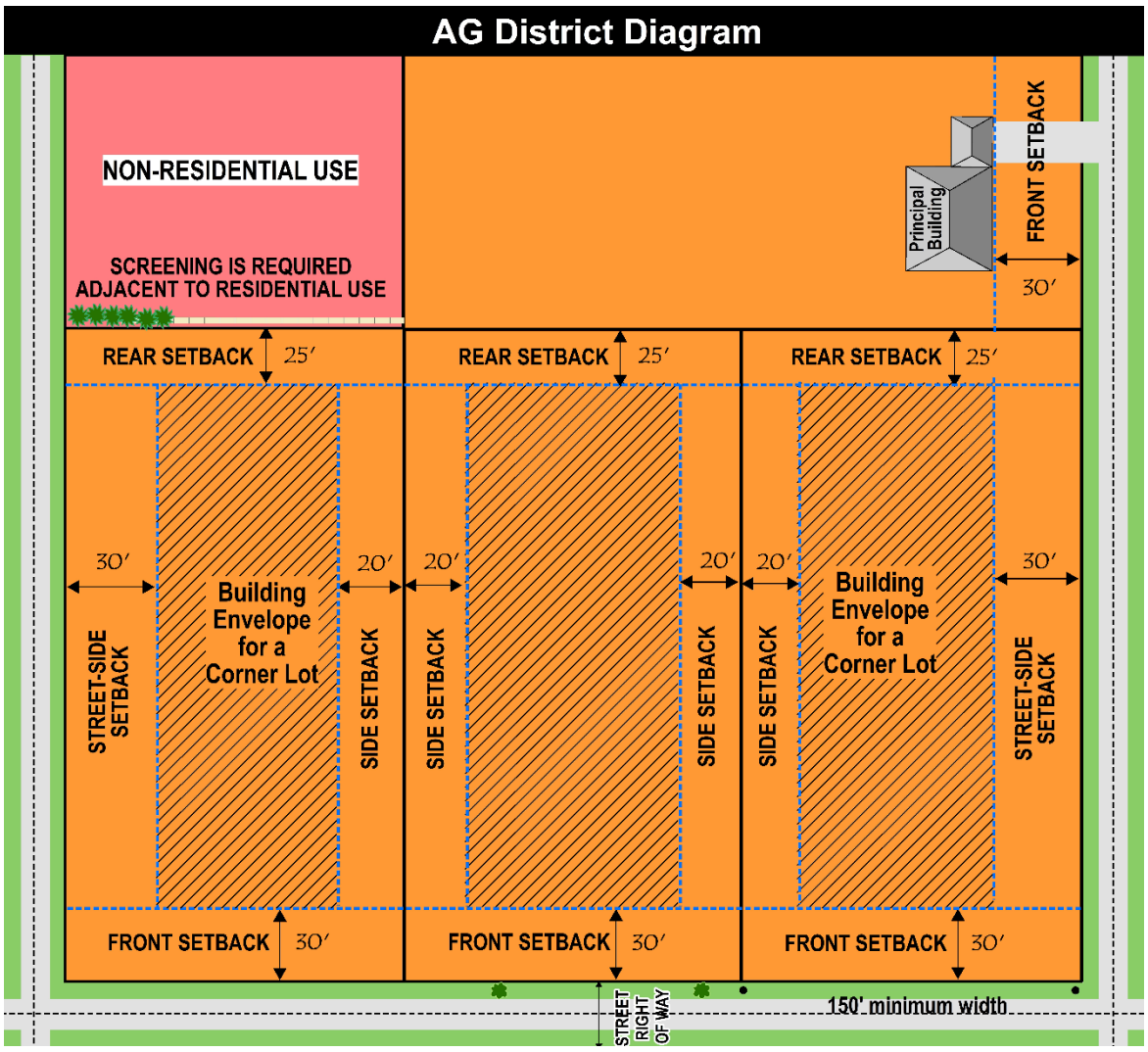
TABLE OF PERMITTED & SPECIAL USES	AG
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Human Care & Social Assistance (continued)	
State-Licensed Residential Care Facilities (6 or less persons)	P
State-Licensed Residential Care Facility providing care for 7 or more persons (including Adult Foster Care Homes, Assisted Living Homes, & Nursing/Convalescent Homes)	S
Vocational Rehabilitation Services	S
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. **Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.**	S
Accessory Uses incidental to Manufacturing (offices, food services, caretaker bldgs)	S
Extraction of Natural Resources (including mining, quarries & gravel pits)	S
Miscellaneous	
Accessory Buildings, Structures & Uses Incidental to Principal Permitted Uses §3.10	P
Cemeteries including Columbaria & Mausoleums	P
Planned Unit Developments §7.12	S
Site Condominium Development	S
Public Facilities	
Public Buildings	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.03	P
Home Occupations - Level 1 §7.02	P
Home Occupations – Level 2 §7.02	S
Manufactured Housing Communities §7.21	S

TABLE OF PERMITTED & SPECIAL USES	AG
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Residential Uses (continued)	
Multiple-Family Dwellings §7.21	P
Single-Family Dwellings §7.21	P
Temporary Dwelling During Construction	P
Two-Family Dwellings §7.21	P
Workforce Housing §7.21	S
Transportation, Storage & Wholesale	
Air Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation	S
Drone (Unmanned Aerial) Centers	S
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	S
Utilities, Energy & Communications	
Amateur Radio Antennae (roof-mounted or ground-mounted)	S
Essential Services §3.18	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.18	P
Public utility facilities (without storage yards) – does not include Essential Service Buildings §3.18	S
Public utility facilities (with storage yards) – does not include Essential Service Buildings §3.18	S
Solar Energy – Accessory §7.15	P
Solar Energy Facilities – Utility-Scale §7.16	S
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.18	S
Wind Turbines, (Accessory)§7.17	P
Wireless Facilities (with or without support structures) §7.13	S
Wireless Facilities - Small Cell §7.14	S

C. Development Standards for the AG District.

AG DISTRICT

1. Lot & Structure Standards		
a. **Lot Area (minimum)**	3 acres	
b. **Lot Width (minimum)**	150 ft	
c. **Building Height (maximum)**	35 ft	
	35 ft for accessory buildings (25 ft on waterfront lots; 15 ft in the waterfront yard)	
	45 feet for all agricultural buildings, except grain elevators, silos, and windmills with a maximum of 120 ft	
d. **Ground Floor Area (minimum per dwelling unit)**	One-Story Dwelling: 500 sq ft	Minimum width of 20 ft on waterfront properties
	Two-Story Dwelling: 500 sq ft, minimum total of 720 sq ft for both stories	
2. Setbacks		
a. **Front (minimum)**	30 ft	
	Corner Lots: A front setback shall be required on both streets	
	Waterfront Lots: A front setback shall be required along the water and the street	
b. **Side (minimum)**	20 ft	
c. **Rear (minimum)**	25 ft	
3. Additional Development Standards		
a. **Accessory Buildings**	**Section 3.10**	
b. **Decks & Raised Platforms**	**Section 3.11**	
c. **Lighting**	**Section 3.20**	
d. **Fences**	**Section 3.29**	
e. **Screening**	Screening may be required between uses. **Section 3.30**	
f. **Nonconformities**	**Section 3.31**	
g. **Parking**	**Section 3.32**	
h. **Signs**	**Section 3.33**	


AG District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30′
REAR SETBACK
25′
REAR SETBACK
25′
REAR SETBACK
25′
30′
Building Envelope for a Corner Lot
20′
20′
20′
20′
20′
30′
STREET-SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
Building Envelope for a Corner Lot
STREET-SIDE SETBACK
FRONT SETBACK
30′
FRONT SETBACK
30′
FRONT SETBACK
30′
STREET RIGHT OF WAY
150' minimum width

Section 4.07 Single-Family Residential District (R-1, R-2 & R-3)

R-1 DISTRICT R-2 DISTRICT R-3 DISTRICT

A. **Purpose**.

The purpose of this Single Family Residential District is to provide for single-family residential uses at reasonable densities (densities to be defined as Low (R-1), Medium (R-2), and High (R-3)). Further to provide for single-family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of, and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain a healthful and sanitary on-site water supply and wastewater disposal. It is further the purpose to require lot areas large enough to protect Township groundwaters from excessive pollution due to over-concentration of septic tank systems, particularly in areas adjacent to water bodies and in inland lake areas where groundwater needs to be protected because of on or off-site human use.

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.12: Full Table of Permitted & Special Uses**).

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	R-1	R-2	R-3
Accommodation & Food/Event Services			
Bed & Breakfasts/ Tourist Homes	S		
Boarding & Rooming Houses	P	S	
Resorts (including cabin courts)	S		
Short Term Rentals	S	S	S
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	S		
Agriculture, Animal Services & Forest Products			
Agribusiness (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	S		
Agricultural Equipment Sales, Service, Rental & Repair	S		
Agricultural Products Processing & Storage	S		
Agricultural Research & Development Facilities (public or private)	S		
Agricultural Tourism (see following):			
Bakeries (selling goods grown primarily on-site)	S		
Educational Tours, Classes, Lectures, & Seminars	S		
Family-Oriented Animated Barns (haunted houses)	S		

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	R-1	R-2	R-3
Agriculture, Animal Services & Forest Products (continued)			
Farm Stays	S		
Gift shops for agriculturally-related products, crafts	P		
Historical Agricultural Exhibits	P		
Organized Meeting Space (weddings, birthdays, corporate picnics) & Small Scale Entertainment (concert, car show, art fair) – Commercial Event Facility §7.08	S		
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	P		
Picnic Areas (including restrooms)	P		
Playgrounds, Wagon/Sleigh Rides, Nature Trails	P		
Restaurants (related to the agricultural use of the site)	P		
Seasonal Outdoor Mazes of Agricultural Origin	P		
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	S		
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab & release only)	S		
Animal Services (such as dog grooming, animal daycare, & dog clubs)	S	S	
Animal Shelters	S	S	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (incl. wholesale)	S		
Farms, Commercial (including agricultural buildings)	P		
Farms, Hobby (including agricultural buildings)	P		
Farm Markets including Roadside Stands - on property controlled by the affiliated farm §7.04	P		
Grain Elevators	S		
Greenhouse, Nursery, Landscaping & Garden Supplies	S		
Kennels, Boarding; Kennels, Breeding §7.05	S		
Roadside Stands – not on property affiliated with a farm §7.04	P	P	P
Seasonal "U-Pick" Fruits & Vegetables Operations	P		
Stables, Riding	P	S	
Veterinary Clinics & Animal Hospitals	S		
Arts, Entertainment & Recreation			
Archery Ranges, Outdoor	S		
Conservation Areas; Natural Open Space; Natural Vista Areas; Geological Feature Area; Archeological Sites; Significant Natural & Historical Features; Recreation Areas (non-intensive); Nature Areas; Game Refuges; Hunting & Fishing Reservations; Wildlife Preserves; Fishing, Boating, & Other Water-Related Activity Site; (public or private)	S		

TABLE OF PERMITTED & SPECIAL USES			
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	R-1	R-2	R-3
Arts, Entertainment & Recreation (continued)			
Country Clubs, Golf Courses, & Golf Driving Ranges	S	S	S
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	S	S	
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	P	P	P
Museums	P	P	P
Parks & Playgrounds	S	S	S
Tours (Commercial Operations)	P		
Those uses permitted under provisions of the **Natural Resources and Environmental Protection Act of 1994, PA 451**, specifically **Part 31 Water Resources Protection** (those specific to floodplains), **Part 301 Inland Lakes & Streams**, & **Part 303 Wetlands Protection**	P	P	P
Commercial, Services & Retail			
Health Spa	S		
Educational Services/Churches			
Church, Temple, or Synagogue (Religious Institutions)	S	S	S
Private Instructional Facilities and Business Schools	S		
Public, Charter or Private Schools (elementary through high school)	S	S	S
Human Care & Social Assistance			
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P	P	P
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	S	S	
Family Child Care Home	P	P	P
Group Child Care Home	P	P	P
Child Care Center or Day Care Center	S	S	S
State-Licensed Residential Care Facilities (6 or less persons)	P	P	P
Manufacturing, Industrial & Waste Management			
Extraction of Natural Resources (including mining, quarries & gravel pits)	S	S	S
Miscellaneous			
Accessory Buildings, Structures & Uses Incidental to Principal Permitted Uses §3.10	P	P	P
Planned Unit Developments §7.12	S	S	
Site Condominium Development	S	S	S
Public Facilities			
Public Buildings	P	P	P

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	R-1	R-2	R-3
Residential Uses			
Accessory Dwelling Units/Guest Houses §7.03	P	P	S
Home Occupations – Level 1 §7.02	P	P	P
Home Occupations – Level 2 §7.02	S	S	S
Single-Family Dwellings §7.21	P	P	P
Temporary Dwelling During Construction	P	P	P
Two-Family Dwellings §7.21	P	P	
Amateur Radio Antennae (roof-mounted or ground-mounted)	S	S	S
Essential Services §3.18	P	P	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.18	P	P	P
Solar Energy – Accessory §7.15	P	P	P
Wind Turbines, (Accessory)§7.17	P	P	P
Wireless Facilities (with or without support structures) §7.13	S	S	
Wireless Facilities - Small Cell §7.14	S	S	S

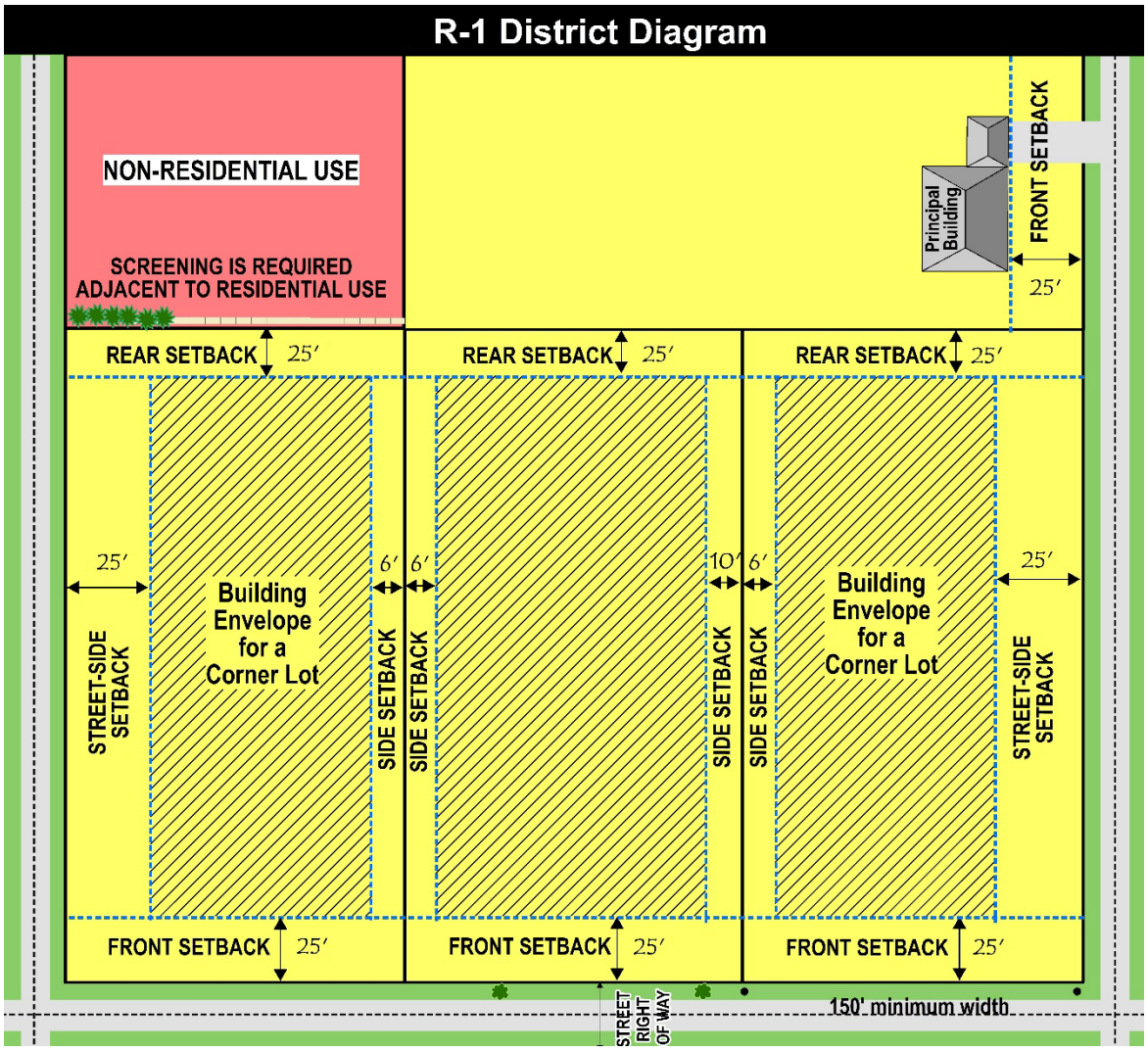
C. Development Standards for the R-1, R-2 and R-3 Districts.

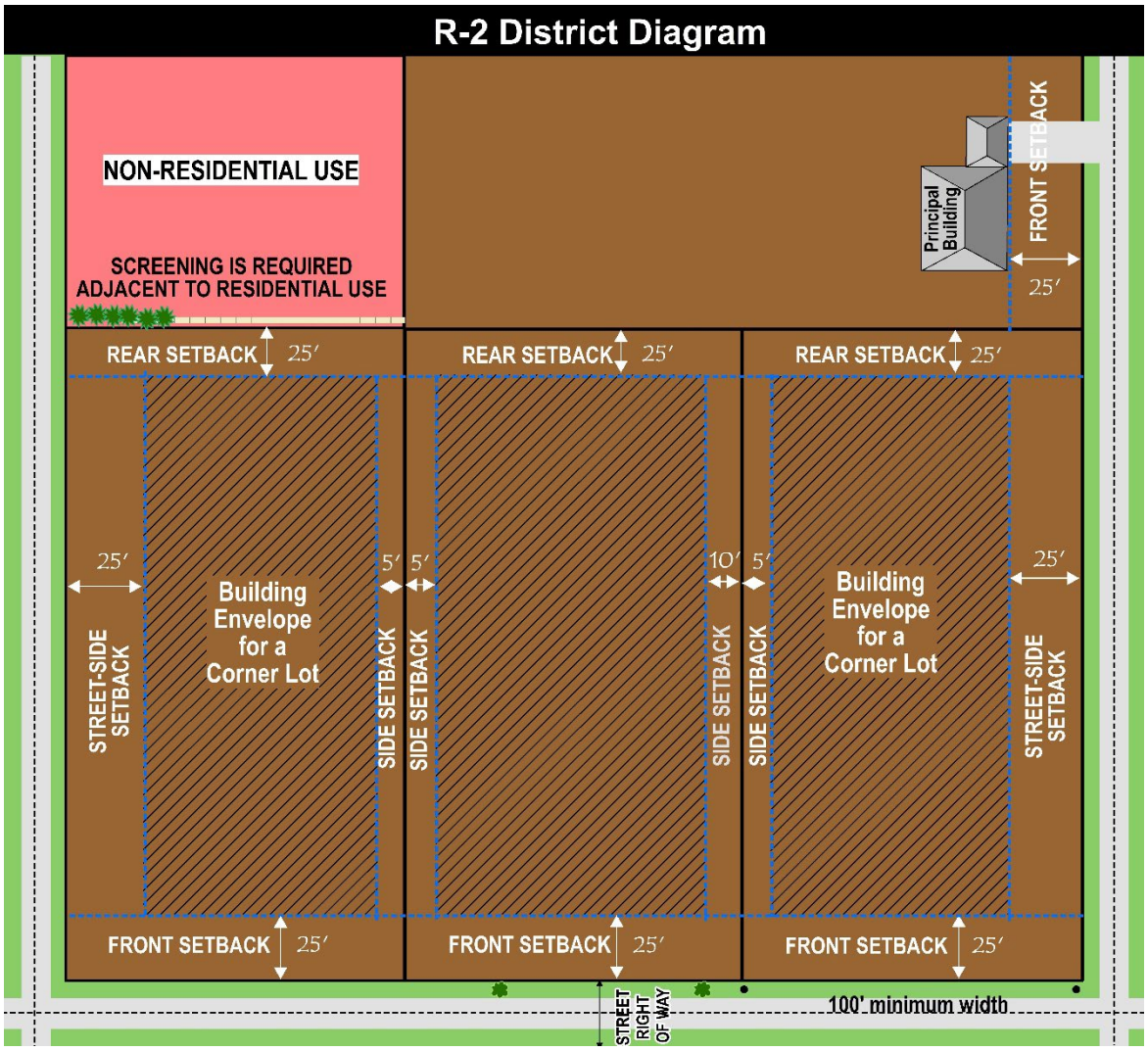
R-1 DISTRICT | R-2 DISTRICT | R-3 DISTRICT

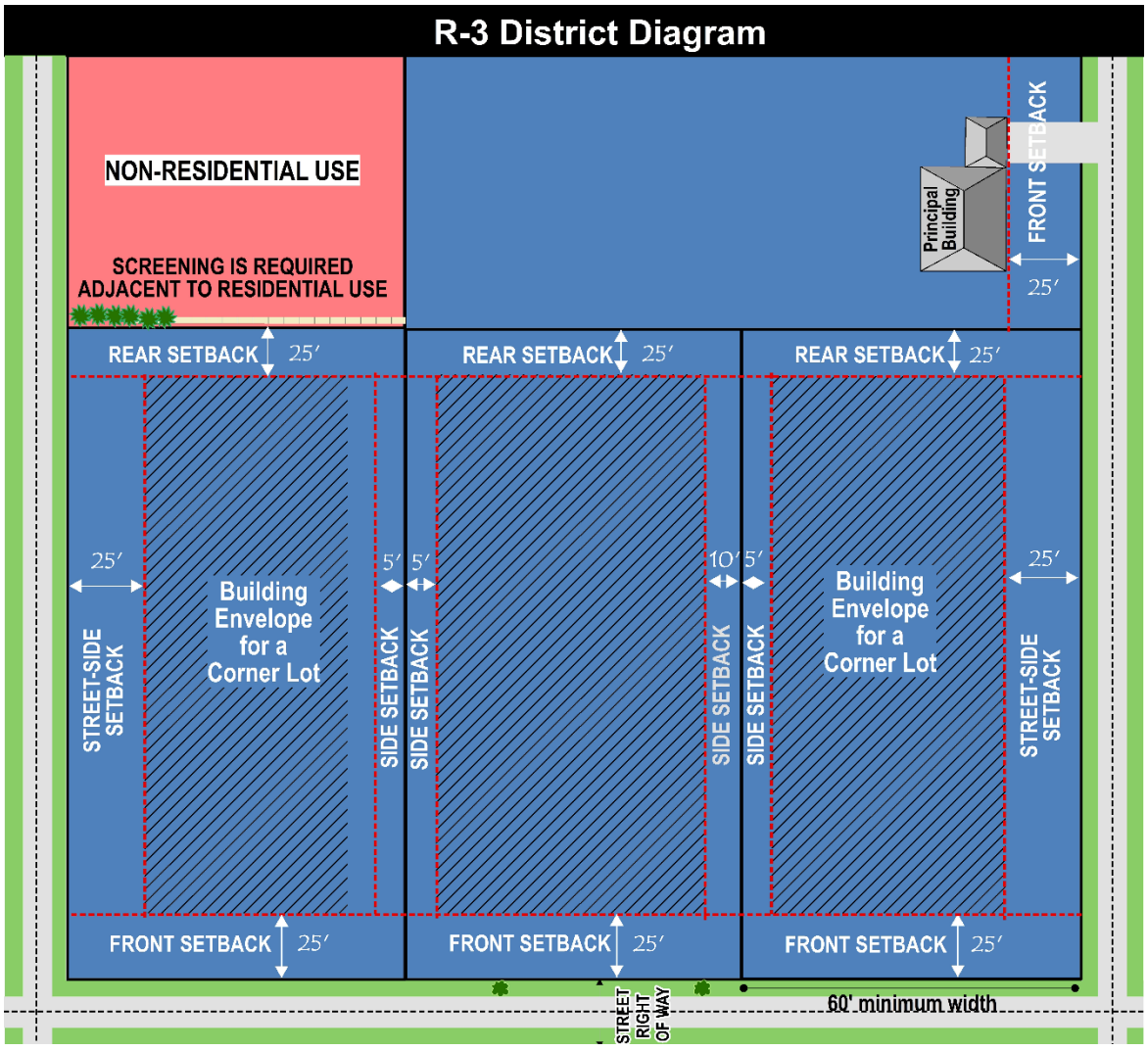
1. Lot & Structure Standards			
	R-1	**R-2**	**R-3**
a. **Lot Area (minimum)**	1 acre	15,000 sq ft	8,000 sq ft
b. **Lot Width (minimum)**	150 ft	100 ft	60 ft
c. **Building Height (maximum)**	35 ft		
	35 ft for accessory buildings (25 ft on waterfront lots; 15 ft in the waterfront yard)		
d. **Ground Floor Area (minimum per dwelling unit)**	One-Story Dwelling: 500 sq ft		
	Two-Story Dwelling: 500 sq ft, minimum total of 720 sq ft for both stories		
	Minimum width of 20 ft on waterfront properties		

2. Setbacks			
	R-1	**R-2**	**R-3**
a. **Front (minimum)**	25 ft	25 ft	25 ft
	Corner Lots: A front setback shall be required on both streets		
	Waterfront Lots: A front setback shall be required along the water and the street		
b. **Side (minimum)**	6 ft on one side (total of 16 ft on both sides)	5 ft on one side (total of 15 ft on both sides)	5 ft on one side (total of 15 ft on both sides)
c. **Rear (minimum)**	25 ft	25 ft	25 ft

3. Additional Development Standards	
a. **Accessory Buildings**	**Section 3.10**
b. **Decks & Raised Platforms**	**Section 3.11**
c. **Lighting**	**Section 3.20**
d. **Fences**	**Section 3.29**
e. **Screening**	Screening may be required between uses. **Section 3.30**
f. **Nonconformities**	**Section 3.31**
g. **Parking**	**Section 3.32**
h. **Signs**	**Section 3.33**


R-1 District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
25′
REAR SETBACK
25′
REAR SETBACK
25′
REAR SETBACK
25′
25′
STREET-SIDE SETBACK
Building Envelope for a Corner Lot
6′
SIDE SETBACK
6′
SIDE SETBACK
10′
SIDE SETBACK
6′
Building Envelope for a Corner Lot
25′
STREET-SIDE SETBACK
FRONT SETBACK
25′
FRONT SETBACK
25′
FRONT SETBACK
25′
STREET RIGHT OF WAY
150' minimum width


R-2 District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
25′
REAR SETBACK
25′
REAR SETBACK
25′
REAR SETBACK
25′
25′
STREET-SIDE SETBACK
Building Envelope for a Corner Lot
5′
5′
SIDE SETBACK
SIDE SETBACK
10′
5′
SIDE SETBACK
SIDE SETBACK
Building Envelope for a Corner Lot
25′
STREET-SIDE SETBACK
FRONT SETBACK
25′
FRONT SETBACK
25′
FRONT SETBACK
25′
STREET RIGHT OF WAY
100' minimum width


R-3 District Diagram
NON-RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
25′
REAR SETBACK
25′
REAR SETBACK
25′
REAR SETBACK
25′
25′
STREET-SIDE SETBACK
Building Envelope for a Corner Lot
5′
5′
SIDE SETBACK
SIDE SETBACK
10′
5′
SIDE SETBACK
SIDE SETBACK
Building Envelope for a Corner Lot
25′
STREET-SIDE SETBACK
FRONT SETBACK
25′
FRONT SETBACK
25′
FRONT SETBACK
25′
60' minimum width
STREET RIGHT OF WAY

Section 4.08 Neighborhood Service Commercial District (NSC)

NSC DISTRICT

A. **Purpose**.

This district has the intent of providing areas where retail trade and service outlets can be located in order to satisfy the daily needs of the residents in the immediate neighborhood.

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.12: Full Table of Permitted & Special Uses**).

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	NSC
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries, Delicatessens & Ice Cream Shops	P
Bars/Taverns	S
Bed & Breakfasts/ Tourist Homes	P
Boarding & Rooming Houses	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.08	S
Food Trucks (more than 2 weeks) §7.06	S
Hotels & Motels	P
Inns	P
Resorts (including cabin courts)	S
Restaurants without Drive-Through or Drive-In	P
Restaurants with Drive-Through or Drive-In	S
Short Term Rentals	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	P
Agriculture, Animal Services & Forest Products	
Agricultural Tourism (see following):	
Historical Agricultural Exhibits	P
Organized Meeting Space (weddings, birthdays, corporate picnics) & Small Scale Entertainment (concert, car show, art fair) – Commercial Event Facility §7.08	P

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	NSC
Agriculture, Animal Services & Forest Products (continued)	
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	P
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	S
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab & release only)	S
Animal Services (such as dog grooming, animal daycare, & dog clubs)	S
Animal Shelters	S
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (incl. wholesale)	S
Farm Markets including Roadside Stands - on property controlled by the affiliated farm §7.04	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	P
Forest Products Processing (sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	S
Greenhouse, Nursery, Landscaping & Garden Supplies	S
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**NSC**
Agriculture, Animal Services & Forest Products (continued)	
Roadside Stands – not on property affiliated with a farm §7.04	P
Veterinary Clinics & Animal Hospitals	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Court Games & Swimming Clubs	P
Country Clubs, Golf Courses, & Golf Driving Ranges	P
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a residence)	S
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter) including Canoe/Boat/Kayak Liveries	P
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	P
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	P
Museums	P
Parks & Playgrounds	P
Race Tracks (motorized)	S
Recreational Facilities, Indoor (ex: arcades, billiards, bowling, skating rinks)	P
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf) – mini-golf only in AG & CSC	P
Shooting Range, Indoor (in a completely enclosed building)	S
Spectator Sports Arenas	S
Sportsmen's Clubs	P
Theaters, Drive-In	P
Theaters & Performing Arts Facilities, Outdoor (Commercial Event Facilities) §7.08	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**NSC**
Arts, Entertainment & Recreation (continued)	
Those uses permitted under provisions of the **Natural Resources and Environmental Protection Act of 1994, PA 451**, specifically **Part 31 Water Resources Protection** (those specific to floodplains), **Part 301 Inland Lakes & Streams**, & **Part 303 Wetlands Protection**	P
Commercial, Services & Retail	
Banks/Financial Institutions	P
Business Incubators	P
Business Services & Computer Repair	P
Business, Labor, Political & Like Organizations	P
Car Wash Facilities	P
Cash Advance Stores	P
Cleaning Services	P
Drive-In or Drive-Through Retail Establishments	S
Dry Cleaning & Laundry Services (coin-operated & dealing directly w/public)	P
Electric Vehicle Charging Facility	P
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	S
Flea Market	S
Gas Stations §7.10	S
General Rental Centers/Rent-to-Own	P
Health Spa	P
Locksmiths	P
Laboratories, Support	P
Offices, Professional	P
Personal & Household Goods Repair & Maintenance	P
Personal Services (barber/beauty shops, tailoring, massage)	P
Photofinishing/Photographers	P
Retail:	
Antique Stores/Second-Hand Stores	P
Art & Photography Shops	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**NSC**
Commercial, Services & Retail (continued)	
Automotive Accessory Sales	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Building Materials, Building Equipment & Building Supplies Establishments	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Dry Goods & Notions	P
Electronics & Appliance Stores	P
Farm & Feed Supply Stores	P
Farm Market §7.04	P
Firearms Store	P
Florists	P
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)	P
Garden Stores	P
General Merchandise Stores/General Retail	P
Gift Shops	P
Greenhouse, Nursery, Landscaping & Garden Supplies	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Jewelry Stores	P
Liquor Stores (where liquor is the primary item for sale)	P
Malls, Shopping Centers or Shopping Plazas	S
Manufactured Home Dealers	P
Music Stores	P
Novelty Shops	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**NSC**
Commercial, Services & Retail (continued)	
Office Supply Stores	P
Pet Stores & Pet Supply Stores	P
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops (outdoor display is permitted but goods shall be brought inside after closing hours)	P
Sporting Goods Stores	P
Toy Stores	P
Variety Shops	P
Vehicle Sales with Indoor Showrooms Only	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Tattoo/Piercing Parlor	P
Taxidermy Shops	P
Truck & Heavy Equipment Sales/Service Establishments	P
Upholstery Shop	P
Educational Services/Churches	
Church, Temple, or Synagogue (Religious Institutions)	P
Private Instructional Facilities & Business Schools	P
Public, Charter or Private Schools (elementary through high school)	P
Public or Private Colleges/Universities	P
Trade Schools/Industrial Schools	P
Human Care & Social Assistance	
Family Child Care Home	P
Group Child Care Home	P
Child Care Center or Day Care Center	P
Community/Emergency & Other Relief Services	P
Health Care Clinics/Dental Clinics	P
Hospitals	P
Individual & Family Services	P
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	S

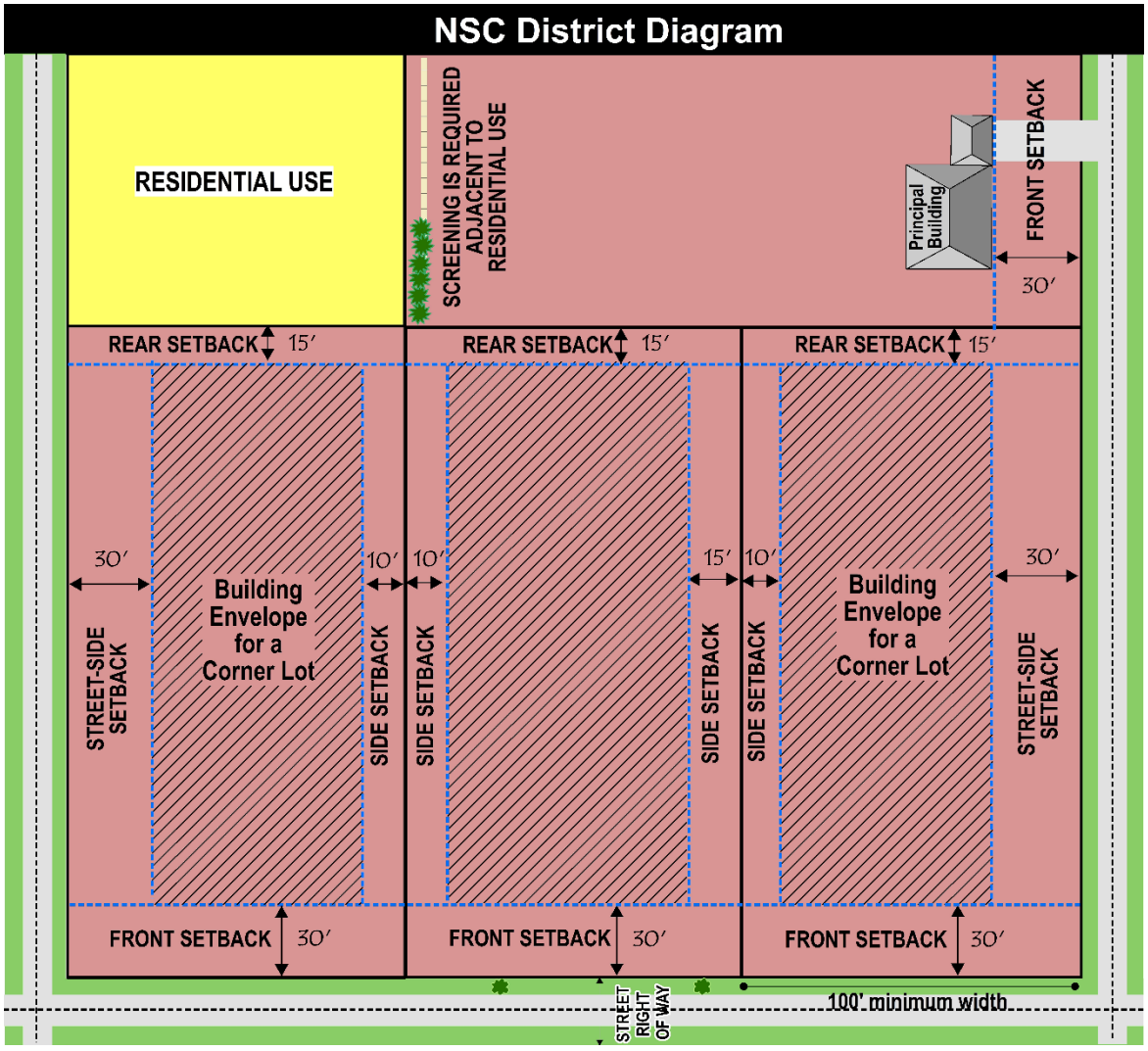
TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**NSC**
Human Care & Social Assistance (continued)	
Rehabilitation Institutions	**S**
State-Licensed Residential Care Facilities (6 or less persons)	**P**
State-Licensed Residential Care Facility providing care for 7 or more persons (including Adult Foster Care Homes, Assisted Living Homes, & Nursing/Convalescent Homes)	**P**
Vocational Rehabilitation Services	**S**
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources (including mining, quarries & gravel pits)	**S**
Printing & Related Support Activities (large-scale)	**S**
Miscellaneous	
Accessory Buildings, Structures & Uses Incidental to Principal Permitted Uses §3.10	**P**
Planned Unit Developments §7.12	**S**
Site Condominium Development	**S**
Public Facilities	
Public Buildings	**P**
Residential Uses	
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed)	**P**
Home Occupations – Level 1 §7.02	**P**
Home Occupations – Level 2 §7.02	**S**
Manufactured Housing Communities §7.21	**S**

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**NSC**
Residential Uses (continued)	
Multiple-Family Dwellings (multiple family listed in permitted use and special use as "MFR") §7.21	**P**
Single-Family Dwellings §7.21	**P**
Temporary Dwelling During Construction	**P**
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Delivery Establishments	**P**
Storage – Self-Service (Mini-Storage) (indoor only)	**P**
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	**P**
Utilities, Energy & Communications	
Amateur Radio Antennae (roof-mounted or ground-mounted)	**P**
Essential Services §3.18	**P**
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.18	**P**
Solar Energy – Accessory §7.15	**P**
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.18	**S**
Wind Turbines, (Accessory)§7.17	**P**
Wireless Facilities (with or without support structures) §7.13	**S**
Wireless Facilities - Small Cell §7.14	**S**

C. Development Standards for the NSC District.

NSC DISTRICT

1. Lot & Structure Standards	
a. **Lot Area (minimum)**	½ acre
b. **Lot Width (minimum)**	100 ft
c. **Building Height (maximum)**	35 ft
	35 ft for accessory buildings (25 ft on waterfront lots; 15 ft in the waterfront yard)
Ground Floor Area (minimum per dwelling unit)	One-Story Dwelling: 500 sq ft
	Two-Story Dwelling: 500 sq ft, minimum total of 720 sq ft for both stories
	Minimum width of 20 ft on waterfront properties
2. Setbacks	
a. **Front (minimum)**	30 ft
	Corner Lots: A front setback shall be required on both streets
b. **Side (minimum)**	10 ft on one side (25 ft total of both sides)
c. **Rear (minimum)**	15 ft
3. Additional Development Standards	
a. **Accessory Buildings**	**Section 3.10**
b. **Decks & Raised Platforms**	**Section 3.11**
c. **Lighting**	**Section 3.20**
d. **Fences**	**Section 3.29**
e. **Screening**	Screening may be required between uses. **Section 3.30**
f. **Nonconformities**	**Section 3.31**
g. **Parking**	**Section 3.32**
h. **Signs**	**Section 3.33**


NSC District Diagram
RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30′
REAR SETBACK
15′
REAR SETBACK
15′
REAR SETBACK
15′
30′
STREET-SIDE SETBACK
Building Envelope for a Corner Lot
10′
SIDE SETBACK
10′
SIDE SETBACK
15′
10′
SIDE SETBACK
Building Envelope for a Corner Lot
30′
STREET-SIDE SETBACK
FRONT SETBACK
30′
FRONT SETBACK
30′
FRONT SETBACK
30′
STREET RIGHT OF WAY
100' minimum width

Section 4.09 Community Service Commercial District (CSC)

CSC DISTRICT

A. **Purpose**.

This district has the intent of providing areas wherein retail trade and service outlets can be located which are convenient to the residents of the Township and adjacent municipalities.

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.12: Full Table of Permitted & Special Uses**).

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	CSC
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries, Delicatessens & Ice Cream Shops	P
Bars/Taverns	P
Bed & Breakfasts/ Tourist Homes	P
Boarding & Rooming Houses	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.08	P
Food Trucks (more than 2 weeks) §7.06	P
Hotels & Motels	P
Inns	P
Night Clubs	S
Resorts (including cabin courts)	S
Restaurants without Drive-Through or Drive-In	P
Restaurants with Drive-Through or Drive-In	P
Short Term Rentals	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	P
Agriculture, Animal Services & Forest Products	
Agricultural Equipment Sales, Service, Rental & Repair	P

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	CSC
Agriculture, Animal Services & Forest Products (continued)	
Agricultural Tourism (see following):	
Historical Agricultural Exhibits	P
Organized Meeting Space (weddings, birthdays, corporate picnics) & Small Scale Entertainment (concert, car show, art fair) – Commercial Event Facility §7.08	P
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	P
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	S
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab & release only)	S
Animal Services (such as dog grooming, animal daycare, & dog clubs)	P
Animal Shelters	P
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (incl. wholesale)	P
Farm Markets including Roadside Stands - on property controlled by the affiliated farm §7.04	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	P

TABLE OF PERMITTED & SPECIAL USES	CSC
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Agriculture, Animal Services & Forest Products (continued)	
Forest Products Processing (sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	S
Greenhouse, Nursery, Landscaping & Garden Supplies	P
Kennels, Boarding; Kennels, Breeding §7.05	S
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	P
Roadside Stands – not on property affiliated with a farm §7.04	P
Veterinary Clinics & Animal Hospitals	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Canoe/Boat/Kayak Liveries	P
Court Games & Swimming Clubs	P
Country Clubs, Golf Courses, & Golf Driving Ranges	P
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a residence)	S
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter) including Canoe/Boat/Kayak Liveries	P
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	P
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	P
Museums	P
Parks & Playgrounds	P
Race Tracks (motorized)	S

TABLE OF PERMITTED & SPECIAL USES	CSC
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Arts, Entertainment & Recreation (continued)	
Recreational Facilities, Indoor (ex: arcades, billiards, bowling, skating rinks)	P
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf)	P
Shooting Range, Indoor (in a completely enclosed building)	S
Spectator Sports Arenas	S
Sportsmen's Clubs	P
Theaters, Drive-In	P
Theaters & Performing Arts Facilities, Indoor	P
Theaters & Performing Arts Facilities, Outdoor (Commercial Event Facilities) §7.08	S
Those uses permitted under provisions of the **Natural Resources and Environmental Protection Act of 1994, PA 451**, specifically **Part 31 Water Resources Protection** (those specific to floodplains), **Part 301 Inland Lakes & Streams**, & **Part 303 Wetlands Protection**	P
Commercial, Services & Retail	
Adult Entertainment Facilities §7.07	S
Auction Houses	P
Auto or Vehicle Repair Garage including Auto Body/Paint/Interior & Glass Repair and Tire Sales/Installation §7.10	P
Automotive Equipment Rental & Leasing	P
Automotive Oil Change & Lubrication Shops §7.10	P
Automotive Towing Businesses	P
Banks/Financial Institutions	P
Boat/RV/Recreational Equipment Repair & Storage	P
Business Incubators	P
Business Services & Computer Repair	P
Business, Labor, Political & Like Organizations	P
Car Wash Facilities	P
Cash Advance Stores	P
Cleaning Services	P

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	CSC
Commercial, Services & Retail (continued)	
Commercial/Industrial Equipment Rental & Leasing	P
Commercial Equipment Repair & Maintenance	P
Construction & Special Trade Contractors	P
Construction - Storage Facilities for Building Materials/Contractor's Equipment	P
Drive-In or Drive-Through Retail Establishments	P
Electric Vehicle Charging Facility	P
Electronic & Precision Equipment Repair & Maintenance	P
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	P
Flea Market	P
Funeral Homes & Mortuaries	P
Gas Stations §7.10	P
General Rental Centers/Rent-to-Own	P
Health Spa	P
Interior Designers/Showrooms	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	P
Laboratories, Support	P
Offices, Professional	P
Outdoor Sales/Rental Facilities (open-air sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, lawn equipment, storage buildings, & similar). May include indoor sales of similar products. Also see Vehicle Sales with Indoor Showrooms Only.	P
Personal & Household Goods Repair & Maintenance	P
Personal Services (barber/beauty shops, tailoring, massage)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	CSC
Commercial, Services & Retail (continued)	
Retail:	
Antique Stores/Second-Hand Stores	P
Art & Photography Shops	P
Automotive Accessory Sales	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Building Materials, Building Equipment & Building Supplies Establishments	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Dry Goods & Notions	P
Electronics & Appliance Stores	P
Farm & Feed Supply Stores	P
Farm Market §7.04	P
Firearms Store	P
Florists	P
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)	P
Garden Stores	P
General Merchandise Stores/General Retail	P
Gift Shops	P
Greenhouse, Nursery, Landscaping & Garden Supplies	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Hardware Stores	P
Jewelry Stores	P
Malls, Shopping Centers or Shopping Plazas	S
Music Stores	P
Novelty Shops	P
Office Supply Stores	P
Pet Stores & Pet Supply Stores	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**CSC**
Commercial, Services & Retail (continued)	
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops (outdoor display is permitted but goods shall be brought inside after closing hours)	P
Sporting Goods Stores	P
Toy Stores	P
Variety Shops	P
Vehicle Sales with Indoor Showrooms Only	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Tattoo/Piercing Parlor	P
Taxidermy Shops	P
Truck & Heavy Equipment Sales/Service Establishments	P
Upholstery Shop	P
Educational Services/Churches	
Church, Temple, or Synagogue (Religious Institutions)	P
Private Instructional Facilities and Business Schools	P
Public, Charter or Private Schools (elementary through high school)	P
Public or Private Colleges/Universities	P
Trade Schools/Industrial Schools	P
Human Care & Social Assistance	
Adult Day Care Facility - NOT IN PRIVATE HOME	P
Charitable Institutions (ex: soup kitchen); Non-Profit Organizations	P
Family Child Care Home	P
Group Child Care Home	P
Child Care Center or Day Care Center	P
Child Caring Institution (ex: orphange, etc.)	P
Community/Emergency & Other Relief Services	P
Health Care Clinics/Dental Clinics	P
Hospitals	P

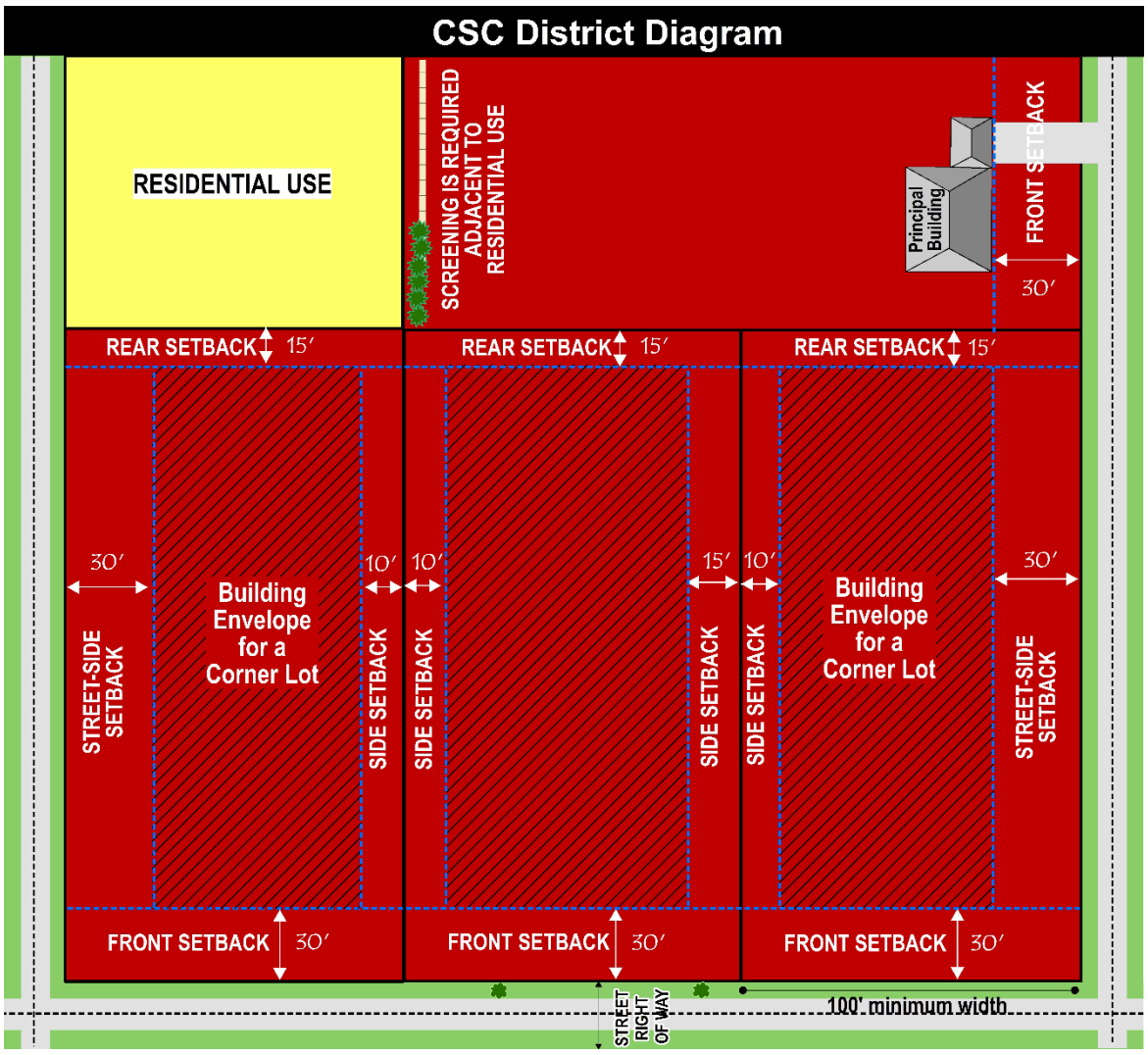
TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**CSC**
Human Care & Social Assistance (continued)	
Individual & Family Services	P
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	S
Rehabilitation Institutions	S
State-Licensed Residential Care Facilities (6 or less persons)	P
State-Licensed Residential Care Facility providing care for 7 or more persons (including Adult Foster Care Homes, Assisted Living Homes, & Nursing/Convalescent Homes)	P
Vocational Rehabilitation Services	S
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. **Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, & vibration.**	S
Extraction of Natural Resources (including mining, quarries & gravel pits)	S
Laboratories (research & experimental)	S
Machine Shops	S
Metal Plating/Buffing/Polishing/Etc	S
Printing & Related Support Activities (large-scale)	P
Research/Design/Experimental Product Development (w/in a completely enclosed building)	S
Tool & Die Shops	S

TABLE OF PERMITTED & SPECIAL USES	CSC
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Miscellaneous	
Accessory Buildings, Structures & Uses Incidental to Principal Permitted Uses §3.10	P
Planned Unit Developments §7.12	S
Site Condominium Development	S
Public Facilities	
Public Buildings	P
Residential Uses (continued)	
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed)	P
Home Occupations – Level 1 (in existing homes) §7.02	P
Home Occupations – Level 2 §7.02	S
Multiple-Family Dwellings (multiple family listed in permitted use and special use as "MFR") §7.21	P
Single-Family Dwellings §7.21	P
Temporary Dwelling During Construction	P
Transportation, Storage & Wholesale	
Air Cargo Shipping Businesses	P
Couriers/Parcel Packing/Delivery Establishments	P
Storage Facilities, Indoor	P
Storage – Self-Service (Mini-Storage) (indoor only)	P
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	P
Truck Washes, Rental, & Repair Facilities	P
Warehousing	P
Wholesale Trade	P

TABLE OF PERMITTED & SPECIAL USES	CSC
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Utilities, Energy & Communications	
Amateur Radio Antennae (roof-mounted or ground-mounted)	P
Essential Services §3.18	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.18	P
Solar Energy – Accessory §7.15	P
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.18	S
Wind Turbines, (Accessory) §7.17	P
Wireless Facilities (with or without support structures) §7.13	S
Wireless Facilities - Small Cell §7.14	S

C. Development Standards for the CSC District.

1. Lot & Structure Standards	
a. **Lot Area (minimum)**	½ acre
b. **Lot Width (minimum)**	100 ft
c. **Building Height (maximum)**	35 ft
	35 ft for accessory buildings (25 ft on waterfront lots; 15 ft in the waterfront yard)
Ground Floor Area (minimum per dwelling unit)	One-Story Dwelling: 500 sq ft
	Two-Story Dwelling: 500 sq ft, minimum total of 720 sq ft for both stories
	Minimum width of 20 ft on waterfront properties
2. Setbacks	
a. **Front (minimum)**	30 ft
	Corner Lots: A front setback shall be required on both streets
b. **Side (minimum)**	10 ft (25 ft total of both sides)
c. **Rear (minimum)**	15 ft
3. Additional Development Standards	
a. **Accessory Buildings**	**Section 3.10**
b. **Decks & Raised Platforms**	**Section 3.11**
c. **Lighting**	**Section 3.20**
d. **Fences**	**Section 3.29**
e. **Screening**	Screening may be required between uses. **Section 3.30**
f. **Nonconformities**	**Section 3.31**
g. **Parking**	**Section 3.32**
h. **Signs**	**Section 3.33**


CSC District Diagram
RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
30′
REAR SETBACK
15′
REAR SETBACK
15′
REAR SETBACK
15′
30′
STREET-SIDE SETBACK
Building Envelope for a Corner Lot
10′
SIDE SETBACK
10′
SIDE SETBACK
15′
SIDE SETBACK
10′
Building Envelope for a Corner Lot
30′
STREET-SIDE SETBACK
FRONT SETBACK
30′
FRONT SETBACK
30′
FRONT SETBACK
30′
STREET RIGHT OF WAY
100' minimum width

Section 4.10 Downtown Overlay District (DTO)

DTO DISTRICT

A. **Purpose**.

The purpose of this district is to plan for future development of the central downtown area of Hale, allowing for easy resident access to business and pedestrian-oriented destinations while maintaining rural aesthetics.

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.12: Full Table of Permitted & Special Uses**).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**DTO**
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries, Delicatessens & Ice Cream Shops	**P**
Bars/Taverns	**P**
Bed & Breakfasts/ Tourist Homes	**P**
Boarding & Rooming Houses	**P**
Caterers/Food Service Contractors	**P**
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.08	**P**
Food Trucks (more than 2 weeks) §7.06	**S**
Hotels & Motels	**S**
Inns	**P**
Resorts (including cabin courts)	**S**
Restaurants without Drive-Through or Drive-In	**P**
Restaurants with Drive-Through or Drive-In	**P**
Short Term Rentals	**P**
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	**P**

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**DTO**
Agriculture, Animal Services & Forest Products	
Agricultural Tourism (see following):	
Historical Agricultural Exhibits	**P**
Organized Meeting Space (weddings, birthdays, corporate picnics) & Small Scale Entertainment (concert, car show, art fair) – Commercial Event Facility §7.08	**P**
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	**P**
Animal Services (such as dog grooming, animal daycare, & dog clubs)	**P**
Animal Shelters	**P**
Farm Markets including Roadside Stands - on property controlled by the affiliated farm §7.04	**P**
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	**P**
Greenhouse, Nursery, Landscaping & Garden Supplies	**S**
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	**S**
Roadside Stands – not on property affiliated with a farm §7.04	**P**
Veterinary Clinics & Animal Hospitals (small animal only)	**P**

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	DTO
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Court Games & Swimming Clubs	P
Country Clubs, Golf Course, & Golf Driving Ranges	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter) including Canoe/Boat/Kayak Liveries	P
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	P
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	P
Museums	P
Parks & Playgrounds	P
Recreational Facilities, Indoor (ex: arcades, billiards, bowling, skating rinks)	P
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf) – mini-golf only in AG & CSC	P
Theaters, Drive-In	P
Theaters & Performing Arts Facilities, Indoor	P
Theaters & Performing Arts Facilities, Outdoor (Commercial Event Facilities) §7.08	S
Those uses permitted under provisions of the **Natural Resources and Environmental Protection Act of 1994 PA 451**, specifically **Part 31 Water Resources Protection** (those specific to floodplains), **Part 301 Inland Lakes & Streams**, & **Part 303 Wetlands Protection**	P
Commercial, Services & Retail	
Auction Houses (indoor only)	P
Auto or Vehicle Repair Garage including Auto Body/Paint/Interior & Glass Repair and Tire Sales/Installation §7.10	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	DTO
Commercial, Services & Retail (continued)	
Automotive Oil Change & Lubrication Shops §7.10	S
Banks/Financial Institutions	P
Business Incubators	S
Business Services & Computer Repair	P
Business, Labor, Political & Like Organizations	P
Car Wash Facilities	P
Cash Advance Stores	P
Drive-In or Drive-Through Retail Establishments	P
Dry Cleaning & Laundry Services (coin-operated & dealing directly w/public)	P
Electric Vehicle Charging Facility	P
Funeral Homes & Mortuaries	P
Gas Stations §7.10	S
General Rental Centers/Rent-to-Own	P
Health Spa	P
Interior Designers/Showrooms	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	S
Laboratories, Support	S
Offices, Professional	P
Outdoor Sales/Rental Facilities (open-air sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, lawn equipment, storage buildings, & similar). May include indoor sales of similar products. Also see Vehicle Sales with Indoor Showrooms Only.	S
Personal & Household Goods Repair & Maintenance	S
Personal Services (barber/beauty shops, tailoring, massage)	P

TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	DTO
Commercial, Services & Retail (continued)	
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Retail:	
Antique Stores/Second-Hand Stores	P
Art & Photography Shops	P
Automotive Accessory Sales	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Building Materials, Building Equipment & Building Supplies Establishments	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Dry Goods & Notions	P
Electronics & Appliance Stores	P
Farm & Feed Supply Stores	P
Farm Market §7.04	P
Firearms Store	P
Florists	P
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)	P
Garden Stores	P
General Merchandise Stores/General Retail	P
Gift Shops	P
Greenhouse, Nursery, Landscaping & Garden Supplies	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Jewelry Stores	P

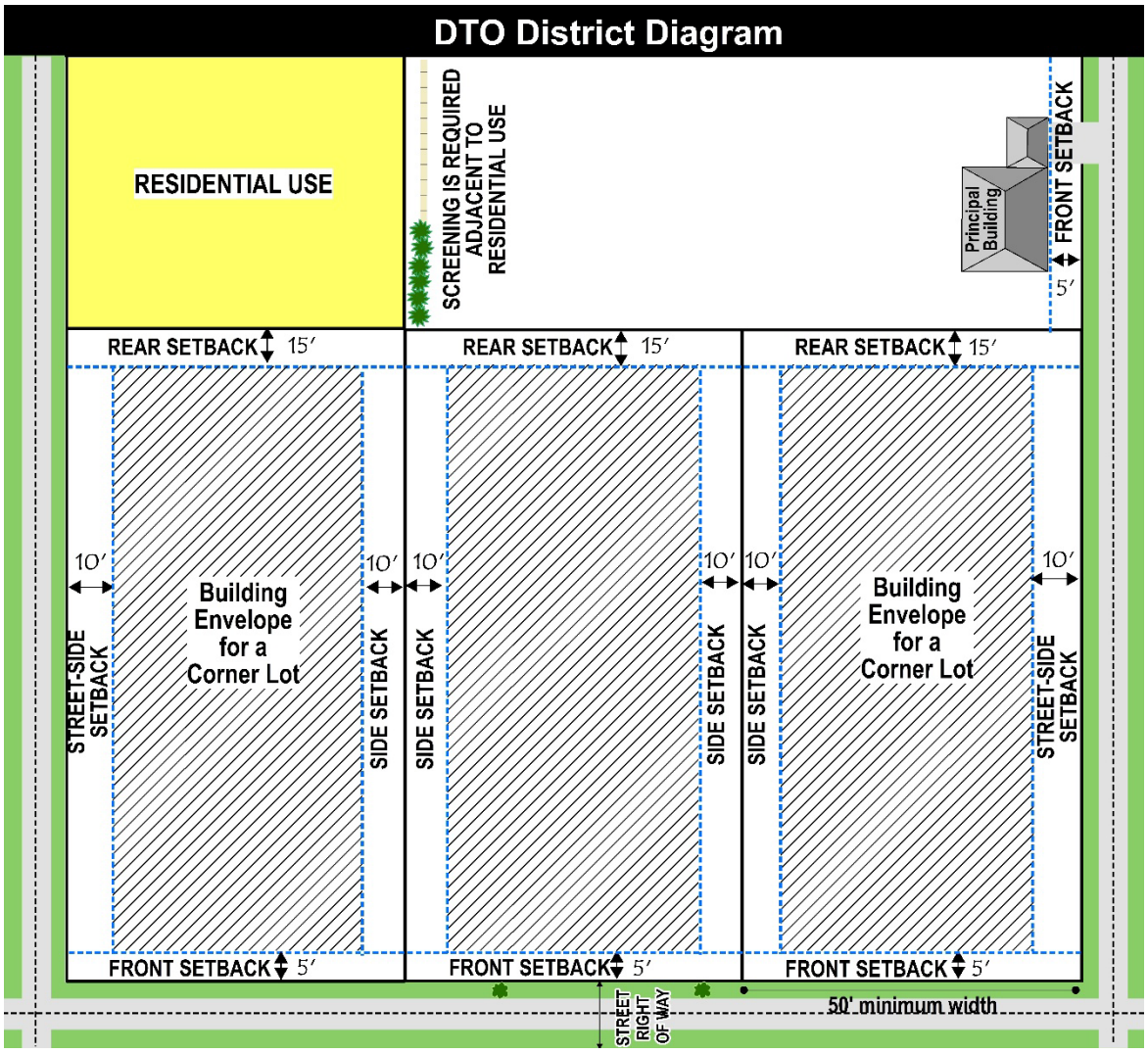
TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	DTO
Commercial, Services & Retail (continued)	
Liquor Stores (where liquor is the primary item for sale)	P
Malls, Shopping Centers or Shopping Plazas	S
Manufactured Home Dealers	P
Music Stores	P
Novelty Shops	P
Office Supply Stores	P
Pet Stores & Pet Supply Stores	P
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops (outdoor display is permitted but goods shall be brought inside after closing hours) – no outdoor storage	P
Sporting Goods Stores	P
Toy Stores	P
Variety Shops	P
Vehicle Sales with Indoor Showrooms Only	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Tattoo/Piercing Parlor	P
Taxidermy Shops	P
Upholstery Shop	P
Educational Services/Churches	
Church, Temple, or Synagogue (Religious Institutions)	P
Private Instructional Facilities and Business Schools	P
Public, Charter or Private Schools (elementary through high school)	P
Public or Private Colleges/Universities	P
Trade Schools/Industrial Schools	P
Human Care & Social Assistance	
Family Child Care Home	P
Group Child Care Home	P
Child Care Center or Day Care Center	P
Community/Emergency & Other Relief Services	P
Health Care Clinics/Dental Clinics	P

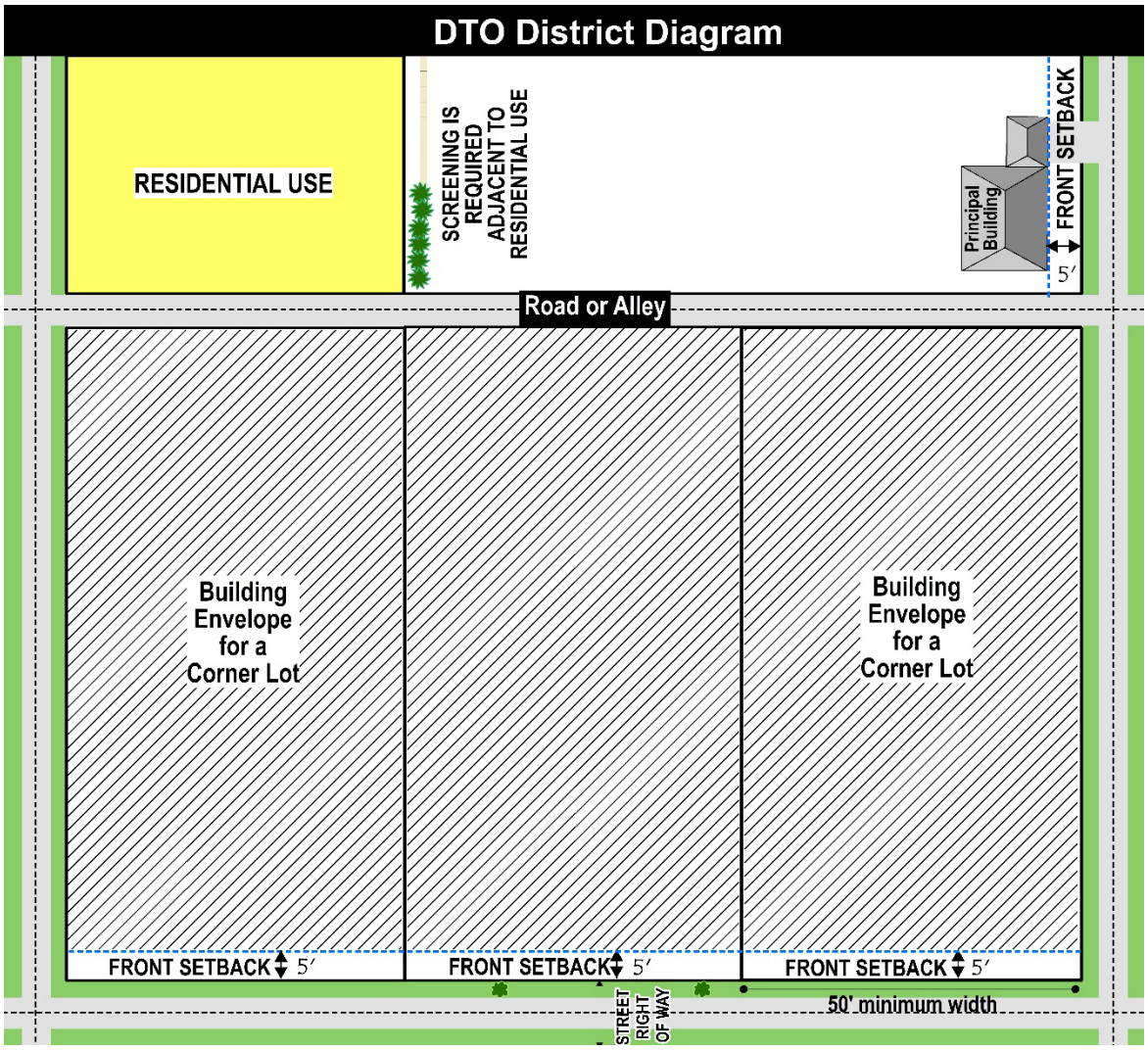
TABLE OF PERMITTED & SPECIAL USES	DTO
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Human Care & Social Assistance (continued)	
Individual & Family Services	P
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	S
Rehabilitation Institutions	S
State-Licensed Residential Care Facilities (6 or less persons)	P
State-Licensed Residential Care Facility providing care for 7 or more persons (including Adult Foster Care Homes, Assisted Living Homes, & Nursing/Convalescent Homes)	P
Vocational Rehabilitation Services	S
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources (including mining, quarries & gravel pits)	S
Miscellaneous	
Accessory Buildings, Structures & Uses Incidental to Principal Permitted Uses §3.10	P
Planned Unit Developments §7.12	S
Site Condominium Development	S
Public Facilities	
Public Buildings	P

TABLE OF PERMITTED & SPECIAL USES	DTO
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Residential Uses	
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed)	P
Multiple-Family Dwellings (multiple family listed in permitted use and special use as "MFR") §7.21	P
Temporary Dwelling During Construction	P
Two-Family Dwellings §7.21	P
Transportation, Storage & Wholesale	
Air Cargo Shipping Businesses	S
Couriers/Parcel Packing/Delivery Establishments	P
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	P
Utilities, Energy & Communications	
Amateur Radio Antennae (roof-mounted or ground-mounted)	P
Essential Services §3.18	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.18	P
Solar Energy – Accessory §7.15	P
Wind Turbines, (Accessory) §7.17	P

C. Development Standards for the DTO District.

1. Lot & Structure Standards	
a. **Lot Area (minimum)**	7,000 sq ft
b. **Lot Width (minimum)**	50 ft
c. **Building Height (maximum)**	35 ft
	35 ft for all accessory buildings
d. **Ground Floor Area (minimum per dwelling unit)**	One-Story Dwelling: 500 sq ft
	Two-Story Dwelling: 500 sq ft, minimum total of 720 sq ft for both stories
	Minimum width of 20 ft on waterfront properties
2. Setbacks	
a. **Front (minimum)**	5 ft
b. **Side (minimum)**	0 ft when both front and rear lot lines abut roads or alleys
	10 ft when only front lot line abuts road or alley
c. **Rear (minimum)**	0 ft when both front and rear lot lines abut roads or alleys
	15 ft when only front lot line abuts road or alley
3. Additional Development Standards	
a. **Accessory Buildings**	**Section 3.10**
b. **Decks & Raised Platforms**	**Section 3.11**
c. **Lighting**	**Section 3.20**
d. **Fences**	**Section 3.29**
e. **Screening**	Screening may be required between uses. **Section 3.30**
f. **Nonconformities**	**Section 3.31**
g. **Parking**	**Section 3.32**
h. **Signs**	**Section 3.33**


DTO District Diagram
RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
5′
REAR SETBACK
15′
REAR SETBACK
15′
REAR SETBACK
15′
10′
10′
10′
10′
10′
10′
STREET-SIDE SETBACK
Building Envelope for a Corner Lot
SIDE SETBACK
SIDE SETBACK
SIDE SETBACK
Building Envelope for a Corner Lot
STREET-SIDE SETBACK
FRONT SETBACK
5′
FRONT SETBACK
5′
FRONT SETBACK
5′
STREET RIGHT OF WAY
50' minimum width


DTO District Diagram
RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
5'
Road or Alley
Building Envelope for a Corner Lot
Building Envelope for a Corner Lot
FRONT SETBACK 5'
FRONT SETBACK 5'
FRONT SETBACK 5'
STREET RIGHT OF WAY
50' minimum width

Section 4.11 Industrial District (I)

I DISTRICT

A. **Purpose**.

It is the intent of this district to provide for the development of sites for industrial plants and other commercial uses that do not cater directly to small numbers of individual consumers of goods and services through small retail outlets. Uses are allowed which manufacture goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance, or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial activity is located. It is also the intent of the district to provide for transportation and related service facility uses necessary for the transporting, distributing, transferring, handling, and warehousing of bulk goods and services.

B. **Uses Allowed**.

Permitted and Special Uses shall be limited to those listed below (also in **Section 4.12: Full Table of Permitted & Special Uses**).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	I
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries, Delicatessens & Ice Cream Shops	P
Bars/Taverns	P
Bed & Breakfasts/ Tourist Homes	P
Boarding & Rooming Houses	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.08	P
Food Trucks (more than 2 weeks) §7.06	P
Hotels & Motels	P
Inns	P
Night Clubs	S
Resorts (including cabin courts)	S
Restaurants without Drive-Through or Drive-In	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	I
Accommodation & Food/Event Services (continued)	
Restaurants with Drive-Through or Drive-In	P
Short Term Rentals	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	P
Agriculture, Animal Services & Forest Products	
Agricultural Equipment Sales, Service, Rental & Repair	P
Agricultural Tourism (see following):	
Historical Agricultural Exhibits	P
Organized Meeting Space (weddings, birthdays, corporate picnics) & Small Scale Entertainment (concert, car show, art fair) – Commercial Event Facility §7.08	P
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	P

TABLE OF PERMITTED & SPECIAL USES	I
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Agriculture, Animal Services & Forest Products (continued)	
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	S
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab & release only)	S
Animal Services (such as dog grooming, animal daycare, & dog clubs)	P
Animal Shelters	P
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (incl. wholesale)	P
Composting Facilities (large-scale facilities – compost material brought in & deposited)	P
Farm Markets including Roadside Stands - on property controlled by the affiliated farm §7.04	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	P
Forest Products Processing (sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	P
Grain Elevators	P
Greenhouse, Nursery, Landscaping & Garden Supplies	P
Kennels, Boarding; Kennels, Breeding §7.05	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	P
Roadside Stands – not on property affiliated with a farm §7.04	P
Slaughter Houses	P
Veterinary Clinics & Animal Hospitals	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Canoe/Boat/Kayak Liveries	P
Court Games & Swimming Clubs	P

TABLE OF PERMITTED & SPECIAL USES	I
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	
Arts, Entertainment & Recreation (continued)	
Country Clubs, Golf Courses, & Golf Driving Ranges	P
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a residence)	S
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter) including Canoe/Boat/Kayak Liveries	P
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	P
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	P
Museums	P
Parks & Playgrounds	P
Race Tracks (motorized)	P
Recreational Facilities, Indoor (ex: arcades, billiards, bowling, skating rinks)	P
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf) – mini-golf only in AG & CSC	P
Shooting Range, Indoor (in a completely enclosed building)	S
Spectator Sports Arenas	S
Sportsmen's Clubs	P
Theaters, Drive-In	P
Theaters & Performing Arts Facilities, Indoor	P
Theaters & Performing Arts Facilities, Outdoor (Commercial Event Facilities) §7.08	S
Tours (Commercial Operations)	P
Those uses permitted under provisions of the **Natural Resources and Environmental Protection Act of 1994, PA 451**, specifically **Part 31 Water Resources Protection** (those specific to floodplains), **Part 301 Inland Lakes & Streams**, & **Part 303 Wetlands Protection**	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	I
Commercial, Services & Retail	
Adult Entertainment Facilities §7.07	S
Auto or Vehicle Repair Garage including Auto Body/Paint/Interior & Glass Repair and Tire Sales/Installation §7.10	P
Automotive Equipment Rental & Leasing	P
Automotive Oil Change & Lubrication Shops §7.10	P
Automotive Towing Businesses	P
Banks/Financial Institutions	P
Boat/RV/Recreational Equipment Repair & Storage	P
Business Incubators	P
Business Services & Computer Repair	P
Business, Labor, Political & Like Organizations	P
Car Wash Facilities	P
Cash Advance Stores	P
Cleaning Services	P
Commercial/Industrial Equipment Rental & Leasing	P
Commercial Equipment Repair & Maintenance	P
Construction & Special Trade Contractors	P
Construction - Storage Facilities for Building Materials/Contractor's Equipment	P
Data Centers §7.20	S
Drive-In or Drive-Through Retail Establishments	P
Dry Cleaning & Laundry Services (coin-operated & dealing directly w/public)	P
Electric Vehicle Charging Facility	P
Electronic & Precision Equipment Repair & Maintenance	P
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	P
Flea Market	P
Funeral Homes & Mortuaries	P
Gas Stations §7.10	P
General Rental Centers/Rent-to-Own	P
Health Spa	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	I
Commercial, Services & Retail (continued)	
Interior Designers/Showrooms	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	P
Laboratories, Support	P
Offices, Professional	P
Outdoor Sales/Rental Facilities (open-air sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, lawn equipment, storage buildings, & similar). May include indoor sales of similar products. Also see Vehicle Sales with Indoor Showrooms Only.	P
Personal & Household Goods Repair & Maintenance	P
Personal Services (barber/beauty shops, tailoring, massage)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Retail:	
Antique Stores/Second-Hand Stores	P
Art & Photography Shops	P
Automotive Accessory Sales	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Building Materials, Building Equipment & Building Supplies Establishments	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Dry Goods & Notions	P
Electronics & Appliance Stores	P
Farm & Feed Supply Stores	P
Farm Market §7.04	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	I
Commercial, Services & Retail (continued)	
Firearms Store	P
Florists	P
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)	P
Garden Stores	P
General Merchandise Stores/General Retail	P
Gift Shops	P
Greenhouse, Nursery, Landscaping & Garden Supplies	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Jewelry Stores	P
Liquor Stores (where liquor is the primary item for sale)	P
Malls, Shopping Centers or Shopping Plazas	P
Manufactured Home Dealers	P
Music Stores	P
Novelty Shops	P
Office Supply Stores	P
Pet Stores & Pet Supply Stores	P
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops (outdoor display is permitted but goods shall be brought inside after closing hours)	P
Sporting Goods Stores	P
Toy Stores	P
Variety Shops	P
Vehicle Sales with Indoor Showrooms Only	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Tattoo/Piercing Parlor	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	I
Commercial, Services & Retail (continued)	
Taxidermy Shops	P
Truck & Heavy Equipment Sales/Service Establishments	P
Upholstery Shop	P
Educational Services/Churches	
Church, Temple, or Synagogue (Religious Institutions)	P
Private Instructional Facilities and Business Schools	P
Public, Charter or Private Schools (elementary through high school)	P
Public or Private Colleges/Universities	P
Trade Schools/Industrial Schools	P
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	P
Adult Day Care Facility - NOT IN PRIVATE HOME	P
Charitable Institutions (ex: soup kitchen); Non-Profit Organizations	P
Family Child Care Home	P
Group Child Care Home	P
Child Care Center or Day Care Center	P
Community/Emergency & Other Relief Services	P
Health Care Clinics/Dental Clinics	P
Hospitals	P
Individual & Family Services	P
State-Licensed Residential Care Facilities (6 or less persons)	P
State-Licensed Residential Care Facility providing care for 7 or more persons (including Adult Foster Care Homes, Assisted Living Homes, & Nursing/Convalescent Homes)	P
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	S

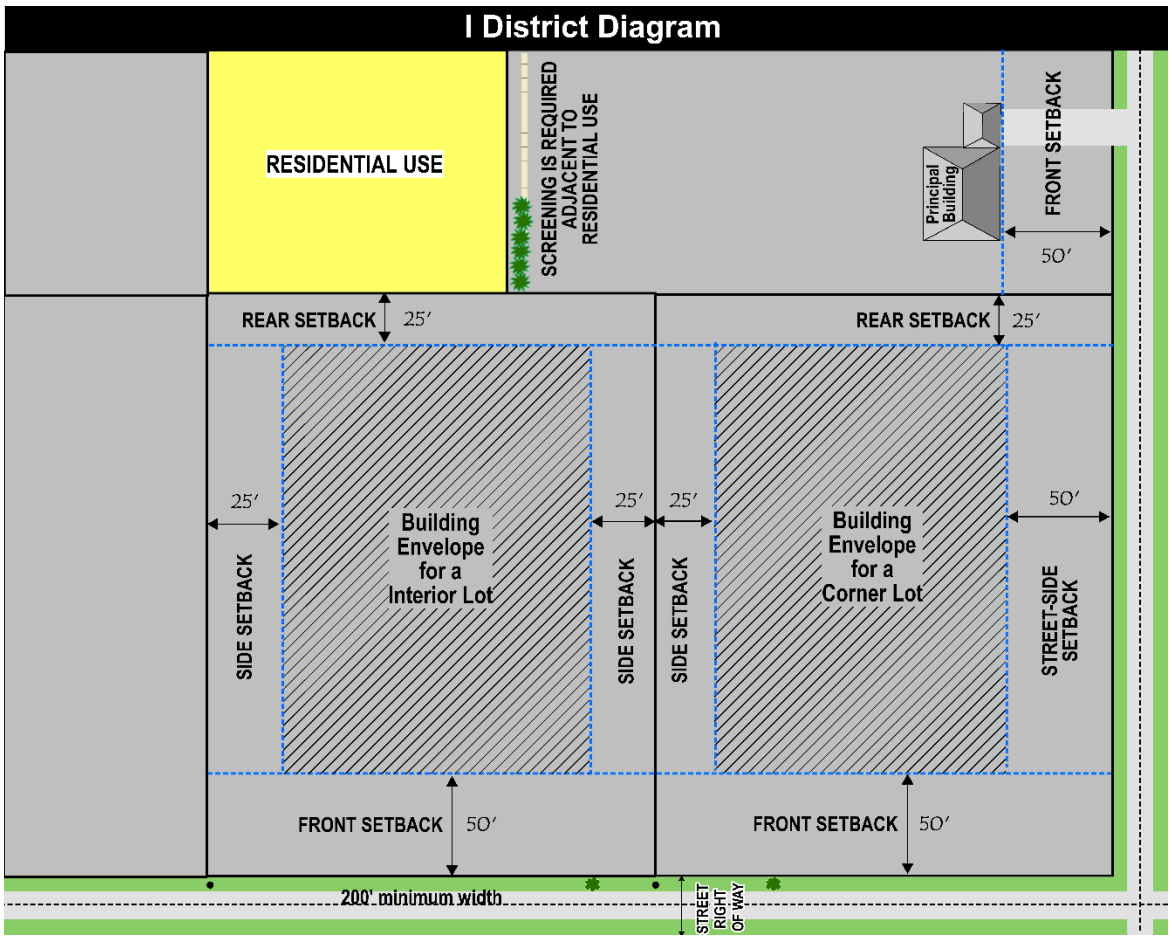
TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	I
Manufacturing, Industrial & Waste Management	
Rehabilitation Institutions	S
Vocational Rehabilitation Services	S
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. **Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, & vibration.**	P
Manufacturing, Heavy – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. **Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, & vibration.**	S
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker bldgs)	P
Bulk Storage, Distribution, & Sales Facilities For Petroleum & Gas Products, Paint & Chemicals (including Propane Supply)	S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	P
Cold Storage Plants	P
Crematoriums	S
Extraction of Natural Resources (including mining, quarries & gravel pits)	S
Gas & Oil Processing (does not include extraction at wellhead)	S
Incinerator Plants	S
Industrial Parks	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	I
Manufacturing, Industrial & Waste Management (continued)	
Junkyards/Salvage Yards/Scrap Yards §7.09	S
Laboratories (research & experimental)	P
Machine Shops	P
Metal Plating/Buffing/Polishing/Etc	P
Printing & Related Support Activities (large-scale)	P
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Tool & Die Shops	P
Waste Collection Services; Waste Disposal; Transfer Stations; Recycling Facilities	P
Miscellaneous	
Accessory Buildings, Structures & Uses Incidental to Principal Permitted Uses §3.10	P
Planned Unit Developments §7.12	S
Site Condominium Development	S
Public Facilities	
Public Buildings	P
Residential Uses	
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed)	P
Home Occupations – Level 1 §7.02	P
Home Occupations – Level 2 §7.02	S
Multiple-Family Dwellings (multiple family listed in permitted use and special use as "MFR") §7.21	P
Single-Family Dwellings §7.21	P
Temporary Dwelling During Construction	P
Transportation, Storage & Wholesale	
Air Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation	P
Air Cargo Shipping Businesses	P
Couriers/Parcel Packing/Delivery Establishments	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	**I**
Transportation, Storage & Wholesale (continued)	
Distribution Centers; Trucking & Rail Freight Terminals; Trucking Facilities	**P**
Storage Facilities, Indoor	**P**
Storage Facilities, Outdoor	**P**
Storage – Self-Service (Mini-Storage)	**P**
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	**P**
Truck Washes, Rental, & Repair Facilities	**P**
Warehousing	**P**
Wholesale Trade	**P**
Utilities, Energy & Communications	
Amateur Radio Antennae (roof-mounted or ground-mounted)	**P**
Battery Energy Storage Systems §7.19	**S**
Essential Services §3.18	**P**
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.18	**P**
Public utility facilities (without storage yards) – does not include Essential Service Buildings §3.18	**S**
Public utility facilities (with storage yards) – does not include Essential Service Buildings §3.18	**S**
Solar Energy – Accessory §7.15	**P**
Solar Energy Facilities – Utility-Scale §7.16	**S**
Water & Wastewater Treatment Plants	**P**
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.18	**S**
Wind Turbines, (Accessory) §7.17	**P**
Wireless Facilities (with or without support structures) §7.13	**S**
Wireless Facilities - Small Cell §7.14	**S**

C. Development Standards for the I District.

1. Lot & Structure Standards	
a. **Lot Area (minimum)**	2 acres
b. **Lot Width (minimum)**	200 ft
c. **Building Height (maximum)**	40 ft
	35 ft for all accessory buildings
d. **Ground Floor Area (minimum per dwelling unit)**	One-Story Dwelling: 500 sq ft
	Two-Story Dwelling: 500 sq ft, minimum total of 720 sq ft for both stories
	Minimum width of 20 ft on waterfront properties
2. Setbacks	
a. **Front (minimum)**	80 ft
	Corner Lots: A front setback shall be required on both streets
b. **Side (minimum)**	25 ft (50 ft total for both sides)
c. **Rear (minimum)**	25 ft
3. Additional Development Standards	
a. **Accessory Buildings**	**Section 3.10**
b. **Decks & Raised Platforms**	**Section 3.11**
c. **Lighting**	**Section 3.20**
d. **Fences**	**Section 3.29**
e. **Screening**	Screening may be required between uses. **Section 3.30**
f. **Nonconformities**	**Section 3.31**
g. **Parking**	**Section 3.32**
h. **Signs**	**Section 3.33**


I District Diagram
RESIDENTIAL USE
SCREENING IS REQUIRED ADJACENT TO RESIDENTIAL USE
Principal Building
FRONT SETBACK
50′
REAR SETBACK
25′
REAR SETBACK
25′
25′
SIDE SETBACK
Building Envelope for a Interior Lot
25′
SIDE SETBACK
25′
SIDE SETBACK
Building Envelope for a Corner Lot
50′
STREET-SIDE SETBACK
FRONT SETBACK
50′
FRONT SETBACK
50′
200' minimum width
STREET RIGHT OF WAY

Section 4.12 Full Table of Permitted & Special Uses

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to **Section 4.04**. In the event of a conflict between the regulations in this Section and the use regulations contained in **Sections 4.05** through **4.11**, then this Section shall control. For each District established in this Ordinance, it shall be assumed that customary accessory buildings and uses which are incidental to Principal Uses or Special Uses are permissible as part of the principal use.

Land Use Categories Reference Table	Pg
Accommodation & Food/Event Services	4-54
Agriculture, Animal Services & Forest Products	4-55
Arts, Entertainment & Recreation	4-57
Commercial, Services & Retail	4-59
Educational Services/Churches	4-63
Human Care & Social Assistance	4-64
Manufacturing, Industrial & Waste Management	4-65
Miscellaneous	4-66
Public Facilities	4-66
Residential Uses	4-67
Transportation, Storage & Wholesale	4-67
Utilities, Energy & Communications	4-68

Plainfield Township Zoning Districts	
RD	Resource Development District
AG	Agriculture District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family Residential District
NSC	Neighborhood Service Commercial District
CSC	Community Service Commercial District
DTO	Downtown Overlay District
I	Industrial District

FULL TABLE OF PERMITTED & SPECIAL USES									
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Accommodation & Food/Event Services									
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries, Delicatessens & Ice Cream Shops	S	S				P	P	P	P
Bars/Taverns						S	P	P	P
Bed & Breakfasts/ Tourist Homes	S	S	S			P	P	P	P
Boarding & Rooming Houses	P	P	P	S		P	P	P	P
Caterers/Food Service Contractors	P	P				P	P	P	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.08	S	S				S	P	P	P
Food Trucks (more than 2 weeks) §7.06	S	S				S	P	S	P
Hotels & Motels						P	P	S	P
Inns	S	S				P	P	P	P
Night Clubs							S		S
Resorts (including cabin courts) (on 40 acres in RD)	S	P	S			S	S	S	S
Restaurants without Drive-Through or Drive-In						P	P	P	P
Restaurants with Drive-Through or Drive-In						S	P	P	P
Short Term Rentals	S	S	S	S	S	P	P	P	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	S	S	S			P	P	P	P

FULL TABLE OF PERMITTED & SPECIAL USES									
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Agriculture, Animal Services & Forest Products									
Agribusiness (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	S	S	S						
Agricultural Equipment Sales, Service, Rental & Repair	S	S	S				P		P
Agricultural Products Processing & Storage	S	S	S						
Agricultural Research & Development Facilities (public or private)	P	P	S						
Agricultural Tourism (see following):									
Bakeries (selling goods grown primarily on-site)	S	S	S						
Educational Tours, Classes, Lectures, & Seminars	S	S	S						
Family-Oriented Animated Barns (haunted houses)	S	S	S						
Farm Stays	S	S	S						
Gift shops for agriculturally-related products, crafts	P	P	P						
Historical Agricultural Exhibits	P	P	P			P	P	P	P
Organized Meeting Space (weddings, birthdays, corporate picnics) & Small Scale Entertainment (concert, car show, art fair) – Commercial Event Facility §7.08	S	S	S			P	P	P	P
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	P	P	P			P	P	P	P
Picnic Areas (including restrooms)	P	P	P						
Playgrounds, Wagon/Sleigh Rides, Nature Trails	P	P	P						
Restaurants (related to the agricultural use of the site)	P	P	P						
Seasonal Outdoor Mazes of Agricultural Origin	P	P	P						
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	S	S	S			S	S		S
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab & release only)	S	S	S			S	S		S

FULL TABLE OF PERMITTED & SPECIAL USES

P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Agriculture, Animal Services & Forest Products (continued)									
Animal Services (such as dog grooming, animal daycare, & dog clubs)	P	P	S	S		S	P	P	P
Animal Shelters	P	P	S	S		S	P	P	P
Auctions for Livestock	P	P							
Biofuel Production Facilities on Farms	PS	PS							
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (incl. wholesale)	S	S	S			S	P		P
Composting Facilities (large-scale facilities – compost material brought in & deposited)	S	S							P
Farms, Commercial (including agricultural buildings)	P	P	P						
Farms, Hobby (including agricultural buildings)	P	P	P						
Farm Markets including Roadside Stands - on property controlled by the affiliated farm §7.04	P	P	P			P	P	P	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	S	S				P	P	P	P
Forest Products Processing (sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	S	S				S	S		P
Game Preserves (where game is hunted)	S	S							
Grain Elevators	S	S	S						P
Greenhouse, Nursery, Landscaping & Garden Supplies	S	S	S			S	P	S	P
Kennels, Boarding; Kennels, Breeding §7.05	S	S	S				S		P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply						S	P	S	P
Roadside Stands – not on property affiliated with a farm §7.04	P	P	P	P	P	P	P	P	P
Seasonal "U-Pick" Fruits & Vegetables Operations	P	P	P						
Slaughter Houses	S	S							P
Stables, Riding	P	P	P	S					
Veterinary Clinics & Animal Hospitals (small animal only in DTO)	S	S	S			P	P	P	P

FULL TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Arts, Entertainment & Recreation									
Archery Ranges, Outdoor	P	P	S						
Conservation Areas; Natural Open Space; Natural Vista Areas; Geological Feature Area; Archeological Sites; Significant Natural & Historical Features; Recreation Areas (non-intensive); Nature Areas; Game Refuges; Hunting & Fishing Reservations; Wildlife Preserves; Fishing, Boating, & Other Water-Related Activity Site; (public or private) (on twenty (20) contiguous acres of land in RD and AG)	P	P	S						
Art Galleries & Art Studios	P	P				P	P	P	P
Campgrounds (on twenty (20) contiguous acres of land in RD and AG)	S	S							
Camps (ex: summer camps) (on twenty (20) contiguous acres of land in RD and AG)	S	S							
Canoe/Boat/Kayak Liveries							P		P
Court Games & Swimming Clubs	S	S				P	P	P	P
Country Clubs, Golf Courses, & Golf Driving Ranges	P	P	S	S	S	P	P	P	P
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a residence)	P	P				S	S		S
Equipment Rental, Motorized (ORV, Snowmobile)	S	S				P	P	P	P
Equipment Rental, Non-Motorized (Outfitter) including Canoe/Boat/Kayak Liveries	S	S				P	P	P	P
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	P	P	S	S		P	P	P	P

FULL TABLE OF PERMITTED & SPECIAL USES									
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Arts, Entertainment & Recreation (continued)									
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	P	P	P	P	P	P	P	P	P
Hunt Clubs	P	P							
Museums	P	P	P	P	P	P	P	P	P
Parks & Playgrounds	S	P	S	S	S	P	P	P	P
Race Tracks (motorized)	S	S				S	S		P
Recreational Facilities, Indoor (ex: arcades, billiards, bowling, skating rinks)						P	P	P	P
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf)	P	P				P	P	P	P
Recreational (RV) Parks (on 40 acres in RD)	S	P							
Shooting Range, Indoor (in a completely enclosed building)	S	S				S	S		S
Shooting Range, Outdoor §7.11	S	S							
Spectator Sports Arenas	S	S				S	S		S
Sportsmen's Clubs	P	P				P	P		P
Theaters, Drive-In						P	P	P	P
Theaters & Performing Arts Facilities, Indoor							P	P	P
Theaters & Performing Arts Facilities, Outdoor (Commercial Event Facilities) §7.08						S	S	S	S
Tours (Commercial Operations)	P	P	P						P
Those uses permitted under provisions of the **Natural Resources and Environmental Protection Act of 1994, PA 451**, specifically **Part 31 Water Resources Protection** (those specific to floodplains), **Part 301 Inland Lakes & Streams**, & **Part 303 Wetlands Protection**	P	P	P	P	P	P	P	P	P

FULL TABLE OF PERMITTED & SPECIAL USES

P = Permitted by right
S = Permitted with a Special Use Permit
§7.x *indicates supplemental regulations apply*

	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Commercial, Services & Retail									
Adult Entertainment Facilities §7.07							S		S
Auction Houses (indoor only in DTO)							P	P	
Auto or Vehicle Repair Garage including Auto Body/Paint/Interior & Glass Repair and Tire Sales/Installation §7.10							P	S	P
Automotive Equipment Rental & Leasing							P		P
Automotive Oil Change & Lubrication Shops §7.10							P	S	P
Automotive Towing Businesses							P		P
Banks/Financial Institutions						P	P	P	P
Boat/RV/Recreational Equipment Repair & Storage	S	S					P		P
Business Incubators						P	P	S	P
Business Services & Computer Repair						P	P	P	P
Business, Labor, Political & Like Organizations						P	P	P	P
Car Wash Facilities						P	P	P	P
Cash Advance Stores						P	P	P	P
Cleaning Services						P	P		P
Commercial/Industrial Equipment Rental & Leasing							P		P
Commercial Equipment Repair & Maintenance							P		P
Construction & Special Trade Contractors							P		P
Construction - Storage Facilities for Building Materials/Contractor's Equipment							P		P
Data Centers §7.20									S
Drive-In or Drive-Through Retail Establishments						S	P	P	P
Dry Cleaning & Laundry Services (coin-operated & dealing directly w/public)						P		P	P

FULL TABLE OF PERMITTED & SPECIAL USES

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§7.x *indicates supplemental regulations apply*

	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Commercial, Services & Retail (continued)									
Electric Vehicle Charging Facility	S	S				P	P	P	P
Electronic & Precision Equipment Repair & Maintenance							P		P
Equipment Rental & Sales									
Extermination & Pest Control Services									
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	S	S				S	P		P
Flea Market	S	S				S	P		P
Funeral Homes & Mortuaries							P	P	P
Gas Stations §7.10						S	P	S	P
General Rental Centers/Rent-to-Own						P	P	P	P
Health Spa	S	S	S			P	P	P	P
Interior Designers/Showrooms							P	P	P
Locksmiths	P	P				P	P	P	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	S	S					P	S	P
Laboratories, Support						P	P	S	P
Offices, Professional						P	P	P	P
Outdoor Sales/Rental Facilities (open-air sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, lawn equipment, storage buildings, & similar). May include indoor sales of similar products. Also see Vehicle Sales with Indoor Showrooms Only.							P	S	P
Personal & Household Goods Repair & Maintenance						P	P	S	P
Personal Services (barber/beauty shops, tailoring, massage)						P	P	P	P

FULL TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Commercial, Services & Retail (continued)									
Photofinishing/Photographers	S	S				P	P	P	P
Printing/Binding/Publishing of Printed Materials							P	P	P
Retail:									
Antique Stores/Second-Hand Stores						P	P	P	P
Art & Photography Shops	S	S				P	P	P	P
Automotive Accessory Sales						P	P	P	P
Bait & Tackle Shops	S					P	P	P	P
Bicycle Shops						P	P	P	P
Book Stores						P	P	P	P
Building Materials, Building Equipment & Building Supplies Establishments						P	P	P	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)						P	P	P	P
Convenience Stores						P	P	P	P
Department Stores						P	P	P	P
Dry Goods & Notions						P	P	P	P
Electronics & Appliance Stores						P	P	P	P
Farm & Feed Supply Stores	S	S				P	P	P	P
Farm Market §7.04	S	S				P	P	P	P
Firearms Store						P	P	P	P
Florists	S	S				P	P	P	P
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)						P	P	P	P
Garden Stores	S	S				P	P	P	P

FULL TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Commercial, Services & Retail (continued)									
General Merchandise Stores/General Retail						P	P	P	P
Gift Shops						P	P	P	P
Greenhouse, Nursery, Landscaping & Garden Supplies						P	P	P	P
Grocery Stores/Meat Market/Fruit & Vegetable Market						P	P	P	P
Hardware Stores						P	P	P	P
Health & Personal Care Stores						P		P	P
Home Improvement Centers (lumber stored in enclosed structure)						P		P	P
Jewelry Stores						P	P	P	P
Liquor Stores (where liquor is the primary item for sale)						P		P	P
Malls, Shopping Centers or Shopping Plazas						S	S	S	P
Manufactured Home Dealers						P		P	P
Music Stores						P	P	P	P
Novelty Shops						P	P	P	P
Office Supply Stores						P	P	P	P
Pet Stores & Pet Supply Stores						P	P	P	P
Pharmacies/Medical & Optical Supplies						P	P	P	P
Resale Shops/Thrift Shops (outdoor display is permitted but goods shall be brought inside after closing hours) – no outdoor storage in DTO						P	P	P	P
Sporting Goods Stores	S					P	P	P	P
Toy Stores						P	P	P	P
Variety Shops						P	P	P	P
Vehicle Sales with Indoor Showrooms Only						P	P	P	P

FULL TABLE OF PERMITTED & SPECIAL USES									
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Commercial, Services & Retail (continued)									
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	S	S				P	P	P	P
Tattoo/Piercing Parlor						P	P	P	P
Taxidermy Shops	S	S				P	P	P	P
Truck & Heavy Equipment Sales/Service Establishments						P	P		P
Upholstery Shop						P	P	P	P
Educational Services/Churches									
Church, Temple, or Synagogue (Religious Institutions)	S	S	S	S	S	P	P	P	P
Private Instructional Facilities and Business Schools	S	S	S			P	P	P	P
Public, Charter or Private Schools (elementary through high school)	S	S	S	S	S	P	P	P	P
Public or Private Colleges/Universities	S	S				P	P	P	P
Trade Schools/Industrial Schools	S	S				P	P	P	P

FULL TABLE OF PERMITTED & SPECIAL USES

P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Human Care & Social Assistance									
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P	P	P	P	P				P
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	P	P	S	S					P
Adult Day Care Facility - NOT IN PRIVATE HOME	S	S					P		P
Charitable Institutions (ex: soup kitchen); Non-Profit Organizations	S	S					P		P
Child Day Care Services (see following):									
Family Child Care Home	P	P	P	P	P	P	P	P	P
Group Child Care Home	P	P	P	P	P	P	P	P	P
Child Care Center or Day Care Center	S	S	S	S	S	P	P	P	P
Child Caring Institution (ex. orphange, etc.)	S	S					P		
Community/Emergency & Other Relief Services						P	P	P	P
Health Care Clinics/Dental Clinics						P	P	P	P
Hospitals						P	P		P
Individual & Family Services						P	P	P	P
State-Licensed Residential Care Facilities (6 or less persons)	P	P	P	P	P	P	P	P	P
State-Licensed Residential Care Facility providing care for 7 or more persons (including Adult Foster Care Homes, Assisted Living Homes, & Nursing/Convalescent Homes)	S	S				P	P	P	P
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	S	S				S	S	S	S
Rehabilitation Institutions	S	S				S	S	S	S
Vocational Rehabilitation Services	S	S				S	S	S	S

FULL TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Manufacturing, Industrial & Waste Management									
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. **Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, & vibration.**	S	S					S		P
Manufacturing, Heavy – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. **Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gases, electrical disturbance, heat, & vibration.**									S
Accessory Uses incidental to Manufacturing (offices, food services, caretaker bldgs)	S	S							P
Bulk Storage, Distribution, & Sales Facilities For Petroleum & Gas Products, Paint & Chemicals (including Propane Supply)									S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)									P
Cold Storage Plants									P
Crematoriums									S
Extraction of Natural Resources (including mining, quarries & gravel pits)	S	S	S	S	S	S	S	S	S
Gas & Oil Processing (does not include extraction at wellhead)									S
Incinerator Plants									S
Industrial Parks									S
Junkyards/Salvage Yards/Scrap Yards §7.09									S
Laboratories (research & experimental)							S		P
Machine Shops							S		P
Metal Plating/Buffing/Polishing/Etc							S		P

FULL TABLE OF PERMITTED & SPECIAL USES **P** = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Manufacturing, Industrial & Waste Management (continued)									
Printing & Related Support Activities (large-scale)						S	P		P
Research/Design/Experimental Product Development (within a completely enclosed building)							S		P
Tool & Die Shops							S		P
Waste Collection Services; Waste Disposal; Transfer Stations; Recycling Facilities									P
Miscellaneous									
Accessory Buildings, Structures & Uses Incidental to Principal Permitted Uses §3.10	P	P	P	P	P	P	P	P	P
Cemeteries including Columbaria & Mausoleums	S	P							
Planned Unit Developments §7.12	S	S	S	S		S	S	S	S
Site Condominium Development	S	S	S	S	S	S	S	S	S
Public Facilities									
Public Buildings	P	P	P	P	P	P	P	P	P

FULL TABLE OF PERMITTED & SPECIAL USES									
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Residential Uses									
Accessory Dwelling Units/Guest Houses §7.03	P	P	P	P	S				
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed)						P	P	P	P
Home Occupations – Level 1 (in existing homes in CSC) §7.02	P	P	P	P	P	P	P		P
Home Occupations – Level 2 §7.02	S	S	S	S	S	S	S		S
Manufactured Housing Communities §7.21	S	S				S			
Multiple-Family Dwellings §7.21	P	P				P	P	P	P
Single-Family Dwellings §7.21	P	P	P	P	P	P	P		P
Temporary Dwelling During Construction	P	P	P	P	P	P	P	P	P
Two-Family Dwellings §7.21	P	P	P	P				P	
Workforce Housing §7.21	S	S							
Transportation, Storage & Wholesale									
Air Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation	S	S							P
Air Cargo Shipping Businesses							P	S	P
Couriers/Parcel Packing/Delivery Establishments						P	P	P	P
Drone (Unmanned Aerial) Centers	S	S							
Distribution Centers; Trucking & Rail Freight Terminals; Trucking Facilities									P
Storage Facilities, Indoor							P		P
Storage Facilities, Outdoor									P

FULL TABLE OF PERMITTED & SPECIAL USES									
P = Permitted by right **S** = Permitted with a Special Use Permit §7.x *indicates supplemental regulations apply*	RD	AG	R-1	R-2	R-3	NSC	CSC	DTO	I
Transportation, Storage & Wholesale (continued)									
Storage – Self-Service (Mini-Storage) (indoor only in NSC & CSC)						P	P		P
Transit Facilities, including Scenic/Sightseeing, Passenger Transportation	S	S				P	P	P	P
Truck Washes, Rental, & Repair Facilities							P		P
Warehousing							P		P
Wholesale Trade							P		P
Utilities, Energy & Communications									
Amateur Radio Antennae (roof-mounted or ground-mounted)	S	S	S	S	S	P	P	P	P
Battery Energy Storage Systems §7.19									S
Essential Services §3.18	P	P	P	P	P	P	P	P	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.18	P	P	P	P	P	P	P	P	P
Public utility facilities (without storage yards) – does not include Essential Service Buildings §3.18	S	S							S
Public utility facilities (with storage yards) – does not include Essential Service Buildings §3.18	S	S							S
Solar Energy – Accessory §7.15	P	P	P	P	P	P	P	P	P
Solar Energy Facilities – Utility-Scale §7.16	S	S							S
Water & Wastewater Treatment Plants									P
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.18	S	S				S	S		S
Wind Turbines, (Accessory) §7.17	P	P	P	P	P	P	P	P	P
Wireless Facilities (with or without support structures) §7.13	S	S	S	S		S	S		S
Wireless Facilities - Small Cell §7.14	S	S	S	S	S	S	S		S

Section 4.13 Schedule of Regulations

Use Districts	Lot Area	Lot Width	Maximum Height of Structure	Setbacks			Minimum Floor Area	
				Front	Side[f]	Rear	One-Story Dwelling[d e]	Two-Story Dwelling[e]
RD: Resource Development	10 acres	330 ft	35 ft[a b c]	30 ft[g]	15 ft	50 ft	500 sq ft	500 sq ft 720 sq ft (total)
AG: Agriculture	3 acres	150 ft	35 ft[a b c]	30 ft[g]	20 ft	25 ft	500 sq ft	500 sq ft 720 sq ft (total)
R-1: Single-Family Residential (Low Density)	1 acre	150 ft	35 ft[a b]	25 ft[g]	6 ft 16 ft (total)	25 ft	500 sq ft	500 sq ft 720 sq ft (total)
R-2: Single-Family Residential (Medium Density)	15,000 sq ft	100 ft	35 ft[a b]	25 ft[g]	5 ft 15 ft (total)	25 ft	500 sq ft	500 sq ft 720 sq ft (total)
R-3: Single-Family Residential (High Density)	8,000 sq ft	60 ft	35 ft[a b]	25 ft[g]	5 ft 15 ft (total)	25 ft	500 sq ft	500 sq ft 720 sq ft (total)
NSC: Neighborhood Service Commercial	½ acre	100 ft	35 ft[a b]	30 ft	10 ft 25 ft (total)	15 ft	N/A	
CSC: Community Service Commercial	½ acre	100 ft	35 ft[a b]	30 ft	10 ft 25 ft (total)	15 ft	N/A	
DTO: Downtown Overlay	7,000 sq ft	50 ft	35 ft[a]	5 ft	0 ft[h] 10 ft[i]	0 ft[h] 15 ft[i]	N/A	
I: Industrial	2 acres	200 ft	40 ft[a]	50 ft	25 ft 50 ft (total)	25 ft	N/A	

Footnotes:

a. Building height maximum is 35 ft for accessory buildings.

b. Building height maximum is 25 ft for accessory buildings on waterfront lots and 15 ft in the waterfront yard.

c. Building height maximum is 45 ft for all agricultural buildings, except grain elevators, silos, and windmills with a maximum of 120 ft.

d. A minimum width of 20 ft is required on waterfront properties.

e. On corner lots, a front setback shall be required on both streets.

f. On waterfront lots, a front setback shall be required along the water and the street.

g. The side and rear setbacks shall be 0 ft when both the front and rear lot lines abut a road or alleyway.

h. The side and rear setbacks shall be 10 ft and 15 ft, respectively, when only the front lot line abuts a road or alleyway.

Article 5
Plan Review

Sec	Name	Pg
5.01	Purpose of Plan Review	5-1
5.02	Role of the Zoning Administrator	5-1
5.03	Approval Overview Table	5-2
5.04	Data Required for Plot Plans	5-3
5.05	Data Required for Site Plans	5-3
5.06	Zoning Administrator Review Procedure	5-6
5.07	Planning Commission Review Procedure	5-7
5.08	Site Plan Approval Standards	5-10
5.09	Amendment to an Approved Site Plan	5-12
5.10	Expiration of Site Plan Approval	5-13
5.11	Violation of Approved Site Plan	5-13

Section 5.01 Purpose of Plan Review

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and responsible Township Officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

Section 5.02 Role of the Zoning Administrator

The Zoning Administrator shall not issue a Zoning Permit for the construction of or addition to any use until a final plot plan or site plan has been approved by the approving authority and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved and a Zoning Permit has been issued for it.

Section 5.03 Approval Overview Table

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires plot plan or site plan approval, until a final plan is approved and is in effect, except as provided in this Article. Table 5.03 shows the type of plan required and the approving authority for different types of uses.

Table 5.03: Approval Overview Table

	Type of Use	Required	Approving Authority*
RESIDENTIAL	1. Single-Family Dwellings, Two-Family Dwellings & Farm Buildings	Plot Plan	Zoning Administrator
	2. Two-Family Dwellings	Plot Plan	Planning Commission
	3. Residential Special Uses: Level 2 Home Occupations, Bed & Breakfasts/Tourist Home, Group Day Care Homes & Adult Day Care Homes (in private residence – more than 6 adults)	Plot Plan	Planning Commission
	4. Accessory Dwelling Units	Plot Plan	Planning Commission
	5. Dwelling Units in conjunction with Commercial Establishments	Site Plan	Planning Commission
	6. Multiple-Family Dwelling Units; Manufactured Housing Communities	Site Plan	Planning Commission
	7. Family Child Care Homes, Adult Day Care Homes and State-Licensed Residential Care Facility (in private residence – 6 or less adults)	Plot Plan	Zoning Administrator
	8. State-Licensed Residential Care Facility – more than 7 persons	Site Plan	Planning Commission
	9. Accessory Buildings/Structures (erection of, improvements to, or reconstruction of) for residential uses	Plot Plan	Zoning Administrator
NON-RESIDENTIAL	10. Special Uses (except #3 above)	Site Plan	Planning Commission
	11. Parking Lots	Plot Plan	Zoning Administrator
	12. Commercial, Industrial, and Institutional Principal Buildings/Principal Uses (new) or the external remodeling or alteration.	Site Plan	Planning Commission
	13. Food Trucks – temporary (2 weeks or less) – regulated as Temporary Transient Use (#23 below)	Application	Zoning Administrator
	14. Food Trucks – in the same location for more than 2 weeks	Plot Plan	Zoning Administrator
	15. Change of Use (for existing structure other than single- or two-family) which would affect approved off-street parking, landscaping, site drainage, or any other requirements	Site Plan	Planning Commission
OTHER	16. Fences	Plot Plan	Zoning Administrator
	17. Signs	Application	Zoning Administrator
	18. Planned Unit Developments & Site Condominium Projects	Site Plan	Planning Commission
	19. Temporary Dwellings	Plot Plan	Zoning Administrator
	20. Accessory Solar Panels	Plot Plan	Zoning Administrator
	21. Accessory Wind Turbines	Plot Plan	Zoning Administrator
	22. Demolitions (all footings and waste shall be removed from the property)	Application	Zoning Administrator
	23. Temporary Transient Uses (including seasonal uses and food trucks in the same location for 2 weeks or less)	Application	Zoning Administrator
*Zoning Administrator may refer any approval to the Planning Commission.			

Section 5.04 Data Required for Plot Plans

Plot plans shall be submitted for uses listed as requiring plot plans in **Table 5.03**. The plot plan, drawn to scale, shall include the items listed in Table 5.04. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary to determine compliance with this Ordinance. The Zoning Administrator shall include written reasons for taking such action in the official Township records of the case. The Zoning Administrator shall determine if a digital copy or hard copy is required. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing plans and specifications, provided the same are clear and legible and that the information listed below is provided. The Zoning Administrator may require a survey.

Table 5.04: Plot Plan Requirements

1. Address/ Contact	Address and legal or tax description of the property where the proposed use will occur. Name, address, and telephone number of the applicant, property owner(s), developer(s), and designer(s), and their legal and/or financial interest in said properties, including evidence of ownership (or purchase agreement).
2. Description	Project description
3. Lot Lines	The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
4. Setbacks	Location of required setbacks of the zoning district.
5. Structures	The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structures already on the lot, drawn to scale.
6. Access	The location and configuration of the lot access and driveway, drawn to scale. The names and widths of abutting pavements and rights-of-way.
7. Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
8. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 5.05 Data Required for Site Plans

Site plans shall be submitted for uses listed as requiring site plans in **Table 5.03**. The site plan, drawn to scale, shall include the items listed in **Table 5.05**. The Zoning Administrator may waive any of the site plan requirements listed below when he/she finds that those requirements are not applicable or necessary. The Zoning Administrator shall include written reasons for taking such action in the official Township records of

the case. A digital copy and a hard copy shall be required.

Table 5.05: Site Plan Requirements

A.	**General Information**
	1. Name and address of property owner and developer (including contact information). Evidence of ownership required.
	2. Name and address of firm preparing the site plan (including contact information). If multiple sheets are used, each shall be labeled, dated, and the preparer identified.
	3. Proposed use of the property.
	4. Zoning classification of the site and adjacent properties.
	5. Gross acreage of development and total usable floor area.
	6. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
B.	**Map Information**
	1. North arrow, scale, and date of original submittal and all revisions.
	2. **Vicinity Map**. A vicinity map drawn at a scale of a minimum of one (1) inch equals two thousand (2,000) feet with a north arrow indicated.
	3. **Scale**. One (1) inch equals one hundred (100) feet. The Planning Commission may require details to be provided in a scale as great as one (1) inch equals twenty (20) feet.
	4. **Area.** The site plan shall show the site and all land and structures within three hundred (300) feet of the site.
C.	**Lot Lines & Right of Way**
	1. The location of proposed or existing property lines, dimensions, legal descriptions, tax parcel numbers, setback lines, and monument locations.
	2. The location and width of all abutting rights-of-way and/or private easements.
D.	**Development Features**
	1. **Existing and Proposed Buildings/Structures**. The size, shape, and location of all existing and proposed buildings and structures and uses thereof, including common use areas and recreational areas and facilities. Include the square footage of each existing and proposed building.
	2. **Accessory Structures.** Proposed location of accessory structures, buildings, and other appurtenances, including, but not limited to, all flag poles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators, and similar equipment, and the method and details of screening, where applicable.
	3. **Vehicular Circulation**.

a. **Existing.** Location of existing public roads and streets that abut or cross the site, plus rights-of-way and private easements of record.

b. **Proposed.** Location of and dimensions of proposed roads, drives, curb cuts, and access easements, as well as acceleration, deceleration, and passing lanes or tapers (if any) serving the development. Details of entryway and entryway sign locations should be separately depicted with elevation views.

c. Location, design, and dimensions of existing and proposed pedestrian circulation features, curbing, barrier-free access, carports, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes, and all lighting and signing thereof.

d. Location, size, and characteristics of all loading and unloading areas.

e. Location and design of all trails, walkways, bicycle paths, and other areas for public use.

4. **Utilities**.

   a. Location of water supply lines and/or wells, including fire hydrants and shut-off valves, and the location and design of storm sewers, retentions or detention ponds, wastewater lines, clean-out locations, connection points, and treatment systems, including septic systems, if applicable.

   b. Location and routing of all other utilities on the site, including, but not limited to, natural gas, electric, and data and telecommunication transmissions.

5. **Common Space.** Proposed location, dimensions, and details of common open spaces and common facilities, such as community buildings or swimming pools, if applicable.

6. **Lighting.** Exterior lighting locations with areas of illumination illustrated, as well as the type of fixtures and shielding to be used.

7. **Screening.** Location and specifications for all fences, walls, and other screening features with cross sections.

8. **Vegetation.** General location and type of significant existing vegetation.

9. **Landscaping & Buffering.** Locations and specifications for all proposed perimeter and internal landscaping and any buffering features.

10. **Trash & Solid Waste Disposal**. Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities.

11. **Storage**. Outdoor storage areas and snow storage areas.

12. **Hazardous Materials Storage Facilities**. Location and specification for any existing, proposed, or required above or below ground storage facilities for any chemicals, salts, flammable or hazardous materials, as well as any containment structures or clear zones required by government regulations, and a Pollution Incident Prevention Plan as required by the Act 245 Program.

13. **Unique Site Features**. Identification of any significant or unique site features.

14. **Views.** Indication of any significant views onto or from the site.

E. Environmental Features & Drainage

a. Boundaries and elevations of existing and proposed water courses and water bodies, including county drains and man-made surface drainage ways, flood plains, high-risk erosion areas, and wetlands within three hundred (300) feet of the project site, and proposed erosion control measures.

b. Existing topographic elevations at two-foot intervals, proposed grades, and directions of drainage flows.

c. The location and type of existing soils on the site and any certifications of borings, if required.

d. The location of wooded areas or any other unusual environmental features.

F. Cross-Sections/Floor Plans/Density

A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:

1. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.

2. The residential area of the proposed units in square feet, as well as the area dimensions of driveways and staging areas.

3. Typical elevation drawings of the front and rear of each building.

G. Other

Such other data as may be required to ensure that the purposes of this Article are satisfied. The Zoning Administrator or Planning Commission shall state for the record its reasons for requiring such data. Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site. All studies required shall be paid for by the applicant.

Section 5.06 Zoning Administrator Review Procedure

This Section contains the review procedure for projects that require review and approval by the Zoning Administrator (see **Table 5.03** for a list of uses requiring Zoning Administrator approval):

A. Plans are reviewed and approved after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit pursuant to **Section 9.03** after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

B. One (1) copy of the plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine if a digital or hard copy is required. The Zoning Administrator shall require that all plans be

submitted showing the information listed in **Section 5.04** for a plot plan and **Section 5.05** for a site plan and containing the signature of the property owner.

Section 5.07 Planning Commission Review Procedure

The following details the review procedure for projects that require review and approval by the Planning Commission (see **Table 5.03** for a list of uses requiring Planning Commission approval). The term "site plan" is used to mean any plan that goes before the Planning Commission, even if a plot plan is required.

A. **Pre-Application Meeting**.

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

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

B. **Site Plan Review Procedures**.

1. **Application, Number of Copies, and Timing**. A digital copy of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. Upon receipt of such application, the Zoning Administrator shall transmit all application materials to the Planning Commission. The Zoning Administrator may request hard copies of the site plan from the applicant.

2. **Fees**. Application fees pursuant to the currently adopted fee schedule and **Section 9.05** shall be paid when the site plan is submitted.

3. **Phasing of Development**. The applicant may, at his or her discretion, divide the proposed development into two (2) or more phases. In such a case, the site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval.

4. **Review for Completeness by the Zoning Administrator**. The Zoning Administrator shall review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all

deficiencies to the applicant. Once the submitted materials are deemed by the Zoning Administrator to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. If the site plan is being submitted as part of a Special Use, notice of said meeting shall be in conformance with **Section 9.07,** and the procedures of **Article 6** shall be followed.

5. **Coordination with Other Agencies/Departments**. The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

   a. The Iosco County Building Department

   b. The Iosco County Soil Erosion and Sedimentation Control Officer

   c. The **Iosco County Drain Commissioner**

   d. The **Iosco County Road Commission** and, if appropriate, the **Michigan Department of Transportation**

   e. **District Health Department**

   f. Local police, fire, and ambulance service providers

   g. Planning consultant

   h. Other agencies or consultants, as deemed appropriate

6. **Site Plans Requiring ZBA Action**. Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before site plan approval can be granted.

7. **Attendance at Meeting**. If the applicant fails to attend the Planning Commission meeting at which the site plan will be reviewed, either in person or by an authorized representative, the review may be postponed until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

8. **Planning Commission Action**.

   a. **Decision**. The Planning Commission, after review of the site plan, shall have the responsibility and authorization to:

      (1) Approve the site plan; or

      (2) Approve the site plan with conditions; or

(3) Disapprove the site plan. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.

b. **Findings of Fact**. The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.

c. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.09** of this Ordinance. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

d. **Signed Copies**. After approval, copies of the site plan submitted shall be signed and dated. One (1) copy shall be filed with the Township, and one (1) returned to the applicant with a zoning permit and a written statement specifying the terms of the zoning permit for posting on the premises during the progress of any construction authorized.

e. **Performance Guarantee**. The applicant may be required to post performance guarantees to ensure the completion of improvements associated with the project as per **Section 9.06**.

f. **Zoning Permit**. Approval of a final site plan authorizes the issuance of a zoning permit.

g. **Conformance with Approved Plan**. Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to construct site improvements which conform to the approved site plan shall be considered a violation of this Ordinance.

C. **Appeal**.

The decision of the Planning Commission may be appealed by a person aggrieved by the decision; by an officer, department, board, or bureau of the state of Michigan; or the Township, to the Zoning Board of Appeals. Request for appeal shall be made within thirty (30) days of the date of the Planning Commission decision.

D. **Rehearing**.

A rehearing may be granted pursuant to **Section 9.10**.

Section 5.08 Site Plan Approval Standards

In reviewing a preliminary or final site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to ensure that it conforms to the following criteria unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. **Preservation of Natural Environment.**

Proposed uses and structures shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.

B. **Relations of Proposed Land Building and Structural Uses to the Environment**.

Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures, and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features, or other structures.

C. **Drives, Parking and Circulation**.

1. Safe, convenient, well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site.

2. Driveways will be located to minimize conflict with traffic on the adjacent street. The number of driveways will be the minimum needed to provide reasonable access to the site.

3. The widths of streets and driveways shall be appropriate for the existing and anticipated volume of traffic.

4. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

5. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

D. **Surface Water Drainage**.

1. Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system.

2. If necessary, stormwater shall be removed from all roofs, canopies, and paved areas and carried away in an underground piped drainage system.

3. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create impounded water on the paved areas.

E. **Utility Service**.

1. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to adjacent properties and the site.

2. The proposed method of sanitary sewage disposal from all buildings shall be indicated.

3. All utility installations shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the **Michigan Public Service Commission**.

F. **Signs**.

The size, location, and lighting of all permanent signs and outdoor sign structures or features shall be consistent with the requirements of **Section 3.33: Signs**.

G. **Special Features**.

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

H. **Light and Access**.

The location, size, and height of the building, walls, and fences shall be such that there is adequate open space so as to provide light and access to the persons occupying the building and that there will be no interference with adequate light, air, and access to adjacent lands.

I. **Loading and Storage**.

All loading and unloading areas and outside storage shall be in accordance with **Section 3.30** and **Section 3.32**.

J. **Snow Storage**.

Proper snow storage areas shall be provided in accordance with **Section 3.32**.

K. **Exterior Lighting**.

Exterior lighting shall be in accordance with **Section 3.20**.

L. **Additional Requirements**.

All other standards and requirements of this Ordinance shall be met by site plans presented for review.

Section 5.09 Amendment to an Approved Site Plan

A. **Determination of Minor Changes to a Site Plan**.

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any requested changes prior to such changes being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing(s) be submitted showing such minor changes, for purposes of record. The Zoning Administrator shall determine changes to be minor if, in the opinion of the Zoning Administrator, the change will not affect how the site plan meets the standards that the Planning Commission used to review the site plan. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance.

B. **Revised Site Plan with Minor Changes**.

After approval, the revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

C. **Amendment to Site Plan – Major**.

1. For amendments to site plans that do not, in the opinion of the Zoning Administrator, qualify as a minor amendment and which require Planning Commission action, the same application process and fee for site plan review shall apply.

2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

Section 5.10 Expiration of Site Plan Approval

Site plan approval shall expire one (1) year after the approval is granted, unless substantial construction of the approved development has begun within that time. Thirty (30) days prior to the expiration of an approved site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan approval. The Planning Commission may grant the requested extension for this additional one (1) year if it finds good cause for the extension.

Section 5.11 Violation of Approved Site Plan

The approved final site plan shall regulate the development of the property. Any violation of this Section, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Section and shall be subject to the penalties of this Ordinance.

Article 6
Special Use Review

Sec	Name	Pg
6.01	Purpose	6-1
6.02	Authority to Grant Special Use Permits	6-1
6.03	Special Use Review Procedure	6-1
6.04	Special Use Approval Standards	6-5
6.05	Inspection	6-7
6.06	Expiration, Transfer, or Violation of a Special Use	6-7

Section 6.01 Purpose

The formulation and enactment of this Zoning Ordinance are based upon the division of the Township into zoning districts, each of which includes permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses (Special Uses) which may be necessary or desirable to allow in certain districts, but which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a district. Special Uses are listed in this Ordinance under each zoning district in **Article 4**. The intent of this Article is to establish equitable procedures and criteria which shall be applied in approving or denying Special Use permits.

Section 6.02 Authority to Grant Special Use Permits

The Planning Commission shall have the authority to grant Special Use Permits, subject to such conditions of design and operations, safeguards, and time limitations as it may determine for all Special Uses conditionally allowed in the various district provisions of this Ordinance.

Section 6.03 Special Use Review Procedure

A. **Application Submittal.**

1. **Application**. Application shall be submitted to the Zoning Administrator on a special form provided for that purpose.

   An application for a Special Use permit application shall contain:

   a. The applicant's name and address in full.

b. A notarized statement signed by all of the owners and the applicant, if the applicant is acting on the owner's behalf.

c. The address of the property involved.

d. **Plot Plan or Site Plan**. In addition to a complete application form, the applicant is required to submit a plot plan or a site plan according to **Section 5.03**. Incomplete submittals shall not be accepted by the Zoning Administrator. The Zoning Administrator may waive the requirement for a plot plan or site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Use.

e. Description of the proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.

f. Description of the sewage and waste disposal facilities and water supply, existing and/or proposed for installation.

g. Description of the use of existing premises and zoning district designation of all adjacent properties.

h. A statement by the applicant appraising the effect on the neighborhood.

i. A statement and supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance and as required by the Planning Commission.

2. **Fee**. Application for any Special Use permit shall be accompanied by the necessary fee in accordance with the Township schedule of fees and turned in to the Zoning Administrator. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

3. **Timing of Submittal**. Special Use applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the site plan will be considered.

B. **Application Processing**.

1. **Review for Completeness and Scheduling of Public Hearing**. The Zoning Administrator will review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with **Section 9.07**. The Zoning Administrator may also transmit his/her recommendation of the proposed development to the Planning Commission.

2. **Coordination with Other Agencies**. The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

   a. The Iosco County Building Department

   b. The Iosco County Soil Erosion and Sedimentation Control Officer

   c. The **Iosco County Drain Commissioner**

   d. The **Iosco County Road Commission** and, if appropriate, the **Michigan Department of Transportation**

   e. **District Health Department**

   f. Local police, fire, and ambulance service providers

   g. Planning consultant

   h. Other agencies or consultants, as deemed appropriate

3. **Special Uses Requiring ZBA Action**. Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before Special Use approval can be granted.

4. **Attendance at Meeting**. If the applicant fails to attend the Planning Commission meeting at which the Special Use will be reviewed, either in person or by an authorized representative, the review may be postponed until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

C. **Public Hearing**.

A public hearing shall be held for all Special Use permit requests. Notice of the Special Use permit request and public hearing shall be provided after notice is given pursuant to **Section 9.07**.

D. **Planning Commission Action**.

1. After the public hearing, the Planning Commission, after reviewing the Special Use for compliance with all applicable provisions of this Ordinance, standards listed in **Section 5.08** (if a site plan is required), the standards listed in **Section 6.04**, and standards in **Article 7** which are applicable to the specific Special Use, may:

   a. Approve the Special Use; or

   b. Approve the Special Use with conditions; or

c. Disapprove the Special Use. If the Special Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.

2. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

3. Approval by the Planning Commission of a Special Use authorizes issuance of a zoning permit.

E. **Conditions**.

The Planning Commission may impose reasonable conditions with the approval of a Special Use, pursuant to **Section 9.09** of this Ordinance.

F. **Performance Guarantee**.

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a Special Use, pursuant to **Section 9.06** of this Ordinance.

G. **Signed Copies of an Approved Site Plan or Plot Plan for a Special Use**.

After approval, copies of the plot plan or site plan submitted shall be signed and dated. One (1) copy shall be filed with the Township, and one (1) returned to the applicant with a zoning permit and a written statement specifying the terms of the zoning permit for posting on the premises during the progress of any construction authorized.

H. **Appeal**.

The decision of the Planning Commission concerning a Special Use may be appealed by a person aggrieved by the decision; by an officer, department, board, or bureau of the state of Michigan; or the Township, to the Zoning Board of Appeals. A request for appeal shall be made within thirty (30) days of the decision by the Planning Commission.

I. **Conformance**.

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission shall apply only to those uses, arrangements, and construction authorized in the permit. All other uses and structures at variance with the authorized permit shall be deemed in violation of this Ordinance and punishable as provided in **Section 9.11**.

J. **Rehearing**.

A rehearing may be granted pursuant to **Section 9.10**.

K. **Amendment to an Approved Special Use**.

Minor amendments to a previously-approved Special Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. The Zoning Administrator shall determine changes to be minor if, in the opinion of the Zoning Administrator, the change will not affect how the Special Use meets the standards that the Planning Commission used to review the Special Use. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance. Amendments which are not classified as minor in accordance with **Section 5.09** shall be processed in the same manner as a new Special Use.

Section 6.04 Special Use Approval Standards

The Planning Commission shall ensure that the Special Use meets the following criteria unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. **Allowed Special Use**.

The property subject to the application is located in a zoning district in which the proposed Special Use is allowed.

B. **Compatibility with Neighborhood.**

1. **Character of the Area.** The proposed Special Use shall be designed, constructed, operated, and maintained to be harmonious, compatible, and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land, and shall not change the essential character of the area in which it is proposed to be located.

2. **Site Area and Potential Future Expansion Areas**. The Planning Commission has determined that there is sufficient site area for the proposed use to prevent nuisances to neighboring uses and that there is the potential for reasonable anticipated expansion of the use without nuisances to neighboring uses.

3. **Number of Persons or Employees**. The potential impact of persons or employees shall be in harmony with the neighborhood in terms of traffic, parking, and activities.

4. **Time of Use and Physical and Economic Relationship**. The proposed or estimated time(s) of use and the physical and economic relationship of one type of use to another are not in conflict with each other or with surrounding properties and uses.

5. **Operations of Use**. The nature and intensity of operations involved in or conducted in connection with the proposed use are appropriate for the site and not in conflict with surrounding properties and uses.

6. **Design Characteristics.** Elements shall relate the design characteristics of an individual structure or development to existing or planned developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.

C. **Public Services**.

Based on information readily available, the use shall be served adequately by existing or proposed public and private infrastructure and services, including, but not limited to, streets and highways, police and fire protection, refuse disposal, water, wastewater, storm sewer facilities, electrical service, and schools.

D. **Economic Well-Being of the Community**.

The proposed Special Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.

E. **Compatibility with Natural Environment**.

The proposed Special Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. Natural features of the landscape, including but not limited to ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearance of the neighborhood.

F. **Impact of Traffic on Street System**.

1. The location and design of the proposed Special Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e., volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.

2. The proposed Special Use shall not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

G. **Non-Detrimental Standards**.

The proposed Special Use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be hazardous, detrimental, or a nuisance to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor, outdoor storage or activity, or traffic (see definition of **Nuisance**). The following types of impacts shall be considered:

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

H. **Consistent with Zoning Ordinance and Master Plan**.

The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the Master Plan.

I. **Compliance with Supplemental Regulations**.

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

Section 6.05 Inspection

The Zoning Administrator shall have the right to inspect any Special Use to ensure continued compliance with the conditions of the Special Use Permit.

Section 6.06 Expiration, Transfer, or Violation of a Special Use

A. **Expiration of Special Use Permit**.

Special Use approval shall expire one (1) year after the approval is granted, unless substantial construction of the approved development has begun within that time period, or, for uses which do not require construction, unless the use has begun within that time period. Thirty (30) days prior to expiration of an approved Special Use Permit, an applicant may apply to the Planning Commission for a one (1) year extension of the Special Use Permit. The Planning Commission shall grant the requested extension for an additional one (1) year if it finds good cause for the extension and that the zoning regulations governing the Special Use approval have not changed since the approval.

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

The Special Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Use is an accessory use on the premises) or a subsequent Special Use permit or if

the applicant requests the rescinding of the Special Use Permit.

C. **Abandonment of Special Use**.

If a property owner has an intent to abandon a Special Use and in fact abandons this Special Use for a period of one (1) year or more, then the Special Use shall be deemed abandoned, and any subsequent use of the property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a Special Use, the Zoning Administrator shall consider the following factors:

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

D. **New Ownership of a Special Use**.

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

E. **Special Use Suspension or Revocation**.

If the conditions and stipulations of an approved Special Use (and plot plan or site plan, if they were required) are not being adhered to or in case of false statements or misrepresentations made in the application, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance.

Article 7
Supplemental Regulations

Sec	Name	Pg
7.01	Purpose	7-1
7.02	Home Occupations	7-1
7.03	Accessory Dwelling Units	7-4
7.04	Farm Markets & Roadside Stands	7-5
7.05	Outdoor Dog Kennels	7-6
7.06	Food Trucks & Food Truck Parks	7-6
7.07	Adult Entertainment Facilities	7-7
7.08	Commercial Events Facilities	7-10
7.09	Junkyards	7-13
7.10	Gas Stations & Auto or Vehicle Repair Garages	7-14
7.11	Trap & Skeet Shooting Ranges	7-14
7.12	Planned Unit Developments (PUD)	7-16
7.13	Wireless Facilities	7-25
7.14	Small Cell Wireless Facilities	7-31
7.15	Accessory Solar Panels	7-33
7.16	Solar Energy Facilities (Utility-Scale)	7-35
7.17	Accessory Wind Turbines	7-46
7.18	Wind Energy Facilities (Utility-Scale)	7-49
7.19	Battery Energy Storage Systems	7-61
7.20	Data Centers	7-70
7.21	Dwellings	7-76

Section 7.01 Purpose

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific regulations or standards in addition to the requirements of each zoning district, but which may be common to several districts in which they are permitted to be located.

Section 7.02 Home Occupations

While Plainfield Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this Section is to provide standards to ensure Level 1 and Level 2 Home Occupations are compatible with other allowed uses in residential

districts, and thus to maintain and preserve the residential character of the neighborhood. The non-residential use shall be only incidental to the primary residential use.

The permission for Home Occupation as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance, but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of Home Occupations.

A. **Zoning Permit.**

1. Level 1 Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is NOT required.

2. Level 2 Home Occupations may be permitted as a Special Use, subject to review and approval by the Planning Commission. Level 2 Home Occupations shall be allowed on the basis of individual merit. A periodic review of each Level 2 Home Occupation shall be performed to ensure the conditions of approval are adhered to. If a premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.

B. **Use of Buildings.**

The Home Occupation shall utilize no more than twenty-five (25) percent of the area of the entire principal structure and fifty (50) percent of an accessory building, except in the Agriculture District, where one hundred (100) percent of an accessory building may be utilized.

C. **Equipment.**

Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the Home Occupation.

D. **Employees (including Independent Contractors).**

Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence.

1. **Level 1 Home Occupations.** The Home Occupation shall involve no employees other than members of the immediate family living on the premises.

2. **Level 2 Home Occupations.** The maximum number of non-resident employees shall be determined at the time of Special Use review.

E. **Residential Character and External Evidence.**

1. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a Home Occupation.

2. There shall be no external evidence of such Home Occupations, except a sign pursuant to **Section 3.33**.

3. **Outdoor Storage and Display**.

   a. **Level 1 Home Occupations**. There shall be no exterior display of goods on said premises, and the area shall be kept free of debris.

   b. **Level 2 Home Occupations**. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.

   c. **Equipment Hauled by Vehicles**. Equipment such as, but not limited to, trailers that are designed to be hauled by work vehicles may be stored in the driveway of the residence and shall not be required to be screened.

F. **Traffic and Delivery.** Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses. No such Home Occupation shall require the delivery of goods or the visit of customers before 8:00 a.m. and after 7:00 p.m.

G. **Parking for Level 2 Home Occupations**.

1. There shall be no off-street parking for employees or customers within the setback area.

2. The Home Occupation shall provide parking for employees actually working at the site of the residence and/or who leave their vehicles at the residence to travel to daily job sites.

H. **Nuisances**.

Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.

I. **Retail Sales**.

Retail sales are permitted as a Home Occupation provided they meet the requirements of the above. No products shall be sold from the premises which are not strictly related to the Home Occupation conducted therein.

J. **Prohibited Uses and Uses Not Classified as Home Occupation**.

1. The following uses (including similar establishments) are prohibited as a Home Occupation:

   a. Private clubs.
   b. Restaurants and bars/taverns.
   c. Adult entertainment facilities.
   d. Marihuana establishments and facilities.
   e. Commercial Events Facilities

2. The following uses are not classified as a Home Occupation and are listed separately in **Article 4**:

   a. Family Child Care Home
   b. Group Child Care Home
   c. Adult Day Care Facilities
   d. Adult Foster Care Facilities/State Licensed Residential Facilities
   e. Bed and Breakfast/Tourist Homes
   f. Rooming and Boarding Houses
   f. Short Term Rentals
   g. Stables
   h. Agricultural Tourism Businesses
   i. Kennels
   j. Roadside Stands and Farm Markets

Section 7.03 Accessory Dwelling Units

A. **Intent**.

The intent of this Section is to allow space on a lot to provide a secondary dwelling unit. This Accessory Dwelling Unit may or may not be rented out. Accessory dwelling units which meet the definition of a dwelling, as defined in **Article 2**, shall comply with the following regulations:

B. **Residence and Incidental Use**.

The Accessory Dwelling Unit shall be clearly incidental to the principal dwelling on the site. Accessory dwelling units are not considered principal dwellings. Accordingly, the following conditions shall be met:

1. Accessory Dwelling Units shall be established on lots where the owner resides in the principal residence. Change of ownership shall not negate the Accessory Dwelling Unit permit.

2. Accessory Dwelling Units may be rented as a rental for thirty (30) days or more.

3. Only one (1) such Accessory Dwelling Unit shall be permitted on each lot.

4. The floor area of an Accessory Dwelling Unit shall be no greater than fifty (50) percent of the ground floor area of the principal dwelling on the lot.

5. Accessory Dwelling Units may be less than the minimum dwelling unit size stated in **Article 4** but shall be no less than three hundred twenty (320) square feet.

6. The Accessory Dwelling Unit may be a detached structure or may be attached to a building on the property, including the principal dwelling or an accessory building.

7. Accessory Dwelling Units shall meet the required setbacks for the principal building.

8. Accessory Dwelling Units shall meet the current Building Code.

9. The owner of the principal building shall maintain the Accessory Dwelling Unit and shall ensure that no excessive noise, traffic, or blight occurs on the lot.

10. Accessory Dwelling Units shall meet the water and septic requirements of the **District Health Department**.

C. **Compatibility with Surrounding Land Use**.

The design of the Accessory Dwelling Unit shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood.

D. **Parking and Access**.

In addition to the required parking for the principal residence, one (1) additional off-street parking space shall be provided for the Accessory Dwelling Unit.

Section 7.04 Farm Markets & Roadside Stands

Farm markets and roadside stands shall be located and constructed to meet the following requirements:

A. The structure shall not be more than one (1) story in height.

B. The floor area shall not be more than four hundred (400) square feet for farm markets and eighty (80) square feet for roadside stands.

C. In the RD District, the stand shall be located no closer than ten (10) feet from the nearest road right-of-way. In no case shall the stand occupy any part of the right-of-way.

D. In the AG District, the stand shall be located no closer than forty (40) feet from the nearest road right-of-way line. In no case shall the stand occupy any part of the right-of-way.

E. Roadside stands which are not on property affiliated with a farm are permitted in any district, shall not be permanent structures, and shall not be operated year-round.

Section 7.05 Outdoor Dog Kennels

All dog kennels shall be operated in conformance with all applicable county, state, and federal regulations.

A. For outdoor dog kennels, the minimum lot size shall be one (1) acre for up to six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.

B. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.

C. The Planning Commission may require conditions necessary to ensure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, soundproofing, and sanitary requirements.

Section 7.06 Food Trucks & Food Truck Parks

A. **Intent**.

Plainfield Township feels that food trucks allow new food vending opportunities that can add vitality to the community, businesses, vacant parking lots, and underutilized commercial properties. The intent of this Section is to allow food trucks and food truck parks, but also to provide regulations that limit their impact.

B. **Scope**.

1. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks that distribute goods as they are driving throughout the community (i.e. mobile ice cream trucks).

2. These regulations apply to food trucks on private property. Food trucks on public property are not regulated by this Ordinance.

3. Food trucks may be the principal use of the lot or an accessory use of the lot.

4. A single food truck may receive approval for multiple locations and a single lot may receive approval for multiple food trucks.

C. **Approval**.

1. Food Trucks that will stay in the same location for two (2) weeks or less are regulated as Temporary Transient Use and require a permit from the Zoning Administrator.

2. Food Trucks that will stay in the same location for more than two (2) weeks require approval by the Zoning Administrator pursuant to **Article 5**, except where listed as a Special Use in **Article 4**. The property owner shall submit a plot plan pursuant to **Section 5.04**. The plot plan shall show the planned parking for any food trucks on a lot, as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck (Food Truck Park), only one (1) zoning approval is required for all of the food trucks on the property. The Zoning Administrator may refer approval to the Planning Commission.

D. **Standards**

1. The Food Truck shall meet the setback requirements of the district, see **Article 4**. Food trucks that are proposed for two (2) weeks or less do not have a setback requirement.

2. Sales shall not occur in the public right-of-way or on public property.

3. Use of generators shall not cause a nuisance to neighbors due to noise, exhaust, or vibration, as determined by the Zoning Administrator.

4. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer systems, or public roads and shall be transported to a proper location for disposal.

5. All areas of the lot shall be kept clean and free of debris.

6. Food trucks and food truck parks shall meet the site plan review standards in **Section 5.08**.

7. Sanitary facilities shall be provided. This requirement may be waived if documentation is provided for alternative arrangements.

Section 7.07 Adult Entertainment Facilities

The purpose and intent of this Section pertaining to the regulation of Adult Entertainment Facilities is to regulate the location and operation of, but not to exclude, Adult Entertainment Facilities within the Township, and to minimize their negative secondary effects. It is recognized that Adult Entertainment Facilities, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The

regulation of Adult Entertainment Facilities is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to Adult Entertainment Facilities and their products, or to deny Adult Entertainment Facilities access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinances, state, or federal law. If any portion of this Ordinance relating to the regulation of Adult Entertainment Facilities or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to the regulation of Adult Entertainment Facilities following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

Adult entertainment facilities may be permitted provided the conditions below are met, and such other conditions as may be required by the Township to protect adjacent uses and residential neighborhoods are met.

A. No Adult Entertainment Facility shall be permitted within one thousand (1,000) feet of a church, park, or a public or private school property.

B. No Adult Entertainment Facility shall be permitted within one thousand (1,000) feet of a residence or the R-1, R-2, or R-3 Districts.

C. In determining the distance limitation in A and B above, measurements shall be made from the boundary of the church, park, school, or residential property on a straight line to the boundary of the property of the Adult Entertainment Facility. Measurements shall be made from the boundary of a residential district on a straight line to the boundary of the property of the Adult Entertainment Facility.

D. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.

E. Any sign or signs proposed for the Adult Entertainment Facility shall comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type or include animated or flashing illumination.

F. Entrances to the proposed Adult Entertainment Facilities shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: (1) “persons under the age of 18 are not permitted to enter the premises”, and (2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the **Michigan Liquor Control Commission**.”

G. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from any road or a neighboring property.

H. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).

I. Any booth, room, or cubicle available in any Adult Entertainment Facility, except an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:

1. Shall be handicap accessible to the extent required by the **Americans with Disabilities Act**.

2. Shall be unobstructed by any door, lock, or other entrance and exit control device.

3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.

4. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts.

5. Has no holes or openings in any side or rear walls.

J. **Review Procedure for Adult Entertainment Facilities**.

The Planning Commission shall adhere to the following procedures when reviewing a Special Use application for an Adult Entertainment Facility.

1. Once a complete application has been submitted, the Planning Commission shall, within sixty (60) days after the submission, make and adopt specific findings with respect to whether the proposed Adult Entertainment Facility is in compliance with the standards designated in this Section, **Section 5.08,** and **Section 6.04**. If the Planning Commission has not made and adopted findings of fact with respect to a proposed Adult Entertainment Facility and either approved or denied the issuance of a Special Use for the same within sixty (60) days of its determination that a completed application has been filed, then the Special Use shall be deemed to have been approved.

2. **Prompt Judicial Review of Adverse Determination**. In the event an application for Special Use within this Section is denied, the applicant shall be entitled to prompt judicial review of that denial. If the applicant desires prompt judicial review of the denial, the applicant shall submit a written request for that review with the Township Clerk. Within five (5) business days after receipt of the written request for judicial review, the Township shall file a motion for preliminary injunction in the Iosco County Circuit Court that seeks to restrain the applicant from operating the Adult Entertainment Facility in violation of the Zoning Ordinance. If the applicant seeks an order from the Circuit Court, under the then applicable Michigan court rule, that the trial of the action on the merits be advanced and consolidated with the hearing on the motion for preliminary injunction, the Township shall consent to that request. If the applicant appeals an adverse ruling from the Circuit Court to the

Michigan Court of Appeals and the applicant seeks an order from the Court of Appeals, under the then applicable Michigan court rule that seeks to expedite the priority of the appeal on the Court's calendar, the Township shall consent to that request. In the event the Michigan Supreme Court accepts the applicant's appeal from an adverse ruling from the Court of Appeals and the applicant seeks an order from the Supreme Court, under the then applicable Michigan court rule that seeks to expedite the proceeding before the Court, the Township shall consent to that request.

Section 7.08 Commercial Events Facilities

A. **Intent**.

The intent of this Section is to define minimum standards for Commercial Event Facilities because these facilities have a high potential of impacting surrounding properties.

B. **Standards**.

The Planning Commission shall grant a Special Use permit for a commercial event facility when it finds the proposed commercial event facility complies with the general standards for a Special Use permit as provided in **Section 6.04,** and it complies with all of the following requirements:

1. **Parking**. No vehicles associated with the event shall be permitted to be parked on public or private roadways. All vehicle parking shall be maintained "on site." "On-site" is defined as at least one hundred (100) feet from the property boundaries of the zoning lot on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided in on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative, with transportation provided to the site by attendees through a commercial transportation service. The use of off-site parking may be granted if it is determined that there is not sufficient space on the lot for on-site parking and that the use of a transportation service will provide a safe method of transportation.

2. **Setbacks**. The commercial event facility shall comply with the following applicable setback requirements:

    3. If the commercial event facility is a designated open space on the lot or is in a structure without hard walls, such as a tent or gazebo, then there shall be a three hundred (300) foot setback from all property lines and from all public or private road rights-of-way.

    4. If the commercial event facility is a type of completely enclosed structure, then there shall be a one hundred (100) foot setback from all property lines and from all public or private road rights-of-way.

3. **Location of Activities**. Except for off-site parking, all activities associated with the commercial event facility should be located within the property itself. In addition, all activities shall be subject to current and future noise ordinances enacted by the Township.

4. **Hours of Operation**. Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the departure of all attendees from the facility with the understanding that the clean-up process may occur after termination of the event.

5. **Amplified Sound**. Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM and shall be terminated by 11:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site upon a finding that, due to the remote location of the site, the physical characteristics of the site, and/or the vegetation or other effective buffers on the site, the modified time limits for amplified sound will not cause a substantial detrimental impact on neighboring properties. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Sound from the facility shall not, because of its frequent occurrences, volume, or sound vibration, annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivities on any adjacent property.

6. **Overnight Accommodations**. No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless overnight accommodations were included and approved by the Planning Commission.

7. **Capacity**. The number of persons allowed at each event for a proposed Commercial Event Facility shall comply with the existing State of Michigan fire code.

8. **Sanitary Facilities**. The applicant shall obtain approval for the required sanitary facilities from the **District Health Department**.

9. **Year-Round Operations and Number of Events**. Events within a commercial event facility may occur at all times of the year. The Planning Commission, however, may limit the number of events allowed each year based on a finding that, due to the close proximity of the commercial event facility to dwellings, the physical characteristics of the site, and/or a lack of vegetation or other effective buffers on the site, an unlimited number of events could cause a substantial detrimental impact on neighboring properties.

10. **Ingress/Egress**. The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, subject to approval of the Fire Department.

11. **Buffers**. The Planning Commission may require buffers between the Commercial Event Facility and adjacent properties after evaluating the size of the zoning lot, the natural topography, and vegetative cover. If required, buffers shall be of sufficient depth and height to reduce the impact of noise on adjacent properties and reduce the impact of outdoor lighting on adjacent properties.

12. **Outdoor Seating**. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

C. **Submittal Requirements**.

1. In addition to the requirements in **Section 5.05: Data Required for Site Plans**, the site plan shall show the following:

   a. Area of the event, including indoor and outdoor areas.
   b. Parking location and number of parking spaces.
   c. Temporary structures.
   d. Sanitation facilities.
   e. Areas for food trucks or food vendors, including proposed setback from property lines and including the maximum number of food trucks or food vendors planned.
   f. Areas for trash receptacles and a schedule for trash pick-up.
   g. Location of firepits.
   h. Location of outdoor lighting and light levels.

2. **Event Management Plan**. An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include all of the following:

   a. Type and number of events expected.
   b. Provisions for traffic and parking management.
   c. Hours of operation, including setup and takedown times.
   d. Provisions for noise abatement and expected sources of noise, including the location of speaker systems and similar sources of noise.
   e. Toilet facilities.
   f. Expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
   g. Expected number of automobiles and other vehicles intended to use the property at one time and collectively.
   h. Public safety plans.
   i. List of contacts for emergency situations.

j. Certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

k. List of other permits and licenses required, and proof that said permits are being applied for.

3. **Deviations.** The Planning Commission may approve deviations from this Section upon finding that said deviation would not cause a substantial detrimental impact on neighboring properties.

Section 7.09 Junkyards

A. Junkyards shall be properly screened from view of the public. If not screened naturally, the use shall be completely screened by a finished fence or masonry wall at least eight (8) feet in height or by a well-maintained evergreen planting. Materials shall not be piled higher than the fence. Said fence shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.

B. Such uses shall be established and maintained in accordance with all applicable State of Michigan statutes and regulations.

C. All activities shall be confined within the fenced areas. No equipment, material, signs, or lighting shall be used or stored outside the fenced area.

D. Fences shall be set back one hundred (100) feet from any public road. Landscaping shall be required within the one hundred (100) foot setback from the front lot line.

E. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hours of 8:00 AM and after 6:00 PM, and no such activity shall operate on Sundays.

F. Glare from any process, such as arc welding, which emits harmful rays, shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

G. No oils, lubricants, or other liquids from vehicles, machinery, equipment, or other materials, shall be disposed of on-site unless State of Michigan-approved facilities are properly in place and properly functioning. No burial of wastes shall be permitted on the property under this Section unless in compliance with State of Michigan regulations.

H. The applicant shall state in writing and/or illustrate how potentially hazardous liquids are to be prevented from entering the groundwater and present a written plan for handling and disposal of such hazardous liquids.

I. The applicant may be required to provide a written contingency plan for hazardous/toxic spills. The Planning Commission may require a roofed work area with an impervious floor with a floor drain collection system.

J. Once approved, no other portion of the property shall be used for activities regulated herein without an amended site plan and Special Use approval, and there shall be no presumption that any usage beyond that in the original permit would be approved.

Section 7.10 Gas Stations & Auto or Vehicle Repair Garages

All gas stations and auto/vehicle repair garages shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located.

A. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumpers, wheel guards, or traffic islands.

B. The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.

C. Hydraulic hoist, lubrication, greasing, washing, and repair equipment shall be entirely within a building. In the case of gas stations, tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.

D. The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty-four (24) feet.

E. Minimum angle or driveway intersection with the roadway from the curb line to the lot line shall be no less than sixty (60) degrees.

F. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.

G. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.

Section 7.11 Trap & Skeet Shooting Ranges

A. **Purpose**.

It is the intent and purpose of this Section to provide for the proper location of Trap and Skeet Shooting Ranges in relation to adjacent and surrounding land use, both present and future, in the interest of public safety and the welfare of those who work and live on adjacent and surrounding properties.

B. **Location**.

Trap and Skeet Shooting Ranges shall be located only in the RD and AG Zoning Districts, but no shooting station shall be located within one thousand (1,000) feet of a platted subdivision or an existing dwelling located on adjacent or nearby lots or parcels.

C. **Size of Site**.

A Trap and Shooting Skeet Range shall have at least twenty (20) acres of land area for the first shooting station and at least ten (10) acres of land area for each additional shooting station.

D. **Buffer Area**.

A buffer area of at least four hundred fifty (450) feet shall surround all parts of the Trap and Skeet Shooting Range with only natural materials and vegetation and safety and sound barrier devices permitted in the buffer area forward of the shooting stations, and the buffer area to the rear of the shooting stations to be used for off-street parking and other structures accessory to the Range, provided all setbacks and other requirements are met.

E. **Construction Plans**.

Plans and specifications for Trap and Skeet Shooting Ranges shall be the same as provided by the National Rifle Association.

F. **Length of Firing Range**.

The distance from the shooting station to the inside edge of the buffer area shall be at least equal to the distance a projectile fired from any firearm on said range.

G. **Off-Street Parking**.

Off-street parking spaces shall be provided in a number at least equal to seventy (75) percent of the membership of a Trap and Skeet Shooting Club, or if a transient commercial range, a number equal to four (4) off-street parking spaces per shooting station.

H. **Hours of Operation**.

Trap and Skeet Shooting hours shall be limited to the hours between 8:00 A.M. and 8:00 P.M., and there shall be no shooting between the hours of 8:00 P.M. and 8:00 A.M., and additionally between the hours of 8:00 A.M. and 12:00 noon on Sundays, Thanksgiving, Christmas, and New Year's holidays.

I. **Variances**.

The Zoning Board of Appeals may grant variances from the above land area and buffer area requirements if practical difficulties can be proved to the satisfaction of the Board, but only if some natural topographical or

man-made barriers such as berms, walls or other forms of safety and sound barriers are to be erected to justify the granting of such a variance from the minimum buffer area or minimum land area requirements.

Section 7.12 Planned Unit Developments (PUD)

A. **Purpose**.

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Section to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice.

B. **Uses Allowed**.

The following uses may be allowed in a PUD. Mixed uses are encouraged.

1. **Residential Uses**. Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures, are permitted in a PUD.

2. **Non-Residential Uses**. Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.

3. **Development not associated with Residential Uses**. A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses, both existing and anticipated. A PUD excluding residential uses may not be located in a Residential Zoning District.

C. **Flexibility of Zoning Ordinance Standards**.

Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. 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.

D. **Supplemental Development Standards**.

1. **External and Internal Circulation and Access**.

   a. Access points to a "PUD" development shall be located no less than five hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point

of ingress or egress be closer than two hundred seventy (270) feet to either side lot line of the parcel.

b. Each lot or principal building shall have internal vehicular access from a public street or private street approved by the Planning Commission.

c. Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Planning Commission as part of the site plan.

d. As property is developed as a "PUD" Planned Unit Development, a pathway system linking all principal residential, commercial, and industrial units, both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels shall be provided. The pathway system shall be designed so as to be appropriate to non-motorized transportation modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width, and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.

e. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for the separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.

f. Public and private streets shall be designed and constructed according to established standards for public streets as established by the **County Road Commission,** except that such standards may be modified as provided in **Section 3.34**. If private streets are to be dedicated to a public agency in the future, the applicant (s) shall first agree to bear the full expense of making the streets suitable for public acceptance.

2. **Open Space Regulations**.

a. A land, water or land/water area constituting not less than twenty-five (25) percent of the total (1) land area, or (2) land area, plus no more than three hundred (300) feet into or no more than one-half (1/2) the width or distance across, a natural surface water area of the waterfront parcel, shall be designed as permanent open space. The required open space shall be set aside by the developer in the form of an irrevocable conveyance whereby the open space area shall be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance shall provide that the open space is for the use and enjoyment of the residents, occupants, and users of the PUD, and such open space shall be considered as an integral component of the overall Planned Unit Development. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance costs by each resident (be they residential or commercial) within the Planned Unit Development.

b. Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the function of the open space. Other buildings and improvements shall be prohibited therein.

c. Open space areas shall be conveniently located in relation to dwelling units and functions intended.

d. Open space areas shall have minimum dimensions which are usable for the functions intended and which will be maintainable.

e. The Planning Commission may require that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system.

f. The Planning Commission may waive the open space requirements where it can be shown that:

(1) Granting the waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions for occupants of nearby properties.

(2) Granting the waiver will not otherwise impair the public health, safety, and general welfare of the residents.

3. **Landscaping and Parking**.

a. The parking and loading requirements set forth in **Section 3.32** herein shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, as part of the site plan. Such reduction shall be based upon specific findings.

b. A landscaped strip no less than twenty (20) feet in width shall be required when a freestanding physical structure containing a commercial and/or office use is located adjacent to a residential use. The strip shall be located between the two (2) uses and shall be landscaped with trees and ground cover.

4. **Utilities**.

a. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the Township Board.

b. All development will be required to provide an adequate fire protection system as determined and approved by the Township Fire Department and Township Board. In all cases where an on-site system is proposed, detailed drawings, plans, and/or other background materials, as well as

written approval from the appropriate county or state agencies, shall be presented to the Planning Commission before action can or will be taken on any "PUD" request.

c. Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions which shall provide for participation in maintenance costs by each owner of the Planned Unit Development served by such a system.

d. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted.

e. Electrical, telephone, and cable television lines shall be placed underground. Surface-mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.

f. Standard sidewalks and/or a system of street lights may be required for developments in a PUD. Maintenance of either shall be ensured through the implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

5. **Site Design, Layout and Density Criteria**.

a. All density calculations shall be completed on a total gross area basis, less water area, unless the water area is completely enclosed on the parcel.

b. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.

c. All principal buildings and all accessory buildings or structures shall be located at least one hundred (100) feet from any exterior public road right-of-way line, private road, and/or area to be platted.

d. The outdoor storage of goods and materials shall be prohibited in the Planned Unit Development.

6. **Legal Mechanisms to Ensure Facility and Open Space Maintenance**.

a. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Planning Commission approves a final site plan or final plat.

b. Where a Homeowners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE, or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:

(1) The HOA, ACE, or AIE shall be established before any building or structure in the "PUD" is sold or occupied.

(2) Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.

(3) Restrictions shall be permanent.

(4) The HOA, ACE, or AIE shall be made responsible for liability.

(5) Building unit owners shall pay their pro-rata share of the costs, and this requirement shall be specified in the covenants. Assessment levied by the HOA, ACE, or AIE may become a lien on the individual properties.

7. **Project Phasing**.

a. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase should be submitted to the Planning Commission when the site plan is submitted.

b. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

E. **Standards for Review**.

The Planning Commission shall determine and shall provide evidence that the application, site plan, and supplementary informational materials submitted by the applicant meet the following standards:

1. The proposed development shall conform to the Township Master Plan or any part thereof, or represent land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the Township Master Plan.

2. The proposed development shall be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.

3. Common open space, other common properties and facilities, individual properties, and all other elements of a "PUD" are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and surrounding lands.

4. The applicant shall have made provisions to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.

5. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.

6. The mix of housing unit types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.

7. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area land and uses.

8. The proposed development shall create a minimum disturbance to natural features and land forms.

9. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.

10. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the "PUD" where applicable.

F. PUD Review Procedures.

1. Pre-Application Conference.

a. An applicant for a PUD district shall request a pre-application conference with the Township officials prior to filing an application for developing a PUD. The request shall be made to the Zoning Administrator, who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Zoning Administrator shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.

b. The purpose of the conference shall be to inform Township and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other

agencies. The applicant is encouraged to present schematic plans, site data, and other information that will explain the proposed development.

c. Statements made in the conference shall not be legally binding commitments.

2. **Preliminary Site Plan Requirements**. The applicant may elect to combine the Preliminary Site Plan review and the Final Site Plan review into one (1) review.

a. **Preliminary Plan Requirements**. A digital copy of a preliminary site plan encompassing all phases of the proposed PUD, prepared at a scale not less than one (1) inch equals fifty (50) feet if the property is less than three (3) acres and one (1) inch equals one hundred (100) feet, if more, containing the following information:

(1) Name of development, applicant name, preparer name, if different, date of preparations, written and graphic scale, north arrow, property lines and dimensions, and the size of the property in acres.

(2) Zoning and use of all adjoining properties.

(3) Existing natural features of the site, including predominant vegetative cover, major tree stands, and existing drainage ways.

(4) Existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.

(5) Existing site elevation contours at a minimum of twenty (20) foot intervals.

(6) If applicable, identify existing shoreline, existing one-hundred (100) year flood hazard area boundary, and existing wetlands.

(7) Existing rights-of-way lines, pavement edges, and names of public roads; proposed layout of new public roads or private roads.

(8) Layout and typical dimensions of proposed lots, including building plots or pads. If the proposed Planned Unit Development includes the construction of buildings or other structures, identify proposed footprints and dimensions, the proposed number of stories, identify uses proposed within the Planned Unit Development, and the acreage allotted to each use.

(9) Locations of proposed access driveways and parking areas.

(10) If multi-phase development is proposed, identify areas included in each proposed phase.

b. **Legal Description**. A legal description of the land to be included in the Planned Unit Development.

c. **Vicinity Map**. A map of the vicinity of the subject property, locating the property in relation to properties, structures, roads, and uses within three hundred (300) feet of the Planned Unit Development.

d. **Narrative**. A narrative statement describing the overall objectives of the Planned Unit Development.

e. **Application**. A complete application on a form supplied by the Township.

f. **Fees**. Payment of the fee established to cover the cost of the Planned Unit Development project review.

3. **Review and Approval of Preliminary Site Plan**.

a. **Public Hearing Required.** The Planning Commission shall review the preliminary site plan at a public hearing.

b. **Planning Commission Review.** The Planning Commission shall base its review on the following and shall provide written findings of fact:

(1) The standards for approval of a Planned Unit Development contained in this Section.

(2) Site plan review standards in **Section 5.08** and Special Use standards in **Section 6.04**.

(3) That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to adequately mitigate non-compatible uses have been included in the preliminary site plan.

c. **Planning Commission Decision.** Based on the findings of its review, the Planning Commission shall do one of the following:

(1) Approve the preliminary site plan.

(2) Approve preliminary site plan, subject to conditions and the submission of a revised site plan.

(3) Disapprove the preliminary site plan, stating the specific reasons for the disapproval.

d. **Time Period**. Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within

the two (2) year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years if it finds good cause.

4. **Final Site Plan Requirements**.

   a. A final site plan, pursuant to **Section 5.05**, shall be submitted for approval for each phase of development. The final site plan shall include all information from the preliminary site plan phase and shall indicate any changes from the preliminary site plan stage.

   b. The Planning Commission may require the applicant to provide housing and commercial market analysis, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze the site plan. To that end, an impact assessment shall be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps, and/or tables as may prove necessary. Topics to be addressed shall include community impacts (i.e., additional traffic likely to be generated per development, additional police and fire service needs to be anticipated) and environmental impacts (i.e., soils found on the site, site topography, natural features of note that are located on the site, and how each would be impacted by the proposed development).

5. **Review of Final Site Plan**. The Planning Commission shall review the final site plan at a public hearing. The Planning Commission shall base its review on the following:

   a. The standards for approval of a Planned Unit Development contained in this Section.

   b. Site plan review standards in **Section 5.08** and Special Use standards in **Section 6.04**.

   c. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to adequately mitigate non-compatible uses have been included on the final site plan.

6. **Decision on Final Site Plan**. Based on the findings of its review, the Planning Commission shall do one of the following:

   a. Approve the final site plan.

   b. Approve the final site plan, subject to conditions and the submission of a revised site plan.

   c. Disapprove the final site plan, stating the specific reasons for the disapproval.

7. **Time Period**. Once approved, the final site plan approval shall be valid for a period of two (2) years. The approval shall expire if substantial construction has not occurred. The Planning Commission may approve one (1) extension of up to two (2) years if it finds good cause.

G. **Amendments to a PUD**.

Preliminary and final site plans may be amended in accordance with the process detailed in **Section 5.09**.

H. **Subdivision Plats**.

The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements, such as, but not limited to, roads, utilities, and schools.

Section 7.13 Wireless Facilities

A. **Purpose**.

The purpose of this Section is to establish general guidelines for the location of wireless facilities and antennas. The Township recognizes that it is in the public interest to permit the location of wireless facilities and antennas within the Township. The Township also recognizes the need to protect the scenic beauty of Plainfield Township from unnecessary and unreasonable visual interference, and that wireless facilities and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:

1. Protect residential areas from potential adverse impact of wireless facilities and antennas.
2. Encourage the location of wireless facilities in nonresidential areas.
3. Minimize the total number of wireless facilities throughout the community.
4. Encourage the joint use of new and existing wireless facilities sites rather than the construction of additional towers.
5. Encourage developers of wireless facilities and antennas to configure them in a way that minimizes their adverse visual impact.
6. Enhance the ability of providers of wireless services to provide such services to the community quickly, effectively, and efficiently.
7. Consider the public health and safety of wireless facilities.

8. Avoid potential damage to adjacent lots from wireless support structure failure.

B. **Exempted Uses**.

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other "customer end" devices covered by **47 CFR Section 1.4000**) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See **Over-the-Air Reception Devices (47 CFR Section 1.4000)**. Single-use towers and masts shall comply with all **FCC** rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting such a tower.

C. **Uses Allowed**.

1. **Co-Location - Permitted Use**. Pursuant to Section 3514 of **2006 PA 110**, as amended (**Michigan Zoning Enabling Act**, being MCL 125.3101 et.seq.), co-location of wireless communications equipment on an existing support structure is a permitted use of property. No zoning permit is required.

   a. No antenna or similar sending/receiving devices appended to a wireless communications support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure, thereby jeopardizing the support structure's structural integrity.

   b. The installation and/or operation of the above-mentioned wireless communications equipment shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

2. **New Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations)**. New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Use as listed in **Section 4.12** and the individual district tables and shall be evaluated using the procedures stated in **subsection D** below using the standards stated in **subsection E**.

3. **Other Wireless Communications Facilities**. Wireless communications facilities which do not fall under subsections C.1 or C.2 (above) shall follow the same Special Use approval procedure and standards as uses listed in subsection C.2 (above)

D. **Approval Procedure for New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations)**.

1. **Application**. An application for Special Use approval of Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) shall include all information required by **Section 5.05,** as well as the following:

   a. A decommissioning plan which shall include:

      (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

      (2) The projected decommissioning costs for removal of the facility (net of salvage value in current dollars) and soil stabilization. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.

      (3) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit pursuant to **Section 9.06: Performance Guarantee**).

         (a) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the Township Board. A Wireless Communications Facility owner may at any time:

            i. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

            ii. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

2. **Co-Location Feasibility**. The applicant shall demonstrate that no existing wireless facility or alternative technology not requiring the use of a wireless support structure can accommodate the applicant's proposed antenna. An applicant shall submit the information requested by the Planning Commission related to the availability of suitable existing wireless support structures or alternative technology. Evidence submitted to demonstrate that no existing wireless support structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing wireless support structures are located within the geographic area which meet the applicant's engineering requirements.

b. Existing wireless support structures are not of sufficient height to meet the applicant's engineering requirements.

c. Existing wireless support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing wireless support structure, or the antenna on the existing wireless support structure would cause interference with the applicant's proposed antenna.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing wireless support structure or to adapt an existing wireless support structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing wireless support structures unsuitable.

g. The applicant demonstrates that an alternative technology that does not require the use of wireless support structures is unsuitable. Costs of alternative technology that exceed new wireless support structure or antenna development shall not be presumed to render the technology unsuitable.

3. After an application for a Special Use is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

4. If, before the expiration of the fourteen (14) day period under subsection D.3, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection D.3 is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

5. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **Section 9.07**.

6. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in **Section 5.08**, Special Use standards in **Section 6.04**, and the standards contained in **subsection E** below and shall approve or deny the application not more than ninety (90) days after

the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved, and the Planning Commission shall be considered to have made any determination required for approval.

E. **Standards**.

In considering authorization of such Wireless Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations), the Planning Commission shall apply the following specific standards:

1. **Height**. The support structure (tower) shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.

2. **Setbacks**. The following setback requirements shall apply. The Planning Commission may reduce the standard setback requirements if the goals of this Ordinance would be better served.

   a. **Wireless Support Structures**. Wireless support structures shall be set back a distance at least equal to at least one hundred (100) percent of the height of the wireless support structure from any non-participating lot line.

   b. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities**. Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to the outermost lot line of all participating lots. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring lots.

   c. **Accessory Buildings and Guy Wires.** Guy wires and accessory buildings shall satisfy the minimum zoning district setback requirements.

   d. **Occupied Buildings**. A wireless support structure shall not be located within two hundred (200) feet or three hundred (300) percent of the height of the wireless support structure, whichever is greater, of a single-family or multiple-family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this Section shall be measured from the base of the support structure to the lot line of the single-family or multiple-family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.

3. **Security Fencing**. Towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6) in height and shall also be equipped with an appropriate anti-climbing device.

4. **Landscaping**. The following requirements shall govern the landscaping surrounding wireless facilities; provided, however, that the Planning Commission may waive such requirements if the goals of this Ordinance would be better served thereby.

   a. Wireless facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the wireless compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4) wide outside the perimeter of the compound.

   b. In locations where the visual impact of the wireless facilities would be minimal, the landscaping requirement may be reduced or waived.

   c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as wireless facilities sited on large, wooded lots, natural growth around the lot perimeter may be a sufficient buffer.

5. **State or Federal Requirements**. All wireless facilities shall meet or exceed current standards and regulations of the **FAA**, the **FCC**, the **Michigan Aeronautics Commission**, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

6. **Aesthetics**. Wireless facilities shall meet the following requirements:

   a. Wireless support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the **FAA**, be painted a neutral color so as to reduce visual obtrusiveness.

   b. At a wireless facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

   c. If an antenna is installed on a structure other than a wireless support structure, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

   d. Where a feasible alternative exists, wireless facilities shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjacent lot lines or public property; however, this Section shall not be construed as limiting the use of temporary

generators or similar devices used to create power during periods of interruption of the primary power source.

7. **Lighting**. Wireless facilities shall not be artificially lighted unless required by the **FAA** or other applicable authority. If lighting is required, the lighting alternative and design chosen shall cause the least disturbance to the surrounding views. Radar-activated obstruction lighting is required if permitted by the **FAA** or other applicable authority.

8. **Compliance with Codes**. Antenna and metal support structures shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable electrical standards for wireless support structures as amended from time to time.

9. **Interference with Residential Reception**. Wireless facilities shall be located so that they do not interfere with television and radio reception in neighboring residential areas.

10. **Signs**. No signs shall be allowed on an antenna or wireless support structures, except for any sign related to emergency service, controlling agency, or owner which are required by this Ordinance.

11. **Spacing Between Wireless Support Structures**. Wireless support structures shall be located no closer than one (1) mile from an existing wireless support structure containing one (1) or more antennas, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.

F. **Abandonment and Removal.**

1. If a wireless communications facility owner or operator intends to abandon and, in fact, does abandon a wireless communications facility by not operating it for a continuous period of twelve (12) months, said wireless communications facility shall be considered abandoned, and the owner of such wireless communications facility shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned wireless communications facility within the one hundred eighty (180) day period provided in this subsection shall be considered a violation of this Ordinance. The Planning Commission may grant an extension to this one hundred eighty (180) day period if it finds substantial justification for such an extension.

2. In addition to removing the wireless communications facility, the owner shall restore the site to its original condition prior to the location of the wireless communications facility, subject to reasonable wear and tear. Any foundation associated with a wireless communications facility shall be removed to a minimum depth of five (5) feet below the final grade, and site vegetation shall be restored.

Section 7.14 Small Cell Wireless Facilities

A. **Exempt Small Cell Wireless Facilities**.

The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Use approval and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

B. **Approval for Non-Exempt Small Cell Wireless Facilities**.

The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended, shall be subject to review and approval in accordance with the following procedures and standards:

1. The processing of an application is subject to all of the following requirements:

    a. Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.

    b. The running of the time period tolled under subsection B.1.a resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.

    c. The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Planning Commission.

2. The Planning Commission shall base its review of the request on the standards contained in **Sections 5.08** and **Section 6.04,** provided, however, that a denial shall comply with all of the following:

    a. The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.

    b. There is a reasonable basis for the denial.

    c. The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

3. In addition to the provisions set forth in subsection B.2, in the Planning Commission's review:

a. An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.

b. An applicant shall not be required to submit information about its business decisions with respect to any of the following:

(1) The need for a wireless support structure or small cell wireless facilities.

(2) The applicant's service, customer demand for the service, or the quality of service.

c. The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.

d. The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.

4. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence substantial construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

Section 7.15 Accessory Solar Panels

A. **Scope**.

1. This Section applies to Accessory Solar Panels with the primary purpose of providing power on-site.

2. Solar energy panels falling under this Section shall be allowed as a permitted accessory use in all zoning districts, subject to the requirements below. A zoning permit shall be required. A building permit may be required. Accessory solar panels in R-2 & R-3 zoning districts shall be roof or wall-mounted on a structure found on the parcel.

3. Accessory solar panels which provide power on-site but which will cover one (1) acre or more of land, shall fall under **Section 7.16: Solar Energy Facilities (Utility-Scale)**.

B. **Submittal Requirements**.

Applicants shall submit drawings that show the location of the system on the lot, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to lot lines. Accessory solar energy

panel applications that meet the Ordinance requirements shall be granted administrative approval by the Zoning Administrator.

C. **Height**.

1. Roof-mounted systems shall not extend more than four (4) feet above the surface to which it is affixed and shall not exceed the maximum building height limitation for the zoning district in which it is located. No solar energy system may protrude beyond the edge of the roof.

2. Wall-mounted solar energy collectors shall not exceed the height of the building wall to which they are attached.

3. Ground-mounted accessory solar energy panels shall not exceed the allowable height of structures in that district. When panels are oriented at maximum tilt, height is measured from the ground to the top of the system.

D. **Setbacks/Location**.

1. **Ground-Mounted Accessory Solar Energy Panels**.

   a. Ground-mounted solar energy panels may be located in the rear yard and the side yard, but not in the required rear or side yard setbacks. They may not be located in the front yard or the front yard setback.

   b. Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt.

   c. Ground-mounted accessory solar energy panels shall not count toward any lot coverage limits or accessory building limits in the Zoning Ordinance.

2. Building-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

E. **Glare**.

The glare from exterior reflective solar panels shall be deflected so as not to cause glare to be transmitted to adjacent or nearby properties below the maximum height established for each district nor may glare be directed to any nearby roadways. This applies at any time of the day. Solar panel shall be generally neutral in color and substantially non-reflective of light.

F. **Batteries**.

When batteries are included as part of the solar collector system, they shall be placed in a secure container

or enclosure when in use, and when no longer used, shall be disposed of in accordance with applicable laws and regulations.

G. **Other Standards**.

1. Township building and electrical permits shall be required for installation of all solar energy panels, including rooftop & building-mounted systems, and ground-mounted systems.

   a. A certificate of compliance shall be submitted to the Township demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

   b. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof shall be submitted to the Township Building Official prior to installation and will be subject to the Building Official's approval.

2. Solar energy collectors that are roof-mounted, wall-mounted, or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Attachment reliability shall be approved by the Township Building Official.

3. Ground-mounted solar energy panels shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted with the site plan application and shall be subject to the Planning Commission's approval.

4. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.

5. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.

6. Solar energy equipment shall be repaired or replaced within six (6) months of becoming nonfunctional.

7. Each system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).

H. **Nonconformities**.

1. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.

2. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

I. **Building-Integrated Solar Energy Panels.**

Building-integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to standards in this Section.

Section 7.16 Solar Energy Facilities (Utility-Scale)

Solar energy facilities shall adhere to the following requirements in addition to the requirements contained in **Article 5** and **Article 6** of this Ordinance.

A. **Purpose.**

The purpose of this Section is to provide for the development, installation, and construction of solar energy facilities subject to reasonable conditions that will protect the character of the Township and the nearby lot owners and ensure the health, safety, and welfare of Township residents. In developing these standards, the Township recognizes the following:

1. The Township desires to maintain and provide for the preservation of farmland and woodlands, where feasible.

2. The Township wishes to discourage the conversion of farmland into other, more intensive uses and recognizes farmland as contributing to the scenic and rural character of the Township.

3. The Township wishes to maximize the most beneficial agricultural use of agricultural lands in the Township, without unnecessarily limiting the economic rights of agricultural landowners.

4. The Township encourages a land use pattern that is oriented to the natural features and water resources of the area.

B. **Scope.**

1. This Section applies to all solar energy facilities whose primary purpose is to supply power to off-site customers.

2. This Section applies to accessory solar panels whose primary purpose is to supply power to on-site customers and which will cover one (1) acre or more.

C. **Standards.**

Solar energy facilities shall meet the following standards:

1. **Setbacks**. The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from the road right-of-way and all lot lines of non-participating lots and shall be three hundred (300) feet from all residences and occupied community buildings on non-participating lots.

2. **Height**. All photovoltaic panels and support structures located in Utility-Scale Solar Energy Facility shall be restricted to a maximum height of twenty-five (25) feet when oriented at maximum tilt. Measured from the ground at the base of such equipment.

3. **Reflection/Glare**. Solar collection devices, or a combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices, as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.

4. **Groundcover and Impervious Surface/Stormwater**.

    a. If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of cleaner, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

    b. If groundcover (such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) is utilized, then a drainage plan is not required. The Planning Commission may require soil stabilization through groundcover.

5. **Screening**. The Planning Commission shall require that solar devices be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be placed outside the perimeter fence. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility, including replacing dead vegetation within six (6) months or at the earliest feasible time of year, dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.

6. **Electrical Interconnections**. All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above-ground transmission lines shall be prohibited within the site. Any above-ground wiring within the footprint of the

Solar Energy Facility shall not exceed the height of the solar array at maximum tilt.

7. **Lighting**. Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

8. **Sound**. The sound pressure level of a Solar Energy Facility and all ancillary solar equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.

9. **Land Clearing**. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the lot shall be retained on site.

10. **Access Drives**. New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed once the Solar Energy Facility is in operation.

11. **Fencing**. Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks. The Planning Commission shall require wildlife-friendly fencing.

12. **Agricultural Protection.** For sites where agriculture is a permitted use in a district, solar energy facilities shall be sited to minimize impacts to agricultural production through site design and accommodations including:

    a. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.

    b. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.

    c. Maintaining all drainage infrastructure on-site, including drain tile and ditches, during the operation of the Solar Energy Facility.

    d. Siting the Solar Energy Facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.

e. Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres if the township has adopted a purchase of development rights ordinance.

13. The Solar Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

14. **Other Standards**.

a. The applicant shall provide a certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

b. Ground-mounted solar energy panels shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted with the site plan application and shall be subject to the Planning Commission's approval.

c. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.

d. Solar energy equipment shall be repaired or replaced within six (6) months of becoming nonfunctional.

e. Each system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).

D. **Repowering**.

1. In addition to repairing or replacing solar energy components to maintain the system, a Solar Energy Facility may, at any time, be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.

2. A proposal to change the project footprint of an existing Solar Energy Facility shall be considered a new application, subject to the Ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Solar Energy Facility will be reimbursed to the Township by the Solar Energy Facility owner in compliance with established escrow policy.

E. **Application for a Solar Energy Facility**.

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission. An applicant shall submit a site plan (the site plan shall meet all of the requirements of the Township Zoning Ordinance and those of the **Michigan Public Service Commission**) showing the design of all elements to be erected or constructed as a part of the Solar Energy Facility. The site plan shall include the following:

1. Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the transmission line/grid connection for the project. Include the name and address of the manufacturer and model. Identify the project construction time frame, project life, development phases, and potential future expansions.

2. All lot lines, dimensions, and setbacks, including a legal description of each lot comprising the Solar Energy Facility.

3. Names of owners of each lot within the Township that is proposed to be within the Solar Energy Facility.

4. Vicinity map showing the location of all surrounding land uses.

5. The location of all solar arrays, including setbacks.

6. The width of arrays.

7. The distance between arrays plus total height (and distance to the lowest edge of the array above grade).

8. Ancillary structures and electrical equipment.

9. Utility connections.

10. Dwellings on the lot and within five hundred (500) feet of the lot lines (participating and non-participating lots).

11. Existing and proposed structures as part of the Solar Energy Facility.

12. Buried or above-ground wiring.

13. Temporary and permanent access drives.

14. Fencing detail.

15. Screening/landscape detail and berm detail.

16. Signs.

17. The location of any battery energy storage systems on-site.

18. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.

19. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).

20. The location of prime farmland [and/or farmland of statewide importance, farmland of local importance, unique farmland, and prime farmland if drained] as defined in the U.S. Department of Agriculture, Natural Resources Conservation Service - Web Soil Survey.

21. Drainage plan, including a plan to control runoff during construction.

22. **Waste.** Identify any solid or hazardous waste generated by this project.

23. **Lighting**. Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting shall conform to the requirements of **Section 3.20: Exterior Lighting**. Light poles are restricted to a maximum height of eighteen (18) feet.

24. Telecommunications Interference. Identify any electromagnetic fields and communications interference that may be generated by the project.

25. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the applicant and given to the system owner, the local fire department, and the local fire code official. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. The Emergency Response Plan shall include the following information:

    a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.

    b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.

    c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

    d. Procedures for inspection and testing of associated alarms and controls.

e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.

g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

h. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.

i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.

l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.

n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

26. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot boundary.

27. **Road Analysis and Agreement/Bond**. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction

vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Scale Solar Energy Facililty.

28. **Additional Studies**. Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

    a. **Visual Impact Assessment**. A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan. A proposed screening and buffering plan shall be included.

    b. **Environmental Analysis**. An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife (describe measures taken to reduce impact on birds), endangered and threatened species, historical and cultural sites, county drains, natural or private drainage features, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

    c. **Stormwater Study**. An analysis by a third-party qualified professional that takes into account the proposed layout of the Solar Energy Facility and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a one hundred (100) year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.

    d. **Glare Study**. An analysis by a third-party qualified professional to determine if glare from the solar collection devices will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influence on the facility.

    e. **Groundwater Study**. An analysis by a third-party qualified professional that takes into account the planned groundwater use of the Solar Energy Facility and the impacts on local water resources.

29. **Decommissioning Plan**. Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment

and restoration of the site within six (6) months of decommissioning or abandonment of the project.

a. The decommissioning plan shall include:

(1) The anticipated life of the project.

(2) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

(3) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials. The Township may require one (1) or more third party entities to develop decommissioning cost estimates, at the expense of the applicant. If this is required, the Township will select the most appropriate cost estimate.

(4) County Road Commission-approved traffic route for decommissioning and a surety bond to ensure no perceived road damage is done.

(5) The method of ensuring that funds will be available for site decommissioning and stabilization. The financial security shall be: 1) A cash bond; or 2) An irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The Planning Commission shall require the owner of the solar energy facililty (maintained by any successive owners) to deposit this performance guarantee in an amount equal to 1.25 times the estimated costs associated with the removal of the Solar Energy Facility and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. This performance guarantee shall be posted with the Township within fifteen (15) days after approval or before a building or construction permit is issued for the project.

The amount of the performance guarantee shall be reviewed every three (3) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

b. A Solar Energy Facility owner may at any time:

(1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

(2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

30. Utility-Scale Solar Energy Facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, Iosco County, and Plainfield Township, and comply with standards

of the State of Michigan adopted codes.

F. **Requirement Prior to Installation.**

No Utility Scale Solar Energy Facility shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the property and/or installed system owner to install an interconnected customer-owned generator to the grid.

G. **Abandoned Solar Energy Facilities.**

1. If a Solar Energy Facility owner or operator intends to abandon and, in fact, does abandon a Solar Energy Facility by not operating it for a continuous period of twelve (12) months, said Solar Energy Facility shall be considered abandoned, and the owner of such Solar Energy Facility shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned Solar Energy Facility within the one hundred eighty (180) day period provided in this subsection shall be a violation of this Ordinance.

2. If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned, or terminated project, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

3. The Planning Commission may grant an extension to this one hundred eighty (180) day period if it finds substantial justification for such an extension.

4. In addition to removing the Solar Energy Facility, the owner shall restore the site of the Solar Energy Facility to its original condition prior to location of the Solar Energy Facility, subject to reasonable wear and tear. Any foundation associated with a Solar Energy Facility shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. The Planning Commission may require that vegetative screening be removed to provide access to the agricultural site.

H. **Post-Approval Documentation.**

Any Zoning Permit or Special Use Permit for any Utility-Scale Solar Energy System shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.

2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Solar Energy System owner within six (6) months

of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

I. **Public Inquiries & Complaints.**

An aggrieved property owner may notify the Township to allege that a Solar Energy Facility is not in compliance with the Ordinance. Notice shall be in writing.

Section 7.17 Accessory Wind Turbines

A. **Purpose**.

The purpose of this Section is to provide standards for accessory wind turbines which are intended to primarily serve the needs of the lot upon which it is located in order to allow property owners to harvest their own power and to protect the safety and health of nearby property owners. Such systems shall be considered an accessory structure.

B. **Application Requirements**.

The following is required to be submitted:

1. The project area boundaries, including required setbacks.
2. The location, height, and dimensions of all existing and proposed structures and fencing.
3. Existing topography.
4. Water bodies and wetlands.
5. All new above-ground infrastructure related to the project.

Upon approval, the plot plan is valid for twelve (12) months and is not transferable to any other person.

C. **Standards**.

1. **Design and Installation**. All wind turbines (ground and roof-mounted) shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure, including the tower, base, and footings. The installation of the wind turbine shall meet the manufacturer's specifications.

2. **Number**. There shall be no more than one (1) Accessory Wind Turbine located on a zoning lot.

3. **Height**.

   a. **Turbines Attached to a Structure**. All Accessory Wind Turbines are subject to a maximum height of the overall height of the structure it is attached to, plus ten (10) feet.

   b. **Turbines, Stand-Alone.** Stand-alone wind turbines shall not exceed fifty (50) feet in height.

4. **Blade Clearance**. There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.

5. **Guy Wires**. If the accessory wind turbine is supported by guy wires, such wires shall be covered with a high visibility material so as to make it visible to a height of at least six (6) feet above the ground.

6. **Noise**. Accessory wind turbines shall not cause a sound pressure level in excess of fifty-five (55) dB(A) (Leq (1 hour)) or in excess of five (5) dB(A) above the background noise, whichever is greater, as measured at the nearest lot line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

7. **Potential Ice Throw**. The potential ice throw or ice shedding for accessory wind turbines shall not cross the lot lines of the site nor impinge on any right-of-way or overhead utility line.

8. **Safety**.

   a. All collection system wiring shall comply with all applicable safety and stray voltage standards.

   b. Wind turbines shall not be climbable on the exterior.

   c. All access doors to wind turbines and electrical equipment shall be lockable.

   d. Appropriate warning signs shall be placed on wind turbines, electrical equipment, and facility entrances.

   e. All wind turbines shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine. All wind turbines shall have an automatic braking system to prevent uncontrolled rotation.

9. **Setbacks**. Each proposed wind turbine or anemometer tower shall meet the following applicable setback requirements:

   a. **Setback from Lot Line**. Each accessory wind turbine shall be set back from any adjoining lot line at least a distance equal to the total height of the wind turbine.

b. **Setback from Road**. Each accessory wind turbine shall be set back from a public or private road right-of-way at least a distance equal to the height of the accessory wind turbine's total height.

c. **Setback from Structure**. Each accessory wind turbine shall be setback from the nearest inhabited structure a distance not less than one and one-half (1½) times the total height of the wind turbine.

d. **Setback from Communication and Power Lines**. Each accessory wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1½) times the total tower height, whichever is greater, determined from the existing power or communication lines.

e. **Building Setbacks**. Setbacks for buildings accessory to a wind turbine shall conform to the setbacks of the district.

10. **Shadow Flicker**.

a. The wind turbine shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine may be programmed to stop rotating during times when its shadow crosses these structures. The wind turbine operator may obtain written agreements which allow shadow flicker to cross an occupied structure.

b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

11. **Signal Interference**. No wind turbine shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

Section 7.18 Wind Energy Facilities (Utility-Scale)

A. **Purpose**.

The purpose of this Ordinance is to regulate Utility-Scale Wind Energy Facilities constructed within the Township of Plainfield. This is in order to promote the safe, effective, and efficient use of a wind turbine to reduce fossil-fuel consumption in energy production, and preserve & protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of wind turbines.

B. **Scope**.

Wind energy facilities consisting of one (1) or more wind turbines whose principal purpose is to supply electricity to off-site customers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in **Article 5** and **Article 6** of this Ordinance.

C. **Principal or Accessory Use**.

A wind turbine or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy Facility or a part of such facility on such lot. Wind energy facilities that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.

D. **State or Federal Requirements**.

Any proposed wind turbine or anemometer shall meet or exceed any standards and regulations of the **Federal Aviation Administration (FAA)**, **Michigan Aeronautics Commission (MAC)**, the **Michigan Public Service Commission**, National Electric Safety Code, **Federal Energy Regulatory Commission**, **Michigan Tall Structure Act (1959 PA 259)** and any other agency of the state or federal government with the authority to regulate wind turbines or other tall structures in effect at the time the Special Use approval is approved.

E. **Standards**.

Wind turbines shall meet the following standards:

1. **Height**. Regarding wind turbine height, the applicant shall demonstrate compliance with the **Michigan Tall Structures Act (1959 PA 259**, as amended), **FAA** guidelines, and **Michigan Aeronautics Commission** guidelines as part of the approval process.

2. **Setbacks**. Each proposed wind turbine or anemometer tower shall meet the following applicable setback requirements:

a. **Setback from Non-Participating Lot Line**. Each wind turbine shall be set back from the nearest lot line of a non-participating lot a minimum distance of 1.1 times its total height as measured from the base of the wind turbine.

b. **Setback from Public Road**. Each wind turbine shall be set back from the nearest public road a minimum distance of 1.1 times its total height determined at the nearest boundary of the underlying right-of-way for such public road.

c. **Setback from Occupied Structures on Non-Participating Lots**. Each wind turbine shall be set back from the nearest dwelling or occupied community building that is located on non-participating lot(s) a minimum distance of 2.1 times its total height as measured from the base of the wind turbine.

d. **Dwellings and Other Structures on Participating Lots**. Each wind turbine shall be set back from the nearest dwelling or other structure that is located on participating lot(s) a minimum distance of 1.1 times its total height as measured from the base of the wind turbine.

e. **Setback from Overhead Communication and Power Lines**. Each wind turbine shall be set back from overhead communication and electric transmission lines (not including utility service lines to individual houses or outbuildings) a minimum distance of 1.1 times its total height as measured from the base of the wind turbine.

f. **Building Setbacks**. Setbacks for buildings accessory to a wind turbine shall conform to the setbacks of the district.

3. **Vibrations**. A Wind Energy Facility may not produce vibrations that are humanly perceptible at the lot line of non-participating lots.

4. **Ground Clearance**. The lowest extension of any blade or other exposed moving component of a wind turbine shall be at least twenty-five (25) feet above the ground.

5. **Guy Wires**. Guy wires shall be allowed for wind turbines provided that a fence at least six (6) feet in height topped with at least three (3) strands of barbed wire surrounds the base anchors of the guy wires. Distance from fencing to anchor point shall be at least five (5) feet in all directions.

6. **Sound**. The sound pressure level of a Wind Energy Facility and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.

7. **Potential Ice Throw**. Wind turbines shall be installed with ice detection, de-icing technology, or a

similar application to demonstrate that ice throw can be mitigated.

8. **Shadow Flicker**.

a. Wind turbines shall be designed in such a manner as to prevent Shadow Flicker on any existing structures on non-participating lots. If necessary to prevent Shadow Flicker from crossing occupied structures, the wind turbine may be programmed to stop rotating during times when its shadow crosses these structures. The wind turbine operator may obtain written agreements which allow shadow flicker to cross an occupied structure. Shadow Flicker on an occupied building may not exceed twenty-four (24) hours per year.

b. The application shall include documented compliance with the Shadow Flicker requirements set forth in this Ordinance, including an analysis of potential Shadow Flicker at any Occupied Building with direct line of sight to the wind turbine. The analysis shall identify the locations of Shadow Flicker that may be caused by the project and the expected durations of the Shadow Flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where Shadow Flicker may affect the occupants of the buildings for more than twenty-four (24) hours per year and shall describe measures that will be taken to eliminate or mitigate the problems.

9. **Visual Impact, Lighting, and Power Lines**.

a. A wind turbine shall be non-reflective and non-obtrusive in color (e.g., white or gray), and its design shall conform to all applicable industry standards. The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the Wind Energy Facility.

b. A wind turbine may not include artificial lighting, except as necessary for reasonable safety and security, including as required by the **FAA** or other authority. If lighting is required, the lighting alternatives and design chosen:

(1) Shall be the intensity required under state or federal regulations.

(2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.

(3) May be a red top light that does not pulsate or blink.

(4) All tower lighting required by state or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.

(5) Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the **FAA**.

c. A wind turbine may not be used to display any advertising, except for unobtrusive identification of the turbine manufacturer.

d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the Wind Energy Facility.

e. The electrical collection system shall be placed underground within the interior of each lot at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to state and county roadways, near substations or points of interconnection to the electric grid, or in other areas as necessary.

10. **Private Roads**. Private roads shall be constructed to the Township's private-road standards.

11. **Safety Requirements**.

a. A wind turbine shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower, structure, rotor, blades, or other components unless the manufacturer certifies that a braking system is not necessary.

b. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed within fifteen (15) days. All other solid waste, whether generated from supplies, equipment parts, operation, or maintenance, shall be removed from the site immediately and disposed of in an appropriate manner.

c. Each wind turbine shall have one (1) warning sign, not to exceed two (2) square feet in area. The sign shall be posted at the base of the tower and on the security fence, if applicable. The sign shall contain at least the following:

1. "Warning: high voltage."
2. Manufacturer's, Owner's, and Operator's names
3. Two or more emergency contact numbers

d. The structural integrity of a wind turbine shall conform to the design standards of the International Electrical Commission, specifically, the following or any similar successor standards: IEC 61400-1, "Wind Turbine Safety and Design"; IEC 61400-22, "Wind Turbine Certification"; and IEC 61400-23, "Blade Structural Testing."

e. A wind turbine shall not interfere with communication systems, including, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

f. All electrical controls, control wiring, grounding wires, power lines, and system components for a wind turbine shall be placed underground within the boundary of each parcel, at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind turbine to the tower wiring are exempt from this requirement. The collection system may be placed overhead adjacent to Township roadways, near substations or points of interconnection to the electric grid, or in other areas as necessary.

g. The Township reserves the right to inspect any wind turbines to ensure Ordinance compliance.

h. Wind turbines shall not be climbable on the exterior unless fenced. All access doors to wind turbines and electrical equipment shall be lockable.

i. Wind turbines shall not have ladders, pegs, or steps (or other devices designed for climbing) that extend to the ground. A twelve (12) foot separation from the ground to the climbing device is required.

F. **Net Metering**.

1. Net-Metering is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy-generating systems to the power grid.

2. A wind turbine that is connected to a public utility system for Net-Metering purposes shall meet all requirements set forth in the utility's regulations for wind-power generation facilities and shall meet all Plainfield Township Ordinances that govern the connection.

G. **Temporary Use of an Anemometer**.

An anemometer is permitted in all zoning districts as a temporary use, subject to all Ordinance requirements for the wind turbine that is proposed to be constructed on the site.

H. **Application Compliance**.

1. A wind turbine and an anemometer are subject to all State of Michigan Building Codes and may not be erected, constructed, installed, or modified without a building permit. Approved Plainfield Township building & electrical permits, and an approved site plan are required prior to construction in all zoning districts. An application for an anemometer shall comply with the Wind Energy Facility that is to be proposed on the site.

2. If the ownership of property on which a wind turbine is located changes, the Owner or Operator shall notify the Township within thirty (30) days.

3. A wind turbine owner or operator shall provide the Township's Zoning Administrator with a copy of the yearly maintenance inspection.

4. The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

5. **Site Plan**. A Special Use application for a Utility-Scale Wind Energy Facility shall include a detailed and scaled site plan pursuant to **Section 5.05.** The following items are required unless waived by the Planning Commission:

   a. The contact information for the Owner(s) and Operator(s) of the Utility-Scale Wind Energy Facility, as well as contact information for all property owners on which the Utility-Scale Wind Energy Facility is located.

   b. A copy of the lease, or recorded document, with the landowner(s), if the applicant does not own the land for the proposed Utility-Scale Wind Energy Facility. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the Special Use permit, if approved.

   c. Identification and location of the properties on which the proposed Utility-Scale Wind Energy Facility will be located.

   d. The proposed location of all Wind Energy Facility components and ancillary equipment, property lines, physical dimensions of the property, existing buildings, structures, large trees, setback and right-of-way lines, public easements (including utility easements), overhead & underground utility lines (including depth of underground wiring), sidewalks, non-motorized pathways, roads (including width), contours, land use, zoning district, laydown yards, and vehicular access. The site plan shall also include adjoining properties within five hundred (500) feet, including the location and use of all Structures.

   e. The proposed quantity, type, and height of each wind turbine to be constructed, including the manufacturer, model, and product specifications, and including maximum noise output (Decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.

   f. Documented compliance with applicable local, state, and federal regulations, including, but not limited to, safety, construction, environmental, electrical, and communications requirements.

   g. Documented compliance with **Federal Aviation Administration (FAA)** requirements, the **Michigan Airport Zoning Act**, the **Michigan Tall Structures Act**, and any applicable airport overlay zone regulations.

   h. A description of the methods that will be used to maintain the wind turbine and the procedures for lowering or removing a wind turbine, if necessary, to conduct maintenance.

i. If applicable, evidence that the utility company has been informed of a customer's intent to install an interconnected, customer-owned generator and that the connection has been approved.

j. Documents from the developer or manufacturer, confirming specifications for tower separation.

k. Documented compliance with the Shadow Flicker requirements set forth in this Ordinance.

l. Documentation is required as to the potential impact of ice throw from a wind turbine, including anticipated distance from the wind turbine impacted and any mitigation measures (if needed).

m. Engineering data for construction of the wind turbine and its base or foundation, including, but not limited to, soil boring data.

n. A certified registered engineer's certification that the proposed installation meets or exceeds the manufacturer's construction and installation standards.

o. Anticipated construction schedule.

p. A maintenance and operation plan, including regular maintenance and parameters for performing unscheduled maintenance.

q. Identification of hazardous materials that will be used and stored on the site.

r. The location of any Battery Energy Storage System on-site.

s. Existing property features to include the following: lot lines, physical dimensions of the lot, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, lay down yards, and all buildings. The site plan shall also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the lot lines, including dwellings within five hundred (500) feet of the lot lines (participating and non-participating lots).

t. Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities, and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed Utility-Scale Wind Energy Facility.

u. Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.

v. Proof of the applicant's liability insurance.

6. **Hazard Plan**. An application shall be accompanied by a hazard prevention plan. Such plan shall contain:

   a. Certification that the electrical wiring between turbines and the utility right-of-way does not pose a fire hazard.

   b. Location of landscaping to be designed to avoid the spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

   c. A listing of any hazardous fluids that may be used on-site shall be provided, including a safety data sheet (SDS).

   d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.

   e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

   f. The Wind Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

7. **Grading, Erosion, and Stormwater Drainage Plan.** A site grading, erosion control, and stormwater drainage plan will be submitted to the Zoning Administrator prior to issuing a Special Use permit for a Utility-Scale Wind Energy System. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.

8. **Road Analysis and Agreement/Bond**. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Scale Wind Energy System.

9. **Environmental Impact Study**. Assessment of potential impacts on the natural environment, including, but not limited to, endangered species, eagles, birds, and other wildlife, the land, and fragile ecosystems. The assessment shall conform to state and federal wildlife agency recommendations based on local conditions. Plans shall be identified for post-construction monitoring or studies.

10. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the applicant and shall be given to the system owner, the local fire department, and local fire code official. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-

site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. The Emergency Response Plan shall include the following information:

a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.

b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.

c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

d. Procedures for inspection and testing of associated alarms and controls.

e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.

g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

h. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.

i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity, and recommendations for measures to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.

l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.

n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

11. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot boundary.

12. **Decommissioning Plan Required**. A Wind Energy Facility is presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner or Operator, and the Township may require financial guarantees to ensure compliance. Formal, written agreements may be required to ensure compliance with all decommissioning requirements.

a. The applicant shall submit a decommissioning plan. The plan shall include:

(1) The anticipated life of the project.

(2) The anticipated manner in which the project will be decommissioned and the site restored, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

(3) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates, at the expense of the applicant. If this is required, the Township will select the most appropriate cost estimate.

(4) County Road Commission-approved traffic route for decommissioning and a surety bond to ensure no perceived road damage is done.

(5) The method of ensuring that funds will be available for decommissioning and restoration. The Planning Commission shall require the owner of the wind turbine (maintained by any successive owners) to deposit a performance guarantee in an amount equal to 1.25 times the estimated costs associated with the removal of the wind turbine or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth

of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every three (3) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

b. **Restoration**.

(1) The foundation for a wind turbine shall be removed to a minimum depth of sixty (60) inches below grade.

(2) During decommissioning, the owner shall stabilize and grade the site and any disturbed earth and shall clear any debris from the site.

(3) Soil levels shall be restored to grade, and vegetation re-established.

c. A facility owner may at any time:

(1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

(2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

I. Equipment Replacement and Repowering.

A Wind Energy Facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing Wind Energy Facility, or to add a greater number of wind turbines than were approved as part of the Special Use, or to increase the height of the existing turbines, shall be considered a new application, subject to the Ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Wind Energy Facility will be reimbursed to the Township by the Wind Energy Facility owner in compliance with established escrow policy.

J. Abandonment and Removal.

1. If a wind turbine owner or operator intends to abandon and, in fact, does abandon a wind turbine by not operating it for a continuous period of twelve (12) months, said wind turbine shall be considered abandoned, and the owner of such wind turbine shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Should that occur, the Township. The Planning Commission may grant an extension to this one hundred eighty (180) day

period if it finds substantial justification for such an extension.

2. If the wind turbine owner or operator fails to complete decommissioning within the period prescribed above, the Township may designate a contractor to complete decommissioning using the performance guarantee.

3. In addition to removing the wind turbine, the owner shall restore the site of the wind turbine to its original condition prior to the location of the wind turbine, subject to reasonable wear and tear. Any foundation associated with a wind shall be removed to a minimum depth of five (5) feet below the final grade, and site vegetation shall be restored.

K. Post-Approval Documentation - Utility-Scale Wind Energy Facilities.

Any Zoning Permit or Special Use Permit for any Utility-Scale Wind Energy Facility shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.

2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Wind Energy Facility owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

L. Public Inquiries & Complaints.

1. An aggrieved property owner may notify the Township to allege that a Wind Energy Facility is not in compliance with the Ordinance noise or Shadow Flicker requirements. Notice shall be in writing.

2. **Noise**.

   a. If the Township finds no violation and the aggrieved property owner requests further investigation, the Township will request that property owner to deposit funds for a noise-level test to be conducted by a certified acoustic technician.

   b. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.

   c. If the test indicates that the Wind Energy Facility violates the Ordinance noise requirements, the Township will refund the deposit to the aggrieved property owner.

d. If the Township determines, through its own test or those conducted by an acoustic technician, that the Wind Energy Facility violates the Ordinance, the Owner shall reimburse the Township for the test.

3. **Shadow Flicker**. If the Township deems a complaint sufficient to warrant further investigation, the Owner shall provide a Shadow Flicker analysis of the turbine as constructed.

4. If a wind turbine violates the noise or Shadow Flicker requirements of the Ordinance, the Owner shall take immediate action to bring the wind turbine into compliance, which may include ceasing operation of the wind turbine until the violations are corrected.

Section 7.19 Battery Energy Storage Systems

A. **Purpose**.

The purpose of this Section is to provide for the development, installation, and construction of off-site battery energy storage systems subject to reasonable conditions that will protect the character of the Township and the nearby lot owners and ensure the health, safety, and welfare of Township residents.

B. **Scope**.

1. This Section applies to Off-Site Battery Energy Storage Systems that are stand-alone facilities or are in conjunction with another use, such as Solar Energy Facilities or Wind Energy Facilities. Off-site battery energy storage systems shall be located in the Industrial District unless they are proposed in conjunction with a Solar Energy Facility, Wind Energy Facility, or utility substation. Battery Energy Storage Systems shall comply with this Section, the site plan review standards in **Section 5.08**, and Special Use standards in **Section 6.04**.

2. On-Site Battery Energy Storage Systems are regulated as Accessory Structures in **Section 3.10**.

C. **Setbacks and Height**.

1. **Setbacks**. The setbacks of all buildings and components of Battery Energy Storage Systems shall be at least one hundred (100) feet from the road right-of-way and all lot lines of non-participating lots and at least three hundred (300) feet from residences and occupied community buildings on non-participating lots.

2. **Height**. The maximum height of a Battery Energy Storage System or building containing a Battery Energy Storage System shall not exceed the maximum building height in the district.

D. **Screening**.

1. The Planning Commission may require that Battery Energy Storage Systems be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be placed outside the perimeter fence. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility, including replacing dead vegetation within six (6) months or at the earliest feasible time of year, dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.

2. Areas within one hundred (100) feet on each side of a Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth (including stumps of trees).

E. **Lighting**.

Lighting of the Battery Energy Storage System shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from adjacent properties.

F. **Sound**.

The sound pressure level of a Battery Energy Storage System and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.

G. **Land Clearing**.

Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system. Topsoil distributed during site preparation (grading) on the lot shall be retained on site.

H. **Access Drives**.

New access drives within the Battery Energy Storage Systems shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Battery Energy Storage System is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Battery Energy Storage System is in operation. Access drives shall be removed upon decommissioning unless the lot owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.

I. **Fencing**.

Battery Energy Storage Systems may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks. The Planning Commission shall require wildlife-friendly fencing.

J. **Safety and Compliance**.

1. Construction of a Battery Energy Storage System shall comply with the National Electric Safety Code and the Building Code. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.

2. **System Certification**. All Battery Energy Storage Systems shall be in compliance with the latest edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems at the time of application. Compliance includes that all system components and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Energy Storage Systems and Equipment) and that Battery Energy Storage Systems are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

3. **Site Access**. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

4. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

5. Battery Energy Storage Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

K. **Increased Storage Capacity**.

1. The components of the Battery Energy Storage System may be reconfigured, renovated, or replaced to increase the power storage capacity within the existing project footprint.

2. A proposal to change the project footprint of an existing Battery Energy Storage System shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Battery Energy Storage System will be reimbursed to the Township by the Battery Energy Storage System owner in

compliance with established escrow policy.

L. **Application Requirements and Performance Guarantee.**

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

1. **Site Plan.** A site plan pursuant to **Section 5.05** shall be required. The site plan shall include the following:

   a. All lot lines and dimensions, including a legal description of each lot comprising the Battery Energy Storage System.

   b. Names of owners of each lot within the Township that is proposed to be within the Battery Energy Storage System.

   c. Vicinity map showing the location of all surrounding land uses.

   d. Location of all proposed battery structures, buildings that house batteries, other buildings or structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Battery Energy Storage System.

   e. Horizontal and vertical (elevation) to-scale drawings with dimensions.

   f. Proposed setbacks from the Battery Energy Storage System to all existing and proposed structures on participating and non-participating lots.

   g. Dwellings on the lot and within five hundred five (500) hundred feet of the lot lines (participating and non-participating lots).

   h. Temporary and permanent access drives.

   i. Screening/landscape detail and berm detail.

   j. Signs.

   k. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.

   l. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.

   m. A written description of the maintenance program to be used for the Battery Energy Storage

System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Battery Energy Storage System is decommissioned.

n. Planned lightning protection measures.

o. A preliminary equipment specification sheet that documents the proposed battery energy storage system components and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a zoning permit.

p. Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of the zoning permit.

2. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the applicant and shall be given to the system owner, the local fire department, and the local fire code official. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. The Emergency Response Plan shall include the following information:

a. A description of all on-site equipment and systems to be provided to prevent or handle emergencies.

b. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

c. Procedures for inspection and testing of associated alarms, interlocks, and controls.

d. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

e. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

f. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

g. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely

remove damaged battery energy storage system equipment from the facility.

h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

i. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

j. A description of all contingency plans to be implemented in response to the occurrence of an emergency, including evacuation control measures and community notification measures.

k. The results of a toxic and flammable gas plume dispersion analysis for the anticipated BESS equipment in a severe fire emergency scenario to assess potential impacts on surrounding communities.

l. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity.

m. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.

n. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.

o. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies. The Township may require that the applicant provide funding for training and/or any specific equipment which is necessary to handle emergency situations at the facility.

p. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

q. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

3. **Land Clearing and/or Grading Plan.** A plan showing proposed clearing and/or grading as required for the installation and operation of the system.

4. **Stormwater Management Plan.** Computations and design of a stormwater management system.

For a BESS in a well-head protection zone and/or if the Fire Response Plan requires liquid agents for firefighting, additional calculations and design of the emergency runoff retention system in the area within ten (10) feet of the Battery Energy Storage System shall be submitted.

5. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within one thousand (1,000) feet of the lot boundary.

6. **Preliminary Equipment Specification Sheet**. Such sheet shall document the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed. A Final Equipment Specification Sheet shall be submitted as part of Post-Construction Reporting.

7. **System Maintenance Plan**. A detailed maintenance schedule covering all affected equipment and the activities performed as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.

8. **Contact Information**. Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Information on the final system installer shall be submitted as part of Post-Construction Reporting.

9. **NFPA 855 Compliance**. Confirmation that the facility complies with the latest edition of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems."

10. **Decommissioning Plan**. A decommissioning plan is required at the time of application. The decommissioning plan shall include:

    a. The anticipated life of the project.

    b. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

    c. The projected decommissioning costs for the removal of the Battery Energy Storage Systems and soil stabilization. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates, at the expense of the applicant. If this is required, the Township will select the most appropriate cost estimate.

    d. The method of ensuring that funds will be available for site decommissioning and stabilization. The Township shall require the owner or operator (maintained by any successive owners/operators) to deposit a performance guarantee equal to 1.25 times the estimated

decommissioning cost.

A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the Township Board. A Battery Energy Storage System owner may at any time:

(1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

(2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

2. **Additional Studies**. Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

a. **Visual Impact Assessment**. A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.

b. **Environmental Analysis**. An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

c. **Groundwater Study**. An analysis by a third-party qualified professional that takes into account the planned groundwater use of the Battery Energy Storage System and the impacts on local water resources.

M. **Abandonment**.

1. If a Battery Energy Storage System owner or operator intends to abandon and, in fact, does abandon a Battery Energy Storage System by not operating it for a continuous period of twelve (12) months, said Battery Energy Storage System shall be considered abandoned, and the owner of such Battery Energy Storage System shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned Battery Energy Storage System within the one hundred eighty (180) day period provided in this subsection shall be considered a violation of this Ordinance. The Planning Commission may grant an extension to this

one hundred eighty (180) day period if it finds substantial justification for such an extension.

2. In addition to removing the Battery Energy Storage System, the owner shall restore the site to its original condition prior to the location of the Battery Energy Storage System, subject to reasonable wear and tear. Any foundation associated with a Battery Energy Storage System m shall be removed to a minimum depth of five (5) feet below the final grade, and site vegetation shall be restored.

N. **Post-Approval Documentation.**

Any Zoning Permit or Special Use Permit for any Off-Site BESS shall be conditioned upon the submission of the following documents:

1. **Pre-Construction Documents.** Prior to the commencement of construction activities, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator. Copies of all Pre-Construction Documents shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.

    a. **Final Equipment Specification Sheet.** Documenting the final battery energy storage system components, inverters, and associated electrical equipment.

    b. **Contact Information.** Name, address, and contact information of the system installer and the owner and/or operator of the battery energy storage system.

    c. **Amended Emergency Response Plan (ERP) (if applicable).** Changes to the design, type, manufacturer, etc. of BESS facilities or equipment after site plan approval shall be analyzed to determine if changes are necessary to the ERP or FRP. Additional consultation with local emergency services is required for amended plans.

    d. **Commissioning Plan.** A Commissioning Plan as outlined in NFPA 855.

    e. **Hazard Mitigation Analysis (HMA).** A Hazard Mitigation Analysis as outlined in NFPA 855.

2. **Post-Construction Reporting.** Prior to the commencement of commercial operations, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator prior to final inspection and approval by the fire inspector. Copies of all Post-Construction Reporting shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.

    a. **Amendments or updates to any Pre-Construction Documents.**

b. **Commissioning Report.** A Commissioning Report as outlined in NFPA 855.72.

c. **Emergency Operations Plan.** An Emergency Operations Plan as outlined in NFPA 855.73.

3. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the BESS system owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this ordinance.

O. **Public Inquiries & Complaints.**

An aggrieved property owner may notify the Township to allege that a Solar Energy Facility is not in compliance with the Ordinance. Notice shall be in writing.

Section 7.20 Data Centers

A. **Purpose**.

The purpose of this Section is to provide for the development, installation, and construction of data centers subject to reasonable conditions that will protect the character of the Township and the nearby lot owners and ensure the health, safety, and welfare of Township residents.

B. **Scope**.

Data centers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in **Article 5: Plan Review** and **Article 6: Special Use Review** of this Ordinance.

C. **Setbacks**.

All principal buildings, accessory structures, and data center electric utility substations shall be set back at least three hundred (300) feet from all adjacent lot lines and at least five hundred (500) feet from residences and occupied community buildings on adjacent lots.

1. Year-round opaque landscaping or a screening fence or wall shall be required to minimize visual impact.

2. Electric utility substations on the same property as the data center they serve shall be located on the side or rear of a data center principal building so they are screened from public view. On-site substations do not require a buffer or screening between the data center principal building and the substation.

3. For substations, setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

D. **Noise/Vibration**.

The sound pressure level of a data center and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.

E. **Negative Impacts**.

Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the lot line.

F. **Lighting.** Lighting, including lighting for security cameras, shall comply with **Section 3.20**.

G. **Cooling System**.

A closed-loop cooling system shall be utilized, if feasible. If an alternate system is proposed, the applicant shall demonstrate the reason an alternate system is necessary and shall show that the surrounding area will not be negatively impacted by the system. Cooling systems shall not cause an adverse impact on water supply in the Township. Methods of discharge of cooling systems shall be documented and shall not cause adverse impacts on the environment or public health and safety.

H. **Operations**.

Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the applicable service provider stating the following:

1. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.

2. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding area and that such capacity is available in the community. Indicate on the application the amount of water and electricity necessary to operate the facility. Planning Commission may require that the data owner operator supply the electricty on-site.

3. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

4. Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection.

I. Emergency Contact Information.

Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

J. Environmental and Community Impact Analysis.

Prior to the commencement of the public hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

1. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored, and the duration period of storage of materials.

2. A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters, and cultural and historic resources on the property and within five hundred (500) feet of the boundaries of the property.

3. Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

4. An evaluation of the potential impacts of the proposed use, both positive and negative, upon:

    a. Emergency services and fire protection,
    b. Water supply,
    c. Sewage disposal,
    d. Solid waste disposal,
    e. Electricity rates,
    f. School facilities, and
    g. Municipal revenues and expenses.

5. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.

6. Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site. The Planning Commission may require that

additional studies be performed by a third-party qualified professional and shall be paid for by the applicant.

K. **Application Requirements**.

A site plan pursuant to **Section 5.05** shall be required. In addition, the following shall be required:

1. Cooling/climate control equipment specifications.

2. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot boundary.

3. **Emergency Response Plan**. A copy of the approved Emergency Response Plan shall be prepared by the applicant and shall be given to the system owner, the local fire department, and the local fire code official. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders. The Emergency Response Plan shall include the following information:

   a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.

   b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.

   c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

   d. Procedures for inspection and testing of associated alarms and controls.

   e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

   f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.

   g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

   h. Other procedures as determined necessary by the Township to provide for the safety of

occupants, neighboring properties, and emergency responders.

i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any additional personnel and specific equipment or training deficiencies in local emergency response capacity, and recommendations for measures to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.

l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.

4. **Decommissioning Plan**. A decommissioning plan is required at the time of application. The decommissioning plan shall include:

a. The anticipated life of the project.

b. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use. If the infrastructure is able to be retrofitted to an alternate use, then the decommissioning plan may include those plans.

c. If applicable, approved traffic route for decommissioning and surety bond to ensure no perceived road damage is done.

d. The projected decommissioning costs. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.

e. The method of ensuring that funds will be available for site decommissioning. The Township

shall require the owner or operator (maintained by any successive owners/operators) to deposit a performance guarantee equal to 1.25 times the estimated decommissioning cost.

A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Planning Commission.

f. Prior to beginning decommissioning, a data center owner/operator shall notify the Township of the date that decommissioning will begin.

5. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

6. **Additional Studies**. Additional studies, paid for by the applicant, may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

a. **Environmental Analysis**. An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment, including, but not limited to, wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

b. **Groundwater Study**. An analysis by a third-party qualified professional that takes into account the planned groundwater use and the impacts on local water resources.

L. **Post-Approval Documentation.**

Any Zoning Permit or Special Use Permit for a data center shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.

2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the data center owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

3. **Annual Compliance Reporting**. The Planning Commission may require the data center owner to provide annual documentation of compliance with specific standards in this Ordinance. Annual

reports shall be required on water usage, sound monitoring, and generator testing/operating hours. Copies of any other reports required by the State of Michigan or any outside agency shall be provided to the Township.

M. **Abandonment**.

4. If a data center owner or operator intends to abandon and, in fact, does abandon a data center by not operating it for a continuous period of twelve (12) months, said data center shall be considered abandoned, and the owner of such data center shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned data center within the one hundred eighty (180) day period provided in this subsection shall be considered a violation of this Ordinance. The Planning Commission may grant an extension to this one hundred eighty (180) day period if it finds substantial justification for such an extension.

5. Unless an alternate decommissioning plan is approved, in addition to removing the data center, the owner shall restore the site to its original condition prior to the location of the data center, including environmental remediation, subject to reasonable wear and tear. Any foundation associated with a data center shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. The Planning Commission may require that vegetative screening be removed.

N. **Public Inquiries & Complaints**.

An aggrieved property owner may notify the Township to allege that a data center is not in compliance with the Ordinance. Notice shall be in writing.

Section 7.21 Dwellings

A. **Dwelling Unit Size**.

Dwelling units constructed after the effective date of this Ordinance shall meet the minimum size standards in **Article 4**.

B. **Manufactured Homes**.

Manufactured homes (outside of manufactured housing communities) shall meet the standards for minimum lot size, setbacks, minimum floor area, and minimum dwelling unit width for the district in which they are located. All manufactured homes (including those within manufactured housing communities) shall meet the following additional standards:

1. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the **Michigan Manufactured Housing Commission** requirements.

2. Manufactured homes shall be installed according to the manufacturer's setup requirements, and the **United States Department of Housing and Urban Development (HUD)** regulations entitled "**Manufactured Home Installation Standards,**" and the construction of the unit shall comply with the **National Mobile Home Construction and Safety Standards Act of 1974**.

3. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.

4. Manufactured homes shall not be used as accessory buildings.

5. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.

Article 8
Zoning Board of Appeals

Sec	Name	Pg
8.01	Establishment of Zoning Board of Appeals	8-1
8.02	Membership & Terms of Office	8-1
8.03	Meetings	8-2
8.04	Powers & Duties	8-3
8.05	Variance Standards	8-4
8.06	Procedures	8-5
8.07	Voiding of and Reapplication for Variances	8-8

Section 8.01 Establishment of Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided by Section No. 125.3601, **2006 PA 110,** as amended, and also known as the "**Michigan Zoning Enabling Act**" and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

Section 8.02 Membership & Terms of Office

A. **Membership**.

1. The Zoning Board of Appeals shall consist of five (5) members.

2. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Township Board, for the term of his or her office.

3. The second member of the Zoning Board of Appeals may be a member of the Township Board, appointed by the Township Board for the term of his or her office.

4. The remaining members of the Zoning Board of Appeals shall be selected and appointed by the Township Board from the electors residing in the unincorporated area of the Township for a term of three (3) years, with the three (3) elector members appointed for staggered terms of one (1), two (2), and three (3) years.

5. An employee or contractor of the Township may not serve as a member of the Zoning Board of Appeals.

B. **Alternate Membership**.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the 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. **Officers**.

The Chairman of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as chairman.

D. **Removal of Member**.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

E. **ZBA Member who is also a Planning Commission Member**.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

Section 8.03 Meetings

The Zoning Board of Appeals shall hear and decide all matters properly referred to the Board, or upon which the Board is required to act, under any Ordinance adopted pursuant to **2006 PA 110**, as amended.

A. **Meeting Scheduling and Notice**.

1. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson or, in his/her absence, the Vice-Chairperson, and at such other times as the Zoning Board of Appeals in its bylaws may specify. The Zoning Board of Appeals shall hold at least one (1) meeting in each calendar year.

2. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in **Section 9.07**.

B. **Open Meetings and Minutes**.

1. All meetings of the Zoning Board of Appeals shall be open to the public in compliance with the **Open Meetings Act, 1976 PA 267**, as amended.

2. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Zoning Administrator and the Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Zoning Administrator shall act as the depository for all official files of the Zoning Board of Appeals.

C. **Quorum**.

The Zoning Board of Appeals shall not conduct business unless a majority of regular members are present.

D. **Majority Vote**.

The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to any practical difficulties.

E. **Rules of Procedure**.

The Board shall adopt its own bylaws as may be necessary to properly conduct its meetings and activities.

Section 8.04 Powers & Duties

A. **Exercising Powers**.

The Zoning Board of Appeals shall hear and decide appeals from, and reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination made by the Planning Commission or Zoning Administrator in the administration of this Ordinance as hereinafter provided, and to that end shall have all the powers of the officer or body from whom the appeal is taken, and may issue or direct the issuance of a permit.

B. **Jurisdiction**.

The duties and powers of the Zoning Board of Appeals shall, in general, include the following:

1. **Review of Administrative Actions**. The Zoning Board of Appeals shall, when called upon, review, hear, and decide appeals from any order, requirements, decisions, or determination made by any administrative official and/or Planning Commission charged with administration and enforcement of this Ordinance.

2. **Interpretation**. To decide any question involving the interpretation of any provision of this Ordinance, including the determination of the exact location of any district boundary if there is uncertainty with regard thereto.

3. **Variances.** To grant variances from any of the non-use regulations or provisions contained in this Ordinance in cases in which there are practical difficulties in the strict application of standards of this Ordinance.

4. **Special Uses and Planned Unit Developments**. The Zoning Board of Appeals has jurisdiction to hear appeals from Planning Commission decisions concerning Special Use approvals or Planned Unit Developments.

C. **Specific Powers Not Granted**.

1. **Amendments**. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided by law. Provided, however, the Zoning Board of Appeals shall have the authority to revise the Zoning Map, but only in conjunction with its authority to interpret district boundaries.

2. **Use Variances**. No variance shall be granted to permit the establishment, within a district, of any use which is not allowed as a Permitted Use or a Special Use in that district.

3. **Violations**. The Zoning Board of Appeals shall not have jurisdiction to hear appeals from decisions made by the Zoning Administrator concerning whether to take enforcement action for alleged violations of this Ordinance.

Section 8.05 Variance Standards

A. **Variance Standards**.

Where there are practical difficulties deterring the carrying out of strict interpretation of this Ordinance, the Zoning Board of Appeals shall have the power to vary or modify any of the rules, regulations, and provisions

of the Ordinance by granting non-use variances, provided that any variation granted from this Ordinance will not be contrary to the public interest and relates only to property under control of the appellant.

The following standards shall be used to determine practical difficulty:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography, and is not due to the applicant's personal or economic hardship.

2. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

4. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.

5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

B. **Conditions**.

Pursuant to **Section 9.09: Conditions**, in granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonably possible. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under **Section 9.11** of this Ordinance.

Section 8.06 Procedures

A. **Who May Appeal**.

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency, or bureau of the Township, county, state, federal, or other legally constituted form of government.

B. **Application Process**.

1. **Application**. The appellant shall file all requests for appeals, requests for variances, or requests for interpretation in writing with the Zoning Board of Appeals on blanks or forms to be furnished by the Zoning Administrator. The grounds for appeal shall be stated in writing.

2. **Number of Copies**. The applicant shall submit six (6) copies of a completed application, with associated fees, surveys, plans, and data as required, or other information deemed reasonably necessary for making any informed decision on his or her appeal. An electronic copy of surveys, plans, and data may be required.

3. **Fee**. A fee, prescribed by the Township Board, shall be submitted to the Zoning Administrator at the time of filing the application. The appeals fee shall immediately be placed in the Township General Fund.

4. **Boundary Survey.** When submitting a variance request in R-1, R-2, and R-3 for the side, front, or rear setback, it will be required that a certified boundary survey be submitted. This survey shall locate and mark the corners of the subject property, which shall remain visible, and show all distances of buildings from property lines on the drawing.

5. **Timing**. All appeals shall be made within thirty (30) days from the date of any decision constituting the basis for appeal. All appeals shall be made at least forty-five (45) days prior to the public hearing date. Requests for interpretation may be made at any time.

6. **Transmission of Records.** The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

7. The Zoning Administrator shall fix a reasonable time for the hearing of an appeal.

C. **Effect of Appeal/Stay**.

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the notice or appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case proceeding shall not be stayed otherwise then by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

D. **Public Hearing and Public Notice**.

1. **Date and Public Hearing Notice**. The Zoning Board of Appeals shall make no recommendations except in a specific case and after a public hearing conducted by said Board. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal. Upon determination of the date and

time of the Public Hearing, the Zoning Administrator shall give public notice pursuant to **Section 9.07**.

2. **Appearance**. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.

E. **Decision by Zoning Board of Appeals**.

1. **Final Decision**. Upon hearing of such appeals, the Zoning Board of Appeals may affirm, change, or modify the ruling, decision, or determinations, or make such other or additional determinations as it shall deem proper under the circumstances. The final decision of such appeal shall be in the form of a motion. Reasons for the decision shall be stated. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.

2. **Findings.** The Zoning Board of Appeals' decision on such appeals shall be in the form of a signed decision and order form containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such decision shall have the right to appeal to the Circuit Court on questions of law and fact.

3. **Conditions**. The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this Ordinance as provided for in **Section 9.09**. A violation of any conditions constitutes a violation of the Zoning Ordinance and is subject to the applicable enforcement proceedings under the Zoning Ordinance.

4. **Timing of Decision**. The Zoning Board of Appeals shall return its decision in writing within thirty (30) days after a request or appeal has been heard unless all parties concerned agree upon additional time.

F. **Appeal to Circuit Court**.

The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.

G. **Rehearing**.

A rehearing may be granted pursuant to **Section 9.10**.

Section 8.07 Voiding of and Reapplication for Variances

A. Each variance granted under the provisions of this Ordinance shall be null and void unless the activity and construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance.

B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Article 9
Administration & Enforcement

Sec	Name	Pg
9.01	Purpose	9-1
9.02	Administration	9-1
9.03	Zoning Permit Application Process	9-3
9.04	Conflicting Regulations	9-8
9.05	Fees	9-8
9.06	Performance Guarantee	9-10
9.07	Public Notice Requirements	9-10
9.08	Use of Consultants	9-13
9.09	Conditions	9-13
9.10	Rehearing Process	9-13
9.11	Violation	9-14
9.12	Approval Process Reference Chart	9-15

Section 9.01 Purpose

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of development plans, issuance of zoning permits, inspections of properties for compliance with the Zoning Ordinance, establishment and collection of permit fees, handling of violators, and enforcement of the provisions of this Ordinance and any amendments to it.

Section 9.02 Administration

The provisions of this Ordinance shall be administered by the Township Planning Commission and such personnel as designated by the Township Board in accordance with the **Michigan Zoning Enabling Act, 2006 PA 110** (MCL 125.3101), as amended, and this Zoning Ordinance.

A. **Zoning Administrator**.

Unless otherwise designated under a specific provision of the Ordinance, the Zoning Administrator shall be responsible for the administration of this Ordinance. The Zoning Administrator shall be a qualified individual appointed by the Township Board. The terms, conditions, and rate of compensation shall be determined by the Township Board. The Zoning Administrator shall possess all powers and authority as are necessary to administer and enforce this Ordinance. The Township Board may also appoint a Deputy Zoning Administrator

under the terms and conditions determined by the Board to assist the Zoning Administrator in administering this Ordinance.

1. **Duties and Powers of the Zoning Administrator**. The Zoning Administrator shall enforce this Ordinance and shall:

   a. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance, and shall approve issuance of the permit if the use and the requirements of this Ordinance are met. See **Section 5.03**.

   b. Approve and issue demolition permits.

   c. Conduct inspection of all buildings and structures and the use of all lands subject to the provisions of this Ordinance to determine compliance.

   d. Maintain permanent and correct records of this Ordinance, including, but not limited to, zoning permits, compliance certificates issued, and all maps, amendments, Special Use permits, exceptions, variances, and appeals.

   e. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.

   f. The Zoning Administrator shall assist the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, Special Use permits and amendments to the Zoning Ordinance. The Zoning Administrator shall review all applications for site plan review, Special Use review, variances, and zoning amendments addressed to the Planning Commission or Zoning Board of Appeals, and report findings to said Commission and Board.

   g. Initiate appropriate action for proceedings to prevent, restrain, correct, or abate any illegal act in violation of this Ordinance.

   h. The Township Clerk, with the assistance of the Zoning Administrator, shall be responsible for updating the Township Zoning Map and keeping it current.

   i. The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, and intended use for each permit.

B. **Duties and Powers of the Planning Commission**.

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Site Plan Approval**. The Planning Commission shall review site plans and issue its approval, conditional approval, or denial. See **Section 5.03**.

2. **Special Use Permits**. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit, including Planned Unit Developments. Following a public hearing, the Planning Commission shall review and approve, approve with conditions, or deny said application.

3. **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. **Duties and Powers of the Township Board**.

On recommendation of the Planning Commission, the Township Board shall be responsible for the following activities under this Ordinance:

1. **Ordinance Adoption.** The Township Board adopts the Zoning Ordinance, making it the enforceable policy of the township government.

2. **Ordinance Amendment.** Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).

3. **Fees**. The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance.

4. **Fee Waiver**. The Township Board may also act to waive any fee.

Section 9.03 Zoning Permit Application Process

A. **Zoning Permits**.

1. **When a Zoning Permit is Required.** A zoning permit is required before proceeding with the use, erection, alteration, enlargement, razing, conversion, or moving of any building or structure.

2. **When a Zoning Permit is NOT Required.**

   a. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building.

b. Alterations inside a building or structure if no change is made in foundation or outside perimeter.

c. Decorative accessory items such as statues, trellises, lawn decorations, and similar items do not require a zoning permit.

B. **Application for a Zoning Permit**.

1. Application shall be made upon forms provided by the Zoning Administrator and shall be accompanied by the legal description of the premises and by a plot plan pursuant to **Section 5.04** or a site plan pursuant to **Section 5.05** (with the exception of Special Uses that the Zoning Administrator has determined do not require a plot plan or site plan).

3. **Final Plot Plan or Site Plan Approval Required**. The Zoning Administrator shall not issue a zoning permit until a final plot plan or site plan has been approved and is in effect pursuant to **Article 5** (with the exception of Special Uses that the Zoning Administrator has determined do not require a plot plan or site plan and which shall only use the review requirements in **Article 6**).

4. **Survey.** On examination of any site, the Zoning Administrator may require a current boundary survey and staking of the premises by a Michigan Registered Land Surveyor if the same may not be clearly in evidence.

5. **Other Required Permits**. A zoning permit is required prior to a building permit. A zoning permit shall not be issued until any other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.

6. **Payment of Fees**. No zoning permit shall be valid until the required fees have been paid.

C. **Inspection**.

All sub-grade improvements, such as utilities, sub-base, and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Township Board, in writing, when a development for which a final site plan was approved which does not pass inspection with respect to the approved site plan, and shall advise the Board of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township of progress towards compliance with the approved site plan, and when compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the cost of the Township inspections of such projects as required under the provisions of this Ordinance.

The construction or usage affected by any Zoning Permit shall be subject to the following inspections:

1. **General Inspections**.

   a. At the time of staking out the building foundation or the location of the structure.

   b. Upon completion of the construction authorized by the permit.

   c. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with required setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue his written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.

   d. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall notify, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.

   e. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Ordinance at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

2. **Compliance Inspections for Renewable Energy Projects (Utility-Scale Solar, Utility-Scale Wind, and Battery Energy Storage Systems)**. Due to the complex nature of renewable energy projects, the following compliance procedures shall apply:

   a. **Inspection Procedure.** Due to the complex nature of renewable energy projects, a more comprehensive inspection procedure may be required. After site plan approval and prior to the beginning of construction, the developer and the Zoning Administrator shall agree upon a proposed inspection procedure, including inspection of key locations, timing of inspections, notification of elements ready for inspection, and the method of inspection.

   b. **Inspection of Key Locations**. The following key construction elements may require inspection during construction activities to ensure compliance with the approved site plan and with the

Zoning Ordinance.

(1) Staging area staked locations, such as lay-down yards, etc.

(2) Solar panel staked locations, nearest to the fenceline, prior to installation of the solar panels.

(3) Wind turbine foundation staked locations prior to installation of the foundations.

(4) Inverter pad staked locations prior to the installation of the pads.

(5) Battery location/pad staked locations prior to the installation of the batteries/pads.

(6) Fence staked location prior to installation of the fence.

(7) After screening is installed, inspection shall occur to verify screening location and composition.

(8) Staked locations of emergency and fire safety infrastructure (such as, but not limited to, roads and fire hydrants). Emergency infrastructure shall be in place prior to the delivery of batteries to the site.

(9) Other key items, identified by the developer and/or the municipality, that require inspection prior to placement and that require inspection to determine compliance with the approved site plan and the Zoning Ordinance

(10) At the end of project construction, but prior to the commencement of project operations.

c. **As-Built Site Plan**. After completion of the development project, the developer shall submit an as-built site plan to the Township, which shall be kept on-file as a record of the location of improvements on the development site.

D. **Voiding or Expiration of Permit**.

1. **Zoning Permit Expiration**. A zoning permit issued pursuant to this Section shall expire one (1) year following issuance unless substantial construction has begun pursuant to the permit, or prior to the expiration of the permit the property owner applies for and receives an extension of the zoning permit for no more than one (1) year, from the Zoning Administrator, upon a showing of good cause and that the zoning regulations applicable to the use authorized by the zoning permit have not substantially changed since the issuance of the original permit or the most recent extension of the permit. A maximum of (1) extension may be granted.

2. **Completion of Exterior**. Upon commencing substantial construction of a building pursuant to a zoning permit issued under this Ordinance, the exterior of the building shall be completed within one

(1) year, unless prior to the expiration of this time period, the property owner applies for and receives an extension for completing the exterior construction of the building from the Zoning Administrator upon a showing of good cause. A maximum of (1) extension may be granted.

E. **Failure to Obtain a Zoning Permit**.

1. Any person, partnership, limited liability company, corporation, association, or other entity that fails to obtain any necessary zoning permit shall be subject to **Section 9.11** unless a Permit-After-the-Fact is obtained pursuant to subsection 2 below.

2. **Permit After-the-Fact**. Any building erected, relocated, or altered which requires a zoning permit from the Township which begins without first obtaining the required permit, may be issued that permit (and all permits necessary for approval), but this permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit is the same as a standard permit, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits, include but are not limited to zoning permits, site plans, variances, rezoning, and Special Use Permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit do not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

F. **Conformance with Approved Zoning Permit**.

1. Following the issuance of a zoning permit by the Zoning Administrator, or other official designated by the Township Board, the applicant shall construct the improvements authorized by the zoning permit in complete conformity with the zoning permit and the approved plans and conditions.

2. A case of failure or neglect to comply with the provisions of this Ordinance, or in case of false statements or misrepresentations made in the application, shall be considered a violation of this Ordinance.

G. **Stop Work Order**.

The Zoning Administrator shall have the authority to issue a stop work order on work in progress when that work violates any provision of this Ordinance. Upon notice from the Zoning Administrator of the occurrence of unauthorized activity or the existence of site conditions contrary to any provisions of this Ordinance or **2006 PA 110, the Michigan Zoning Enabling Act**, as amended, such activity shall be immediately stopped and/or said site conditions shall be immediately abated. Upon determining that such unauthorized conditions are present or such unauthorized activities are occurring, the Zoning Administrator shall post a stop work order on the said premises. The stop work order shall be in writing and shall also be given to the owner of the property involved, or to the owner's agent, or to the person involved in such activity or the person

responsible for such unauthorized site conditions or activity, and shall state the terms under which the stop work order will be rescinded or removed. Any person, firm, or company who continues such activity or fails to correct such site conditions after having been served with the stop work order shall be subject to **Section 9.11**.

Section 9.04 Conflicting Regulations

A. **Conflicts when this Zoning Ordinance is More Restrictive**.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, ordinance, or private deed restrictions, then the provisions of this Ordinance shall govern except where legally superseded by such law or ordinance.

B. **Conflicts when Another Ordinance is More Restrictive**.

Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

C. **Conflicts within this Ordinance**.

Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

1. **Conflicting Graphics, Tables, and Text**. The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

2. **Conflicts Between Use Tables**. Where there are conflicts between the Full Table of Permitted and Special Uses (**Section 4.12**) and the individual Tables of Permitted and Special Uses within the district Sections, the Full Table of Permitted and Special Uses (**Section 4.12**) shall prevail.

Section 9.05 Fees

A. Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board.

1. To assist in defraying the cost of zoning administration, inspection, investigations, review, and necessary advertisements, the Township Board may, from time to time, by resolution, adopt a Fee Schedule governing certain provisions of this Ordinance.

2. Said fees shall be placed in the appropriate fund, as determined from time to time by the Township Board, and such fees shall be used solely for costs of administration or as directed by the Township Board.

B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.

C. **Additional Fees**.

1. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit, with the Township Treasurer, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs.

2. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.

3. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal.

4. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.

5. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

Section 9.06 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct, even though located outside the development. Site improvements mean landscaping, buffering, the completion of conditions imposed by the Planning Commission which are located within the development, and site restoration. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements by the applicant;

B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements by the applicant; and

C. The balance at the completion of the public and site improvements by the applicant.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third party to construct the public and site improvements and the third party has provided a bond meeting the requirements described above, and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

Section 9.07 Public Notice Requirements

All applications for development approval requiring a public hearing shall comply with the **Michigan Zoning Enabling Act, 2006 PA 110,** as amended, MCL 125.3101 et. seq., and the other provisions of this Section with regard to public notification.

A. **Published Notice**.

When the provisions of this Ordinance or the **Michigan Zoning Enabling Act** require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.

B. **Content**.

All mail, personal, and newspaper notices for public hearings shall:

1. **Describe the Nature of the Request**. Identify whether the request is for a rezoning, text amendment, Special Use, Planned Unit Development, variance, appeal, Ordinance interpretation, or other purpose.

2. **Location**. Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses shall be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.

3. **Date, Time, and Meeting Location**. When and where the request will be considered: indicate the date, time, and place of the public hearing(s).

4. **Written Comments**. Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. **Disabled Access**. Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. **Notice**.

1. Except as noted in **subsection C.2** and **subsection C.3** below, notices for all public hearings shall be published and/or given as follows:

   a. Notice of the hearing shall be published and/or given not less than fifteen (15) days before the date of the public hearing.

   b. Notice of the hearing shall be published in a newspaper of general circulation.

c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.

d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located in the Township.

(1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

(2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

2. Newspaper publication as required in **subsection C.1** above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.

3. For Ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in **subsection C.1** above.

4. **Notice Deemed Given**. Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

5. **Registration to Receive Notice by Mail**.

a. **General**. Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.

b. **Requirements**. The requesting party shall provide the Zoning Administrator information to ensure notification can be made.

Section 9.08 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 9.09 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

A. Be designed to protect natural resources, the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 9.10 Rehearing Process

A. **Rehearing Performed by Planning Commission or ZBA.**

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.

2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the site plan review or public hearing.

3. The Township attorney, by written opinion, states that the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. **Rehearing Procedure**.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit**. A request for a rehearing, which is made by an applicant, shall be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.

2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.

3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first-class mail at the applicant's last known address or may be served personally on the applicant. The notice shall be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.11 Violation

A. Any land, dwellings, buildings, or structures, including tents and recreational vehicles, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted, or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

B. Any person, partnership, corporation, association, or other legal entity who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in **Public Act 12 of 1994, amending 1961 PA 236**, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the

provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.

C. The Township Supervisor and Zoning Administrator are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

D. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

E. **Duty To Inspect; Administrative Search Warrant**. It shall be the duty of the Zoning Administrator, or other official designated by the Township Board, to inspect land, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator, or other official designated by the Township Board, shall exercise this right of inspection by consent of the person having the right to possession of the land, building, and/or structure or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction.

Section 9.12 Approval Process Reference Chart

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it:

Table 9.12: Approval Process Reference Chart

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal
Single- & two-family dwellings, accessory bldgs and accessory uses, family child care homes, food trucks, change of use, fences, signs- see §5.03 for full list	Applicant	ZA	No	-----	-----	ZBA
Multiple-Family, Commercial, Industrial, Utility & Institutional Structures/Uses - see §5.03 for full list	Applicant	PC	No (unless listed as Special Use)	-----	-----	ZBA
Special Use	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	ZBA
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	-----	Circuit Court
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Text amendment or Rezoning (text amendment does not require 300' notices)	Applicant, PC, or TB	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	-----
		County Planning Commission reviews amendment & provides comment (30 days)				
		Step 2: TB	No	-----	-----	-----
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Amendment goes into effect on 8th day after publication.				
Zoning enforcement	ZA	-----	-----	-----	-----	ZBA

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

Article 10
Adoption & Amendments

Sec	Name	Pg
10.01	Amendment to this Ordinance	10-1
10.02	Amendment Procedures	10-1
10.03	Amendment Review Factors	10-4
10.04	Conditional Rezoning	10-5
10.05	Severability	10-8
10.06	Rights & Remedies	10-9
10.07	Vested Right	10-9
10.08	Repeal of Previous Ordinance	10-9
10.09	Adoption & Effective Date	10-9

Section 10.01 Amendment to this Ordinance

A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by action of the Township Board following a recommendation from the Township Planning Commission.

C. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property.

Section 10.02 Amendment Procedures

The procedure for making amendments to this Ordinance shall be in accordance with the **Michigan Zoning Enabling Act (MZEA) 2006 PA 110**, as amended.

A. **Filing of an Amendment Application**.

1. **Amendment Application.** A signed application and fees shall be filed with the Township Clerk at least forty-five (45) days prior to the Planning Commission meeting date at which the public hearing will be held.

2. **Information Required**. The applicant shall submit a detailed description of the application to the Township Clerk. When the application involves a change to the Zoning Map, the applicant shall submit the following information:

   a. A legal description of the property.

   b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

   c. The name and address of the applicant.

   d. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.

   e. Date of filing with the Township Clerk.

   f. Signature (s) of applicant (s) and owner (s) certifying the accuracy of the required information.

   g. The desired change and reasons for such change.

3. **Zoning Administrator Review of Application**. The Zoning Administrator shall review the application and, when it is deemed complete by the Zoning Administrator, transmit the same to the Township Planning Commission for review and report.

4. **Zoning Administrator Sets Public Hearing Date**. The Zoning Administrator shall, at the same time, establish a date for a public hearing on the application for the Planning Commission and shall give proper notice of the hearing as provided in **Section 9.07**.

B. **Public Hearing**.

Before making a recommendation on an amendment, the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given pursuant to **Section 9.07**. A public hearing is required for all amendments, regardless of whether they were initiated by a citizen, the Planning Commission, or the Township Board.

C. **Planning Commission Action**.

The Planning Commission shall consider each proposal for amendment based on the factors specified in **Section 10.03**. The Planning Commission may recommend any additions or modifications to the original proposal. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its written findings of fact, in full, along with its recommendations, to the Township Board.

1. **Submission to County Planning Commission**. Following the public hearing, the Township Planning Commission shall submit the proposed amendment, including any zoning map changes and any comments received at the public hearing, to the County Planning Commission or, in the case where no County Planning Commission exists, to a coordinating zoning committee appointed by the County Board of Commissioners. If the recommendation of the County Planning Commission/committee has not been received within thirty (30) days after the receipt of the amendment by the County, it shall be conclusively presumed that the County has waived its right to review.

2. **Submission to Township Board**. The Township Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing and from the County.

D. **Township Board Action**.

1. **Optional Public Hearing**. The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be pursuant to **Section 9.07**. The Township Board shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk.

2. **Township Board Decision**. The Township Board may adopt or reject any proposed amendment, or refer it back to the Planning Commission for further review as prescribed in Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

3. **Notice of Adoption**. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth (8th) day after publication or at a later date as may be specified by the Township Board at the time of adoption.

   The notice of adoption for Zoning Ordinance amendments shall include the following:

   a. Either a summary of the regulatory effect of the Zoning Ordinance amendment, including the geographic area affected, or the text of the Zoning Ordinance amendment.

   b. The effective date of the Zoning Ordinance amendment.

   c. The place and time when a copy of the Zoning Ordinance amendment may be purchased or inspected.

E. **Resubmittal**.

No application for rezoning, which has been disapproved by the Township Board, shall be submitted for a

period of one (1) year from the date of disapproval, except as permitted by the Township Board after becoming aware of new evidence which may result in approval upon resubmittal.

Section 10.03 Amendment Review Factors

A. The factors to be considered by the Planning Commission when reviewing a proposed amendment shall include, but not be limited to, the following:

1. Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.

2. The precedents and the possible effects of such precedents, which might likely result from approval or denial of the amendment.

3. The compatibility of the Township's Master Plan or other government agencies that provide any services, facilities, and/or programs that might be required if the amendment were approved.

4. Effect of approval of the amendment on adopted development, policies of the Township, and other government units.

5. **Rezoning Factors.** When the proposed amendment is a rezoning, the following factors shall also be considered:

   a. Is the proposed rezoning consistent with the goals and objectives of the Township Master Plan?

   b. Is the proposed rezoning reasonably consistent with surrounding uses?

   c. Will there be an adverse physical impact on surrounding properties?

   d. Will there be an adverse effect on property values in the adjacent area?

   e. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?

   f. Is the site served by adequate public facilities or is the petitioner able to provide them?

   g. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

B. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board.

Section 10.04 Conditional Rezoning

A. **Intent**.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use of land as part of the rezoning request.

B. **Application and Offer of Conditions**.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not authorize uses not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use proposed as part of an offer of conditions that would require a Special Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use is ultimately granted in accordance with the provisions of this Ordinance.

6. The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions at any time prior to final rezoning action of the Township Board, provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. **Planning Commission Review**.

The Planning Commission, after public hearing as set forth in **Section 9.07** of this Ordinance and consideration of the factors set forth in **Section 10.03** (except **A.5.g**) of this Ordinance, may recommend

approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. **County Planning Commission Review**.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to the County as specified in **Section 10.02.C.1** for a not more than thirty (30) day review period, according to the provisions of Section 307 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

E. **Township Board Review**.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. **Approval**.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

   a. Be in a form recordable with the **County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

   b. Contain the legal description and tax identification number of the land to which it pertains.

   c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

   d. Incorporate, by attachment or reference, any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify

where the document may be examined.

e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the **County Register of Deeds**.

f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. **Compliance with Conditions**.

1. Any person who commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.

2. No permit or approval shall be granted under this Ordinance for any use that is contrary to an applicable Statement of Conditions.

H. **Time Period for Establishing Use**.

Unless another time period is specified in the Ordinance, the approved use of the land pursuant to building or other required permits shall be commenced upon the land and substantial construction shall be shown within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise

inconsistent with sound zoning policy.

I. **Reversion of Zoning**.

If the approved use of the rezoned land does not occur within the timeframe specified under **subsection H** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. **Subsequent Rezoning of Land**.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection I above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the **County Register of Deeds** that the Statement of Conditions is no longer in effect.

K. **Amendment of Conditions**.

1. During the time period for commencement of an approved use specified pursuant to **subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. **Township Right to Rezone**.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

M. **Failure to Offer Conditions**.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 10.05 Severability

This Ordinance and the various parts, sections, subsections, phrases, and clauses thereof are hereby declared to be severable. If any part, article, section, sentence, phrase, or clause is adjudged unconstitutional

or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 10.06 Rights & Remedies

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 10.07 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular district or zoning classification, and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary for the preservation or protection of the public's health, safety, and welfare.

Section 10.08 Repeal of Previous Ordinance

Any previous Zoning Ordinance of Plainfield Township, presently in effect in the Township and all amendments thereto, hereby are repealed and replaced by this Ordinance. If this Zoning Ordinance as a whole shall subsequently be judicially determined to have been unlawfully adopted, such judicial determination shall then automatically reinstate the Township Zoning Ordinance which was in effect at this Ordinance's adoption and all of its amendments to their full effect.

Section 10.09 Adoption & Effective Date

A. This Ordinance was adopted on September 16, 2026, by the Plainfield Township Board of Trustees and will be effective October 1, 2026. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on August 12, 2026.

B. Amendments to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

I hereby certify that the above Ordinance was adopted by the Plainfield Township Board at a regular meeting held on September 16, 2026.

_____

Township Clerk

Published: September 23, 2026 Effective Date: October 1, 2026