

# ZONING ORDINANCE

# BALDWIN TOWNSHIP

Michigan



Adopted  
Effective



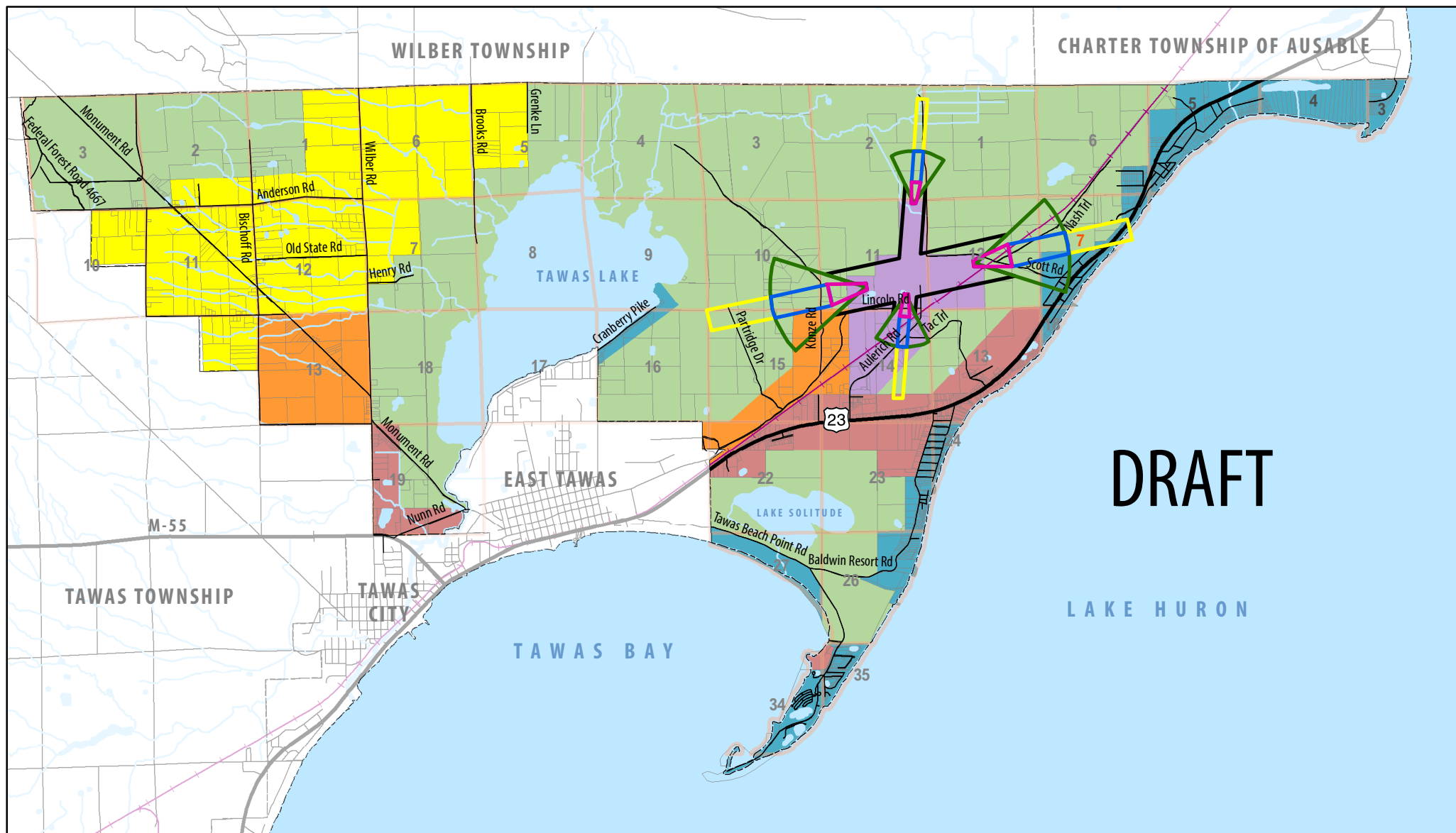
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1119 Monument Road, Tawas City, MI 48763



# Baldwin Township Zoning Map

Adopted:  
Effective:

0 1 2 Miles

## Zoning Districts

- LR: Lakeshore Residential District
- GR: General Residential District
- AR: Agricultural/Rural Residential District
- FC: Forested/Conservation District
- C: Commercial District
- I: Industrial District

## Airport Approach Zones

- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Zone 5

- Roads
- State Trunkline
- Railroad
- Sections
- Water
- Parcel Lines
- Township Boudaries



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# Baldwin Township ZONING ORDINANCE

Baldwin Township  
Iosco County  
Michigan

Adopted:

Published:

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*Prepared with the assistance of:*

Northeast Michigan Council of Governments  
[www.discovernortheastmichigan.org](http://www.discovernortheastmichigan.org)

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BALDWIN TOWNSHIP, IOSCO COUNTY, MICHIGAN, HEREBY ENACTS:

# Article 1

## Authority & Purpose

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### Section 1.1 Title

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

### Section 1.2 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 1.3 Purpose

This Ordinance is based on the Baldwin Township Master Plan and designed to be the primary means for its implementation. It sets forth regulations and standards for the uses of land, structures, and natural resources of the Township and for development, redevelopment, or restoration of all property by establishing requirements requisite to proper land use. The regulations of this Ordinance accomplish the purposes and objectives as outlined below by providing for land uses within each district, by acknowledging the unique impacts of Special Uses through specific standards for their development in appropriate locations within selected districts; by promoting quality development by limiting the location, height, bulk, occupancy, and uses of buildings and other structures by defining maximum residential densities and specifying the percentage of a site available for building; by providing for basic site design standards to ensure that land is developed in a functional and aesthetic manner; and by requiring various setbacks from lot lines and public rights-of-way.

The objectives of the Baldwin Township Ordinance are:

- A. To promote the public health, safety, and general welfare;
- B. To ensure that land uses shall be in appropriate locations and in proper relationships with other uses;

- C. To provide for open spaces in order to prevent the overcrowding of land and congestion of population, transportation, and public facilities;
- D. To provide for adequate and efficient transportation, sewage disposal, water, and energy systems, and for recreation, public safety, and other public service and facility needs;
- E. To cause and perpetuate the wise use of lands and natural resources in accordance with their character and their adaptability to development or not;
- F. To eliminate the improper uses of land;
- G. To effect the proper and orderly development of the Township; and
- H. To accomplish the goals and objectives of the Township Master Plan.



# Article 2

## Definitions

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### Section 2.1 Rules Applying to Text

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

- A. The headings that title an Article, a section, or a subsection of this Ordinance are for the purposes of organization and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting any of its terms or provisions in any respect.
- B. The illustrations contained within this Ordinance are intended to exemplify hypothetical applications of the provisions of the text that refer to them and shall not have the effect of enlarging or restricting those terms or provisions. In the event of any conflict between the provisions of the written text of the Ordinance and the illustrations, the text shall govern.
- C. When inconsistent with the context, words used in the present tense shall include the future tense, words in the singular shall include the plural and words in the plural shall include the singular.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. A "building" or "structure" includes any part thereof unless specifically excluded.

- F. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or any combination of them as well as a natural person.
- G. The words "used" and "occupied", as applied to any land, building, or structure, shall be construed to include the phrases "intended to be", "arranged to be," or "designed to be" used or occupied.
- H. The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built", "constructed ", or "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed, or moved upon, such as excavation, filling, drainage or the like.
- I. 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," "either . . . or," the conjunction shall be interpreted as follows:
1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  2. "Or" indicates 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.
- J. The particular shall control the general. Specific regulations applying to specific issues control over general regulations.
- K. "Days" means calendar days unless otherwise stated.
- L. Terms not herein defined shall have common, customary meanings.
- M. The Zoning Board of Appeals shall define any necessary interpretation of this Ordinance.

## Section 2.2 Definitions

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

### **A**

**Abutting.** Having lot lines in common.

**Access.** A way of approaching or entering a property.

**Accessory Building or Structure.** A building or structure that is detached from the principal building located on the same zoning lot and is customarily incidental to the principal building.

**Accessory Dwelling Unit.** A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either as a stand-alone structure or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in [Section 7.3](#) and only in those zoning districts where the use is listed as allowed.

**Accessory Use.** A use incidental, related, appropriate, and clearly subordinate to the principal use of the lot or building, which accessory use does not alter the principal use of such lot or building.

**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, easements, or public utility rights-of-way.

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

**Adult Foster Care Facility.** As defined by the [Adult Foster Care Facility Licensing Act \(1979 PA 218\)](#), 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. Adult Foster Care Facilities are classified as [State Licensed Residential Facilities](#) in [Article 4](#).

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

1. **Adult Foster Care Home, Family.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
2. **Adult Foster Care Home, Small Group.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
3. **Adult Foster Care Home, Large Group.** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
4. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
5. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737,

or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.

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

1. A nursing home licensed under **Article 17 of the Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
2. A home for the aged licensed under **Article 17 of the Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
3. A hospital licensed under **Article 17 of the Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under **Section 55 of the Social Welfare Act, 1939 PA 280**, MCL 400.55.
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
  - a. Two (2), if the total number of residents is ten (10) or fewer.
  - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
  - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
  - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.

10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

**Affiliate.** Any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability company, or a co-partner in a limited liability partnership with a Licensee or applicant.

**Agriculture.** Farms and general farming, including horticulture, floriculture, dairying, fish farming, livestock, and poultry raising, and other similar enterprises or uses.

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

- 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).
- N. Other agricultural tourism activities which the Planning Commission may designate.

**Alley, Lane, or Service Drive.** A service way providing a secondary means of public access to abutting properties and not intended for general traffic circulation.

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

**Animal Hospital or 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 time boarding incidental to hospital use. Such facilities include only those under the



direction of a licensed veterinarian registered in the State of Michigan.

**Animal Shelter.** A facility that is used to house or contain animals and is owned, operated, or maintained by a governmental or nonprofit corporation for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals.

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

**Application.** An application for a permit under this Ordinance and includes supplemental documentation attached or required to be attached thereto; the person filing the applications shall be known as the "applicant".

**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.** Having one (1) or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, façade wall extension, or archway.

**Auto Repair Garage.** A commercial building in which any major activity is conducted involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision repair such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; or refinishing or steam cleaning.

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

## **B**

**Basement.** That portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**Battery Energy Storage System (BESS).** 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; conduits; 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 (BESS), Off-Site.** Battery Energy Storage System (BESS) that is a principal use (or co-located with another principal use) and that is designed and built to connect into the transmission or distribution grid.

**Battery Energy Storage System (BESS), On-Site.** A Battery Energy Storage System (BESS) that is an accessory use that is intended to primarily serve the needs of the consumer on-site.

**Bed and Breakfast Establishment/Tourist Home.** A use which is subordinate to the principal use of a dwelling as an owner-occupied single-family dwelling unit and in which transient guests stay less than thirty (30) consecutive days and are provided a sleeping room and a breakfast in return for payment. Also called a Tourist Home.

**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.

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

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

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

**Breezeway.** Any covered passageway with open or enclosed sides between two (2) buildings.

**Buffer.** An area or a device that can lessen the effects of a use or structure. A buffer may separate different antagonistic uses and may have various means to accomplish this end; a buffer may also be used to minimize or eliminate effects upon natural resources, e.g., to protect water quality or a particular habitat.

**Building.** Any structure which is erected having a roof supported by columns or walls.

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

**Building Height.** The vertical distance from the average grade to the highest point of the coping of a flat roof or

to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, mechanical equipment, chimneys, or other such incidental appurtenances.

**Building Site.** A legally created lot or contiguous lots of land in single or joint ownership that provides the area and the open spaces required by this Ordinance for the location or construction of a building, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

## C

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

**Campgrounds/RV Park.** Any lot under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units. A campground/RV park may include rental of other types of recreational structures such as “glamping.”

**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 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 child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
- D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (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 or Place of Worship.** 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 or place of worship are classified as part of the principal use as a church or place of worship.

**Clinic.** 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 human patients are not lodged therein overnight.

**Club.** Buildings and facilities owned or operated by a corporation, association, person, or persons for social,

educational, or recreational purposes, but not primarily for profit or rendering a service customarily carried on as a business.

**Commercial Establishment.** Service businesses, financial institutions, general retail outlets, and restaurants. Home Occupations and Cottage Industries are not considered commercial establishments.

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

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

**Conditional Rezoning.** A rezoning in which the property owner voluntarily conditions the use of land to one (1) or more of the specified uses authorized in a particular zoning district.

**Condominium.** A form of housing ownership by which a person may purchase and own a dwelling unit in a multi-unit building or a separate piece of land in a site condominium development. In addition, together with other condominium owners, the person owns a proportionate interest in the common elements of the development and pays a monthly maintenance fee or charge for the cost of administering and maintaining the common elements.

- 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.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
- 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**. See **Site Condominium Projects**.

**Convalescent or Nursing Home**. A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm where continuous nursing care and supervision are required.

## 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.

**Deck**. An outdoor platform, either attached to or detached from the principal building, constructed above the ground surface and used as a residential accessory structure for domestic or recreational purposes.

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

**Drive-Through Business**. A business establishment organized so that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in their vehicles.

**Driveway**. That portion of a lot devoted to affording the principal means of access for no more than two (2) lots to and from a Public Road or Private Road.

**Dwelling, Multiple-Family**. A building or lot containing three (3) or more dwelling units, designed for exclusive use and occupancy by three (3) or more families (one (1) family per dwelling unit).

A. **Bungalow Court**. A multiple-family dwelling consisting of a series of small, detached structures, providing multiple units arranged to define a shared court. The shared court takes the place of a private rear yard.

B. **Townhouse**. A structure in which each dwelling unit shares a common wall with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and upper floor and has a separate ground-floor entrance.

**Dwelling, Single-Family**. A building designed for exclusive use and occupancy as a dwelling unit by one (1)

family. A single-family dwelling does not share a common wall with any other dwelling.

**Dwelling, Two-Family (Duplex).** A building containing two (2) separate dwelling units, designed for residential use by no more than two (2) families (one (1) family per dwelling unit) and connected by either a common wall or an attached garage area.

**Dwelling Unit.** A building, or part thereof, providing complete living facilities for one (1) family, including provisions for sleeping, cooking, eating, and sanitation (abbreviated as "d.u.").

## **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.** Includes built, constructed, reconstructed, moved upon, or any physical operation on the premises intended or required for a building or structures. Any land change including excavation, fill, drainage, and land clearing are considered part of this definition.

**Essential Service.** The erection, construction, alteration, or maintenance, by public utilities or municipal departments or commissions, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply, or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, but not including buildings. Wireless facilities and antennas, alternative tower structures, solar energy systems, battery energy storage systems, and wind turbines are not included within this definition.

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

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

## **F**

**Family.** An individual or two (2) or more persons related by blood or marriage 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 shall be considered a residential use of property for the purposes of zoning and shall be regulated as 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 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 are not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, 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](#).

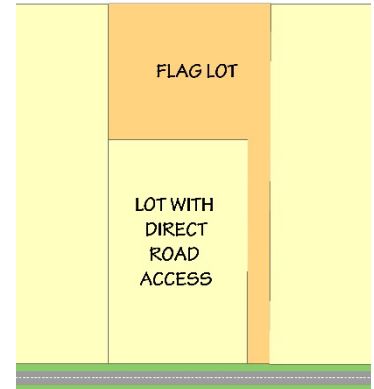
**Fence.** An artificially constructed barrier used to prevent or control entrance, confine within, or mark a boundary and which is not part of a principal building or structure or other accessory structure. The term fence includes a solid wall when used for the same purpose. Plantings are not considered a fence.

**Fence Height.** The vertical distance from the lowest part of the fence structure to the highest part of the fence structure. When all or part of a fence is installed on wooden, concrete asphalt, earthen, or masonry walls, berms,

paving, driveway, or fill materials that are used for the purpose of enclosure or as a base or support for an enclosure, the height of such items shall be included in the measurement of fence height when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected).

**Flag Lot.** A lot not fronting on or abutting a public or private road. On undeveloped flag lots, the Zoning Administrator shall designate the front lot line after consultation with the property owner. The Zoning Administrator shall base this decision on the accessibility of the lot, safety, and privacy of any adjacent buildings.

**Floor Area.** The total area of the floor space within the outside walls of a building, excluding porches, breezeways, garages, attics, basements, utility areas, cellars, or crawl spaces, but which may include that portion of a walkout basement that is finished for everyday living and not just for storage or occasional use.



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

**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 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. Approval for food truck parks shall be issued to the property owner and not to individual food trucks. Multiple food trucks located on a lot for special events of two (2) weeks or less are not considered Food Truck Parks and do not require a zoning permit.

## G

**Gas Station.** A place where gasoline or any other automobile engine fuel or energy, kerosene, motor oil, and lubricants or grease (for the operation of motor vehicles) are retailed directly to the public on the premises including sale of minor accessories and service for automobiles. Gas stations may also contain convenience stores and food service.

**Gazebo.** An open, small, roofed structure that may or may not be screened on all sides, used for outdoor entertaining and dining.

**Grade.** The ground elevation established for the purpose of regulating the height of buildings. For purposes of

this Ordinance, grade shall be the level of the ground abutting the walls if the finished grade is level. In the case of lots with a sloping terrain, the grade shall be the average elevation of each face of the building.

**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.

**Home Occupation.** An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly ancillary to the use of the dwelling for residential purposes.

**Home Occupation: Cottage Industry.** 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 a building.
- D. Employs two (2) or more individuals who reside off-premises and work on the property.
- E. Has the potential to have effects outside of the residence/accessory building.

**Homeless Shelter.** See [Residential Human Care Facility](#).

**Hotel/Motel.** A commercial building or part of a commercial building used primarily for transient occupancy and in which one (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. A hotel shall not include bed and breakfasts, rooming houses, boarding houses, multiple-family dwellings, or short term rentals. Hotels/motels may offer long-term stays without prior approval. However, the conversion of a hotel/motel to permanent multiple-family housing shall require site plan review.

## 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, gravel drives, and parking lots.

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



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

**Ingress/Egress.** Access or entry/exit.

**Inn.** A residential structure with sleeping rooms available for rent by guests on a short-term basis (less than thirty (30) days) and which offers meals to the public for compensation. A short term rental, a bed and breakfast/tourist home, or a rooming or boarding house, however, shall not be considered an inn.

## **J**

**Junk.** Junk shall include, without limitation, parts of machinery, inoperative motor vehicles, watercraft not water worthy, unused stoves or other appliances stored in the open, remnants of wood, metal, or any other material or other cast-off material of any kind, severed trees or vegetation, and irrespective of whether the same could be put to some reasonable use. Junk also includes all rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, products or merchandise with parts missing, household appliances, industrial wastes, building materials, scrap metals or materials that are damaged or deteriorated, or discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

**Junkyard.** A lot, land, or structure, or part thereof, used for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, salvaging, or sale of parts or machinery or vehicles not in running condition.

## **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**

**Land Division.** Any splitting or dividing of a plot of land (parent parcel) that results in the creation of a new defined parcel or parcels of land from the original parent parcel.

**Livestock.** Those species of animals used for human food, fiber, and fur, or used for service to humans.

Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. For the purpose of this Ordinance, livestock does not include dogs and cats.

**Loading Area.** A space on the same lot with a building, or group buildings, for the temporary parking of commercial vehicles while loading and unloading merchandise or materials.

**Lot.** A parcel of land separated from other parcels of land by a recorded description in a plat, by metes and bounds, or a condominium master deed, occupied or to be occupied by a use or building and its accessory buildings or structures. A lot does not include any area within any abutting right-of-way or traffic lane. A condominium unit within a site condominium development is considered a lot.

**Lot, Corner.** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

**Lot, Double Frontage.** A lot, other than a corner lot, having frontage on two (2) more or less parallel streets.

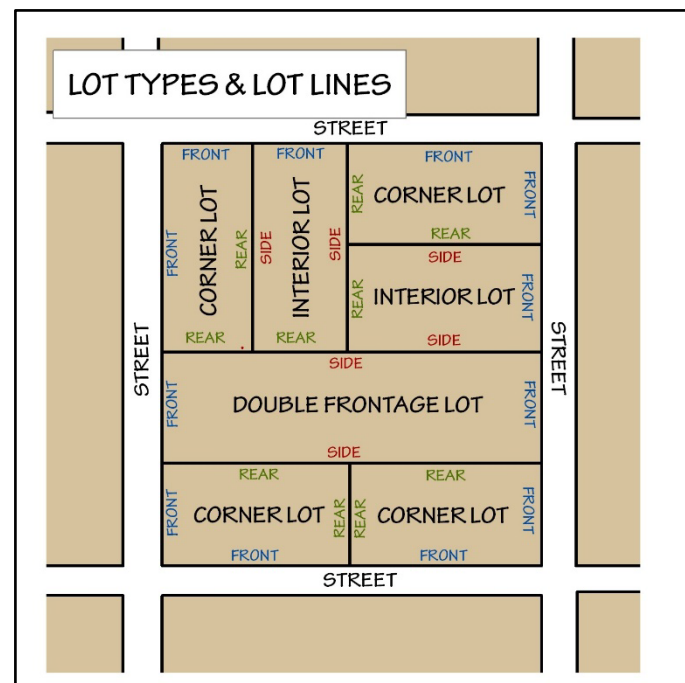
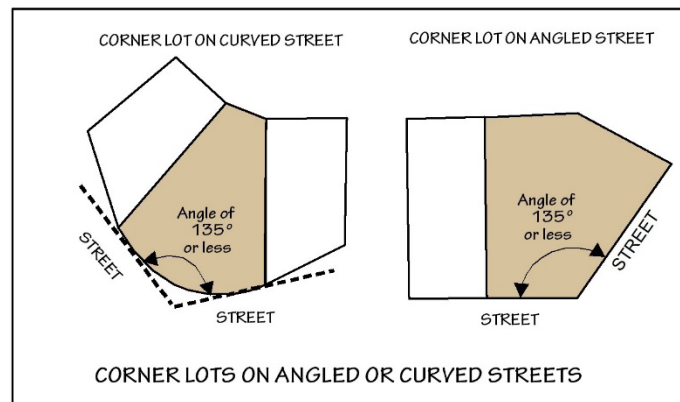
**Lot, Interior.** A lot with only one (1) lot line fronting on a street.

**Lot, Waterfront.** A lot having frontage directly upon a lake, river, or stream. The portion abutting the water is considered the front of the lot (the portion abutting the road is also considered the front).

**Lot Area.** The total area included within lot lines. Where the front lot line is the centerline of a public or private road, the lot area shall not include that part which is in the public right-of-way.

**Lot Coverage.** A part or percent of a lot occupied by buildings or structures and other impervious surfaces.

**Lot Depth.** The arithmetic mean of the shortest and longest distance from the front lot line to the rear lot line.



**Lot Line.** The line bounding a lot that separates the lot, existing right- of-way, approved private road easement, or the ordinary high water mark.

- A. **Lot Line, Front.** The lot line separating a lot from a street right-of-way, or in the case of a lake lot, also the line separating the lot from the ordinary high water mark. Corner lots, double frontage lots, and waterfront lots have two (2) front lot lines.
- B. **Lot Line, Rear.** The lot line which is opposite and most distant from the front lot line(s). In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to most distant from the front lot line.
- C. **Lot Line, Side.** Any lot line not a front or rear lot line.

**Lot of Record.** A lot defined by a legal description and recorded in the office of the **Iosco County Register of Deeds** on or before the effective date of this Ordinance, or any amendments of this Ordinance.

**Lot Width.** The straight line distance between the side lot lines, measured between the two (2) points where the front lot line intersects the side lot lines.

## **M**

**Manufactured Home.** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, HVAC, and electrical system in the structure and which is constructed according to the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended. Manufactured home does not include a recreational vehicle or motor home. The term Manufactured Home includes the term 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, gasses, electrical disturbance, heat, and vibration.

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

## **Marijuana Definitions.**

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Amendments & Adoption

- A. **Commercial Marijuana Facility**. An enterprise at a specific location at which a licensee is licensed to operate under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq., or the **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended, including a marijuana grower, marijuana processor, marijuana retailer or 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 Marihuana Act**, MCL 333.26421 et seq.
- B. **Department**. The **Michigan State Department of Licensing and Regulatory Affairs** or any authorized designated Michigan agency authorized to regulate, issue, or administer a Michigan License for a Commercial Marijuana Facility.
- C. **Grower**. A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- D. **Licensee**. A person holding a state operating license under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq or the **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended.
- E. **Marijuana or Marihuana**. The term as defined in the **Public Health Code** MCL 333.1101 et seq.; the **Medical Marihuana Act** MCL 333.26421 et seq.; the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; the **Marihuana Tracking Act** MCL 333.27901 et seq., or the or the **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended. For the purpose of this Ordinance, the spellings are interchangeable. See Marihuana plant.
- F. **Marihuana Plant**. Any plant of the species Cannabis Sativa L.
- G. **Marihuana-Infused Product**. A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.
- H. **Michigan Medical Marihuana Act**. The **Michigan Medical Marihuana Act**, 2008 IL 1, MCL 333.26421 to 333.26430.
- I. **Michigan Regulation and Taxation of Marihuana Act**. The **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended.
- J. **Paraphernalia**. Any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the body, marihuana.

- K. **Permit**. A current and valid permit for a Commercial Marihuana Facility issued under this Ordinance, which shall be granted to a permit holder only for and limited to a specific permitted premises and a specific permitted property.
- L. **Permit Holder**. The person that holds a current and valid permit under this Ordinance.
- M. **Permitted Premises**. A particular building or buildings within which the Permit Holder will be authorized to conduct the facility's activities.
- N. **Permitted Property**. The real property comprised of a lot or other designated unit of real property upon which a permitted premises facility is situated.
- O. **Processor**. A licensee that is a commercial entity located in this State that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or retailer.
- P. **Provisioning Center**. A licensee that is a commercial entity located in this State that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's registered primary caregiver. Provisioning Center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the [Michigan Medical Marihuana Act](#), 333.26421 et seq., is not a provisioning center for purposes of this Ordinance.
- Q. **Registered Primary Care Giver**. A primary caregiver who has been issued a current registry identification card under the [Michigan Medical Marihuana Act](#), MCL 333.26423.
- R. **Registered Qualifying Patient**. A qualifying patient who has been issued a current registry identification card under the [Michigan Medical Marihuana Act](#) or a visiting qualifying patient as that term is defined in [Section 3 of the Michigan Medical Marihuana Act](#), MCL 333.26423.
- S. **Registry Identification Card**. A document issued by the State of Michigan that identifies a person as a registered qualifying patient or registered primary caregiver, as defined in [Section 3 of the Michigan Medical Marihuana Act](#), MCL 333.26423.
- T. **Retailer**. A licensee that is a commercial entity located in this State that obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older to the extent permitted by State law and rules.
- U. **Safety Compliance Facility**. A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

V. **Secure Transporter**. A licensee that is a commercial entity in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

W. **State Operating License** or, unless the context requires a different meaning, "license". A license that is issued under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.

**Mobile Home**. See **Manufactured Home**.

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

## **N**

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

**Nonconforming Lot**. A lot of record that lawfully existed on or before the effective date of this Ordinance, or amendments thereto, which does not meet the dimensional requirements of this Ordinance.

**Nonconforming Structure**. A structure, or portion thereof, lawfully existing at or before the effective date of this Ordinance, or amendments thereto, and does not meet the standards of this Ordinance.

**Nonconforming Use**. The use of a building or of land lawfully existing at or before the effective date of this Ordinance, or amendments thereto, which does not conform with the use regulations of the district in which it is located.

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

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

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

## **O**

**Off-Street Parking Lot**. A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.



**Ordinary High Water Mark.** Ordinary high water mark is defined in the [Administrative Rules of Part 325 of the Natural Resources and Environmental Protection Act](#).

**Outdoor Sales/Rental Facility.** Sales and rental of products generally occurring outside of an enclosed building including, but not limited to the following: bicycle, motor vehicle, boat, aircraft, home equipment sales, repair or rental services, manufactured homes, farm implements, recreation vehicles, gardening equipment, outdoor furniture, and similar items.

**Owner(s).** Any combination of persons who have equitable or legal title to the premises, dwelling, or dwelling unit.

## **P**

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

**Patio.** An uncovered outdoor platform, either attached to or detached from the principal building, constructed on the ground surface and used as a residential accessory structure for domestic or recreational purposes.

**Paved.** An asphalt or concrete surface.

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

**Person.** An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited-liability limited partnership, trust, other legal entity, or any joint venture for a common purpose.

**Pet, Domestic.** Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans; live inside a residence in close proximity with humans; form bonds with humans; and interact with human companions.

**Pets, Exotic.** Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, wild by nature, unusual in appearance, venomous, and can be potentially dangerous if they escape.

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

**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.

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

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

**Porch, Open.** A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with the principal building or structure to which it is attached. An open porch shall be considered part of the principal building for setback purposes.

**Principal Building.** A building which is used for the principal purpose of the lot on which it is situated.

**Principal Use.** The main use to which a premises is devoted and the principal purpose for which a premises exists.

**Private Road.** Any road for vehicular traffic which is privately owned and maintained and provides a means of access.

**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 Road.** Any road for vehicular traffic which is publicly owned and maintained.

## **R**

**Recreational Facility, Indoor.** A commercial facility that provides indoor amusement facilities, such as arcades, rebound tumbling facilities, bowling, billiards, and other similar attractions.

**Recreational Facility, Outdoor.** A commercial facility that provides outdoor amusement facilities, such as miniature golf, disc golf, carnival rides, rebound tumbling facilities, go-karts, and other similar attractions and open to the general public.

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

**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.

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

**Residential 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 lot which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and recreational activity (such as golf, skiing, boating, swimming, hunting, fishing, and related or similar uses), and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant which may be open to guests and/or the public.

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

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

**Right-of-Way.** A road, street, alley, or other thoroughfare or easement permanently established for the passage of persons or vehicles and under the legal authority of an agency having jurisdiction over the rights-of-way.

**Road.** An approved thoroughfare which affords the principal means of access to abutting properties. May also be called street.

**Roadside Stand.** A temporary structure no larger than eighty (80) square feet used for the sale of products grown on the property such as produce, flowers, and eggs.

## **S**

**Salvage.** Material saved for future use, recycling, or sale.

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Amendments & Adoption

**Salvage Yard.** Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. Also called a Scrap Yard.

**Screen.** A structure, such as a fence or wall, providing enclosure and visual barrier between the area enclosed and the adjacent property.

**Seasonal.** Any use or activity that cannot or should not be performed during the entire year.

**Setback.** The required minimum horizontal distance between a lot line or other controlling entity and a building, structure, or use line.

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

- A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
1. Books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
  2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

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

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

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

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

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

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

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

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

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

I. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who

pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

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

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

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

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

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

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

**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.

**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) days.

**Sign.** Any structure or other object used for the display of any message. Murals and messages painted or appearing directly onto a wall (and not on a separate structure that has been attached to a wall) are not considered a sign.

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

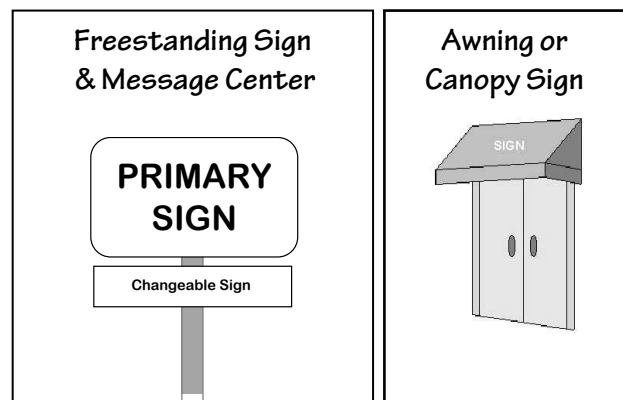
1. The sign has remained blank over a period of one (1) year.
2. The sign's message becomes illegible in whole or substantial part.
3. A sign which has fallen into disrepair.
4. A sign on a lot upon which the use has been abandoned.

B. **Accessory Sign.** A permanent sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the principal sign.

C. **Attention-Getting Device.**

1. **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.
2. **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.

D. **Awning or Canopy Sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy. 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).



E. **Cluster Sign**. An on-premise 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. Cluster signs may be monument-style or pylon-style.

F. **Freestanding Sign**. A sign supported by one (1) or more uprights, braces or pylons located in or on the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as "pole" signs.

G. **Illuminated Sign**. Any sign designed to give forth artificial light or designed to reflect any such light given from any source which is intended to cause such light or reflection.

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

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

J. **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.

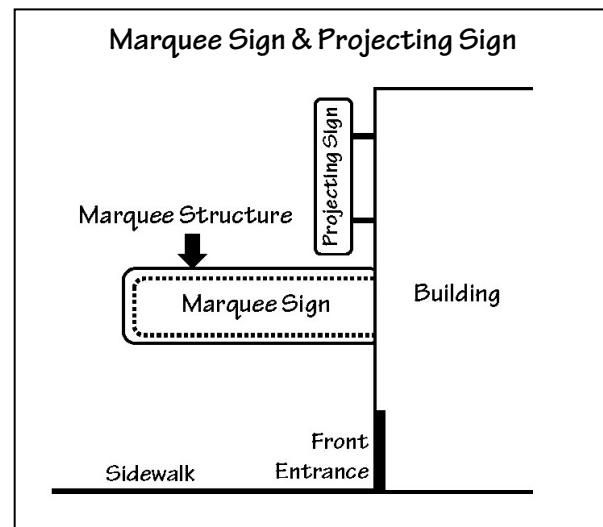
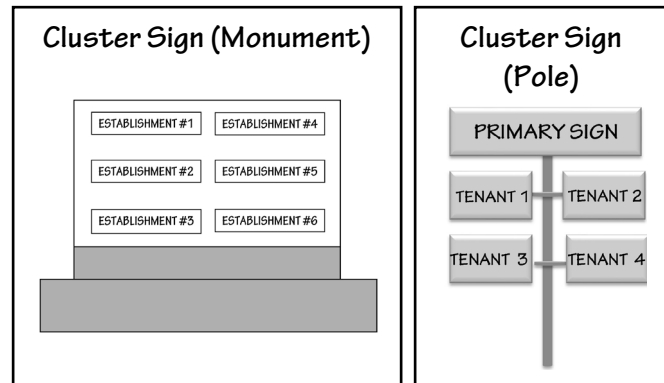
K. **Mural**. Any sign, message, or image painted directly onto the wall of a building. A mural is not regulated as a wall sign.

L. **Off-Premise Sign**. A sign which advertises or directs attention to products or activities that are not provided on the lot upon which the sign is located.

1. **Small Off-Premise Sign**. An off-premise sign which does not exceed twelve (12) square feet in area.

2. **Large Off-Premise Sign (Billboard)**. An off-premise sign which is larger than twelve (12) square feet in area. Often called a "billboard."

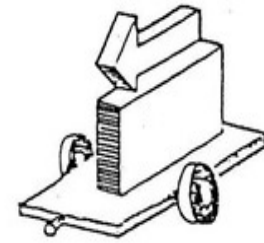
M. **Projecting Sign**. A sign, other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.





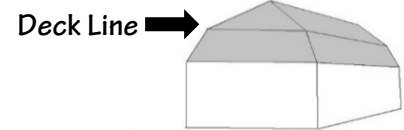
- N. **Portable Changeable Copy Sign.** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.
- O. **Roof Sign.** A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof or a gambrel roof, a sign that is above the deck line of the roof.
- P. **Sign Area.** The area of a sign shall be computed as the entire area circumscribed by a parallelogram, or any combination of these figures, which includes all of the display area of the sign, including frames surrounding display areas. When a sign uses a shape other than a parallelogram, a rectangular box shall be drawn around the shape to determine the area (**Figure B**). Sign area excludes the necessary supports or uprights on which the sign is placed. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the word, or words, as a whole. For purposes of computing sign area, only one (1) side of a sign shall be used.

Portable Changeable Copy Sign



Roof Sign

Mansard Roof



Gambrel Roof

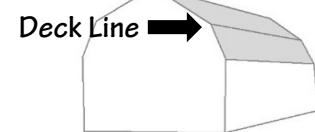


Figure A

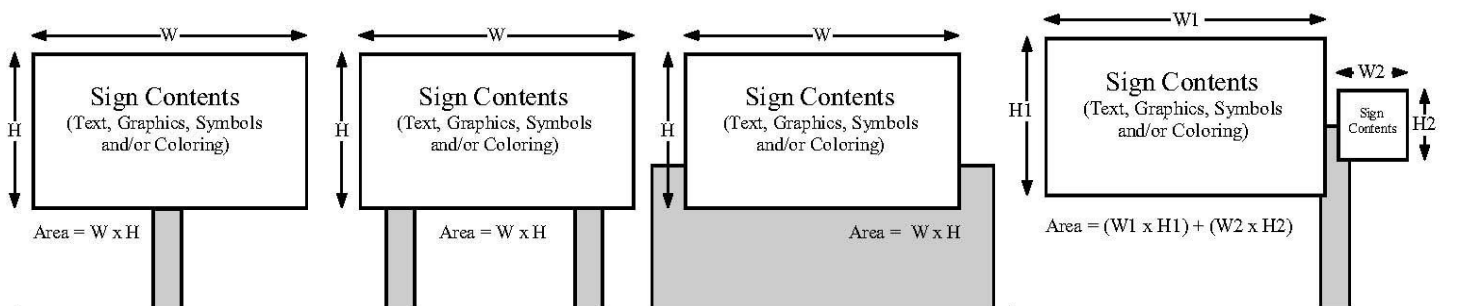
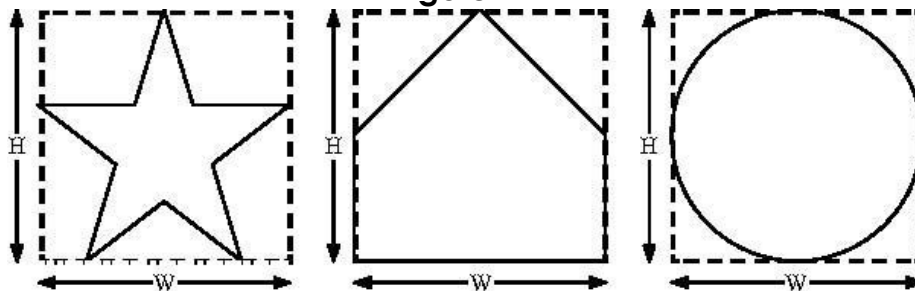
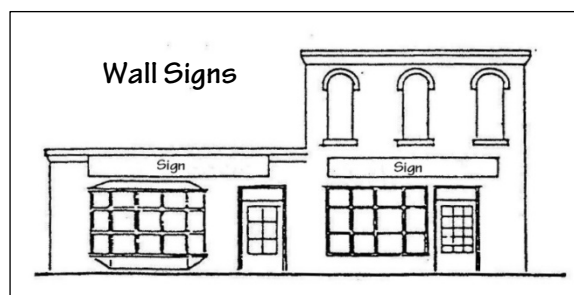
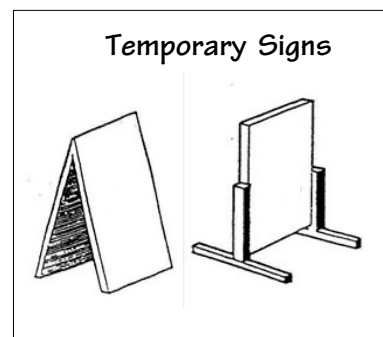


Figure B



- Q. **Sign Height.** The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.
- R. **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.
- S. **Wall Sign.** A sign which is attached directly to the building wall.



**Site Condominium Projects.** Land developments done in accordance with the [Condominium Act \(1978 PA 59\)](#), as amended. All such developments shall follow the standards and procedures of [Section 7.10: Planned Unit Developments \(PUD\)](#), and meet the requirements of the district(s) for which they are intended.

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

### **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 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.

1. **Building-Integrated Accessory Solar Energy Panels**. Accessory solar energy panels that are an integral part of a principal or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
  2. **Ground-Mounted Accessory Solar Energy Panels**. Accessory solar energy panels mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
  3. **Building-Mounted Accessory Solar Energy Panels**. A solar energy system mounted on racking that is attached to the wall of a building or structure or is attached to or ballasted on the roof of a building or structure.
- C. **Solar Collection Device**. 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.
- D. **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. **Agrioltaics**. Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- E. **Maximum Tilt**. The maximum angle of a solar collection device (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- F. **Minimum Tilt**. The minimal angle of a solar collection device (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

**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 the use by right of other properties in the Township.

**State Licensed Residential Facility.** A structure that is 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](#), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of that supervision or care.

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

**Street.** See [Road](#).

**Structure.** Anything constructed, assembled, or erected, the use of which is intended to be permanent or lasting, and requires location on the ground or attachment to something having a location on or in the ground. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground, nor agriculturally used fencing but does include a gas or liquid storage facility as well as a manufactured home.

## **T**

**Temporary Building or Use.** A structure or use permitted to exist during periods of construction of the principal building or use or for special events. Temporary buildings or uses are not to exceed twelve (12) months in duration unless otherwise allowed by this Ordinance.

**Tower.** See [Wireless Communications Support Structure](#).

**Township.** Baldwin Township, a general law township located in Iosco County, Michigan.

## **U**

**Use.** The purpose for which land or a building (or buildings) is arranged, designed, or intended, or for which land or a building (or buildings) is or may be occupied and used.

**Use, Principal.** See [Principal Use](#).

**Use, Accessory.** See [Accessory Use](#).

**V**

**Variance.** A modification to the rules or provisions of this Ordinance which may be granted by the Zoning Board of Appeals where there is practical difficulty in the way of carrying out the strict letter of this Ordinance.

**Vehicle.** Any device in, upon, or by which any person or property is or may be transported or drawn upon any road, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

**W**

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

**Wind Energy Definitions.**

- A. **Ambient.** The sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer.** A device used to measure wind speed.
- C. **Hub Height.** The distance measured from the ground level to the center of the turbine hub.
- D. **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.
- E. **Wind Energy Facility (Utility-Scale).** A power generating facility consisting of one (1) or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose primary purpose is to supply electricity to off-site customers.
- F. **Wind Turbine.** A wind energy conversion system which converts wind energy into electrical energy. Includes a tower, pylon, or other structures including all accessory facilities.
- G. **Wind Turbine, Accessory.** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is intended to primarily reduce on-site consumption of utility power.
- H. **Wind Turbine Total Height.** The distance between the ground and the highest point of the wind turbine including the top of the blade in its vertical position.

**Wireless Communications.**

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

which currently exist in a manner which would support the placement of an antenna without the need for an additional tower.

- B. **Antenna**. Any exterior transmitting or receiving device mounted on a tower, building, structure, or Alternative Tower Structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals, or other communication signals.
- C. **Antenna Array**. One (1) or more antennae. The Antenna Array does not include the Support Structure.
- D. **Co-Location**. The placement or installation of more than one (1) set of wireless 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.
- E. **Height**. When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- F. **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.
- G. **Tower Compound**. The area enclosing any telecommunications tower or alternative tower structure and the related accessory buildings and structures including, but not limited to, facilities, guy wires, tower access area, antenna, fence, lights, and signs.
- 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



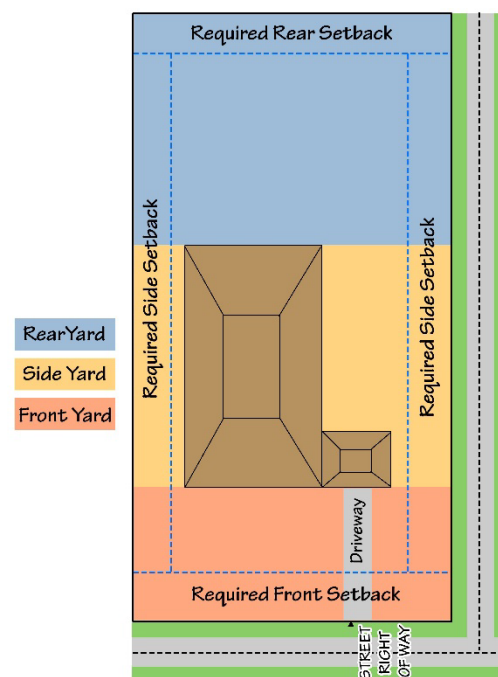
Communications Equipment, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.

- 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 any other surface and does not use a wireless communications support structure (tower).
- L. **Wireless Communications Support Structure**. 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, and guyed towers, or other structures which appear to be something other than a mere support structure. Also called a Tower.

## Y

**Yard**. The space between a principal building and a lot line.

- A. **Yard, Front**. The yard extending across the full width of the lot, from the front lot line to the foundation line of the principal building. Waterfront lots, corner lots, and double-frontage lots have two (2) front lot lines.
- B. **Yard, Rear**. The yard extending across the full width of the lot, from the rear lot line to the rear foundation line of the principal building.
- C. **Yard, Side**. The yard between the foundation line of the principal building and the side lot line extending from the front yard to the rear yard.



**Yard Sale**. The sale of miscellaneous used items commonly associated with residential use. Yard sales shall not be for the sale of primarily a single commodity. A yard sale shall be limited to a period of no more than three (3) consecutive days. The term “yard sale” includes “rummage sale,” “garage sale,” “basement sale,” “attic sale,” and “estate sale.”

## Z

**Zoning Administrator**. The official designated by the Township Board to administer and enforce the provisions of this Ordinance.

**Zoning Board of Appeals**. The Baldwin Township Zoning Board of Appeals, whose duties and powers are detailed in [Article 8](#).



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

**Zoning Lot.** A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

**Zoning Permit.** Written authority, as issued by the Zoning Administrator on behalf of the Township, permitting the construction, moving, exterior alteration, or use of a building in conformity with the provisions of this Ordinance.

# Article 3

## General Provisions

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

## Section 3.1 Intent

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 regulate the uses allowed in all districts.

## Section 3.2 The Effect of Zoning

- A. The regulations herein established shall be minimum regulations for promoting and protecting the public health, safety, and welfare.
- 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 to the owner or occupant of the lot to the enforcement provisions of this Ordinance.
- E. **Required Area or Space.**
  - 1. Yards, lots, or setback areas, created after the effective date of this Ordinance shall meet at least the minimum requirements established herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way.
  - 2. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein.
  - 3. The maintenance of setbacks, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.
- F. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may change ownership.
- G. **Uses, Activities, and Construction Already Begun.**

Any lawful use, activity, building, or structure which exists or is under substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, shall be considered a legal nonconformity and be allowed to remain as such, including completion of construction.

#### H. Moving of 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 3.3 Required Water Supply & Sanitary Sewage Facilities

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 3.4 Number of Dwelling Units Per Lot

Unless otherwise permitted by this Ordinance, only one (1) dwelling unit shall be constructed or placed on one (1) lot meeting the minimum lot area requirements set forth in [Article 4](#). In the case of condominium developments, a condominium unit may be used to satisfy lot area requirements; general common areas shall not be applied toward satisfying minimum lot area requirements. See [Section 3.28](#) (Nonconformities) for the development of nonconforming lots.

Accessory dwelling units are permitted in the districts listed in [Table 4.11](#) and regulated pursuant to [Section 7.3](#). A lot on which exists an accessory dwelling unit that does not meet the minimum dwelling unit size of the district shall remain on the lot with the principal and shall not be located on any new lot created due to a lot split.

### Section 3.5 Road Access Requirements

Every lot shall have access to a public road by either abutting a public road or access by way of a private road/easement and/or driveway to a public road. See [Section 3.30](#) for driveway and private road standards.

### Section 3.6 Accessory Buildings/Structures

Detached accessory buildings/structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations. Fences are not subject to this Section.

#### A. Permit Required.

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Amendments & Adoption

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. **Number Allowed.**

1. **Lakeshore Residential District and General Residential District.** No more than three (3) accessory buildings are allowed on a zoning lot.
2. **All Other Districts.** There is no limit to the number of accessory buildings/structures allowed on a zoning lot.

D. **Dimensional Regulations.**

1. **Lakeshore Residential District.**

a. **Non-Waterfront Lots.**

- (1) **Location.** Accessory buildings/structures are permitted in the side or rear yard.
- (2) **Setback.** All accessory buildings/structures shall be located a minimum of ten (10) feet from any side or rear lot line.
- (3) **Size and Height Limits.** Accessory buildings/structures shall have a maximum height not exceeding the allowable maximum height of principal buildings in the district. There shall be no maximum size limit for accessory buildings/structures.

b. **Waterfront Lots.**

- (1) **Location.** Accessory buildings/structures are permitted in the front yard (roadside) and the side yard of waterfront lots.
  - (2) **Setback.** All accessory buildings/structures shall be located a minimum of ten (10) feet from any lot line.
  - (3) **Size and Height Limits.** On waterfront lots, accessory buildings/structures shall not be higher than the primary dwelling, nor greater in square footage than the total floor area area of the primary dwelling unless reviewed and approved as a Special Use by the Planning Commission.
2. **Commercial District.** Accessory buildings/structures shall be approved by Site Plan Review and shall be located in side or rear yards only and shall be setback ten (10) feet from the side and rear lot lines.

**3. General Residential District.**

- a. Accessory buildings/structures shall have a maximum height not exceeding the allowable maximum height of the principal building in the district.
- b. There shall be no maximum size limit for accessory buildings/structures.
- c. Accessory buildings/structures shall not be located in the front yard.
- d. Accessory buildings/structures shall be setback ten (10) feet from the side and rear lots lines.

**4. Agricultural/Rural Residential District, Forested/Conservation District, and Industrial District.**

- a. Accessory buildings/structures shall have a maximum height not exceeding the allowable maximum height of the principal building in the district.
- b. There shall be no maximum size limit for accessory buildings/structures.
- c. Accessory buildings/structures may be located in any yard.
- d. Accessory buildings/structures shall be setback ten (10) feet from the side and rear lots lines.

**E. Storage Buildings on a Lot without a Principal Building.**

- 1. **Agriculture/Rural Residential District and Forested/Conservation District.** A pole building or other storage building may be constructed without a principal building. The pole building/storage building shall be located on the lot so that there exists a location on the lot where a future principal building, which meets the minimum required floor area of the zoning district, may be constructed in full compliance with the dimensional regulations (setbacks) of the zoning district in which located. A zoning permit is required.
- 2. **All Other Districts** (except those listed in E.1 above). A storage building is not permitted on a lot without a principal building.

**F. Nontraditional Storage Facilities.**

- 1. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage (less than six (6) months) for commercial and industrial uses in the commercial and industrial districts in the rear or side yard only.

2. **Shipping Containers.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes only. Shipping containers which are visible from a neighboring property or from the road 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 building. Shipping containers shall be placed on a foundation or gravel surface with adequate drainage pursuant to [Section 3.17](#). Shipping containers shall be maintained in good condition. The following denotes the number of shipping containers allowed:
  - a. **Lots less than One (1) Acre:** No shipping containers shall be permitted.
  - b. **Lots from One (1) Acre to Five (5) Acres:** One (1) shipping container shall be permitted.
  - c. **Lots Over Five (5) Acres:** Two (2) shipping containers shall be permitted.

G. **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 lot line.

#### H. **Accessory Solar Panels.**

Accessory solar panels are exempt from this Section. See [Section 7.15](#).

#### I. **Accessory Wind Turbines.**

Accessory wind turbines are exempt from this Section. See [Section 7.17](#).

## Section 3.7 Recreational Vehicles

### A. **Intent.**

This Section establishes regulations that permit the temporary placement and occupancy of recreational vehicles on lots outside of licensed campgrounds in all districts for the purpose of providing temporary living quarters for recreational use. It shall be unlawful for any individual to place or occupy a recreational vehicle on a lot outside of a licensed campground except as provided in this Section. In addition, this Section shall not be construed to permit the temporary placement and occupancy of manufactured homes on vacant lots outside of manufacturing housing communities unless all other provisions of this Ordinance that apply to the use and occupancy of single-family dwellings have been met.

### B. **Recreational Vehicle Occupancy.**

1. For the purpose of this Section, "temporary" shall be defined as ninety (90) days or less per calendar year.
2. Occupancy of a Recreational Vehicle shall not require a zoning permit.



3. **Time Limit.** Recreational vehicle occupancy shall be limited to a maximum period of ninety (90) days in any calendar year. Extensions of time shall not be permitted and the recreational vehicle shall be removed from the property on or before the ninetieth (90<sup>th</sup>) day.
4. Recreational vehicles may be placed and occupied as temporary living quarters on a vacant lot or on a lot occupied by a single-family dwelling, subject to the following conditions:
  - a. **Number Allowed.** One (1) recreational vehicle may be placed on a lot of (10) acres or less. One (1) additional unit is allowed per each additional ten (10) acres with four (4) being the maximum number of temporary units allowed. More than four (4) recreational vehicles on a lot shall be considered a lodge or club.
  - b. **Setbacks on Vacant Lots.** Recreational vehicles placed on developed or vacant lots shall comply with all applicable setbacks for an accessory building and other regulations.
  - c. All recreational vehicles placed and occupied under provisions of this Section shall comply with all **District Health Department** regulations that apply to the use and occupancy of recreational vehicles outside of licensed campgrounds.
  - d. Recreational vehicles placed under the provisions of this Section shall be maintained such that they do not become infested with vermin and debris and become health hazards. Any units in such condition shall be removed or destroyed.
  - e. A recreational vehicle is not to be considered a residential dwelling unit and shall not become a permanent structure on a lot. The wheels and/or towing mechanism shall not be removed from a recreational vehicle. No foundation shall be added to a recreational vehicle.
  - f. No permanent structures (such as decks or additions) shall be attached to a recreational vehicle. A permanent pad below the recreational vehicle is permitted.
  - g. No recreational vehicle shall be placed on a lot and rented out as temporary or permanent living quarters for compensation.

**C. Storage of Recreational Vehicles.**

1. Storage of Recreational Vehicles shall not require a zoning permit.
2. **Number Allowed.** If stored Recreational Vehicles are visible from the road, then one (1) Recreational Vehicle shall be permitted. If Recreational Vehicles are NOT visible from the road or from neighboring property, then there is no limit to the number of Recreational Vehicles that may be stored on a property.
3. **Setbacks.** No setbacks are required for storage of Recreational Vehicles.

4. Storage of properly licensed recreational vehicles or trailers is permitted on developed or vacant lots and are subject to the Blight Ordinance.
5. Recreational vehicles shall not be stored for others for a fee without approval as an outdoor storage facility.

### Section 3.8 Restoration of Unsafe Buildings

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 3.9 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 3.10 Illegal Dwellings

- A. Garages or accessory buildings shall not be occupied for dwelling purposes except for Accessory Dwelling Units pursuant to [Section 7.3](#). No structure without adequate sanitary facilities or otherwise structurally incomplete shall be used for dwelling purposes.
- B. 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. Garages, accessory buildings, recreational vehicles, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes except as otherwise allowed in this Ordinance.

### Section 3.11 Dwellings including Manufactured Homes

#### A. Dwellings Standards.

The following contains general dwelling standards. Please see [Article 4](#) for specific standards for specific types of dwellings.

1. Dwellings shall comply in all respects with the State of Michigan Construction Code as promulgated by the State of Michigan Construction Commission under the provisions of [1972 PA 230](#), as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards and regulations for construction are different from those imposed by the state building code, then, and in the event such federal or state standards or regulation shall apply.

2. Dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
3. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the **District Health Department**.
4. Dwellings shall contain a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to, or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less.
5. Dwellings shall contain no additions or rooms or other areas which do not meet the same construction requirement listed above and are permanently attached to the principal building.
6. Dwellings shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
7. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured housing community except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
8. All construction required herein shall be commenced only after a zoning permit and building permit have been obtained in accordance with the applicable health and building code provisions and requirements.

#### **B. Manufactured Homes Outside of Manufactured Housing Communities.**

Manufactured homes outside of Manufactured Housing Communities shall meet the standards for minimum lot size, setbacks, minimum floor area, and all dwelling standards for the district in which they are located and 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 manufactured home shall be inspected by a licensed home or building inspector. A bona fide inspection certificate shall be provided before a zoning permit is issued.

4. 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.
5. Manufactured homes shall not be used as accessory buildings.
6. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.

### Section 3.12 Temporary Dwelling Occupancy During Construction of a Dwelling

For the express purpose of promoting the health, safety, and general welfare of the inhabitants of the Township and of reducing hazards to health, life, and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, or manufactured home not installed according to the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes during the construction of a dwelling except under the following applicable conditions:

- A. The location shall conform to the provisions governing setback requirements of standard dwellings in the district where located. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not possible or would cause practical difficulties.
- B. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection and completion but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator when he or she finds there is good cause for the extension. The temporary dwelling shall be removed within thirty (30) days of completion of construction of a dwelling complying with the requirements of this Ordinance unless the temporary dwelling is a Recreational Vehicle that is remaining on the property for recreational purposes.
- C. Installation of a septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by [District Health Department #2](#) and shall precede occupancy of the temporary dwelling.
- D. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify, in a space allotted for that purpose and on the copy retained for filing by the Township, that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- E. No annexes or additions shall be added to temporary dwellings.

### 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 six (6) month extension may be granted by the Zoning Administrator when he or she finds there is good cause for the extension.

### Section 3.14 Miscellaneous Storage

Storage of any goods shall be in the rear yard or shall be contained either within a structure or behind fencing or opaque screening that hides them from public view.

### Section 3.15 Essential Services

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 and Special Uses in [Article 4](#). Utility Improvements shall undergo site plan review pursuant to [Article 5](#) and shall adhere to setback requirements of the district in which they are proposed to be located. Screening may be required pursuant to [Section 3.21](#). This Section shall not apply to storage yards and office buildings.

### Section 3.16 Voting Place

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

### Section 3.17 Stormwater Retention & 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. Stormwater drainage shall be shown on site plans.
- B. 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 previously developed, existing grades shall have priority.

**Section 3.18 Man-Made Waterbodies**

- A. Man-made water bodies, including ponds, shall be setback twenty (20) feet from all lot lines of abutting properties.
- B. Artificial fish ponds shall be contained to prevent fish from entering natural water bodies in the event of flooding.

**Section 3.19 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.

**B. Agricultural Fences.**

Fences used for agricultural purposes shall not be subject to the provisions of this Section.

**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/Maintenance.**

1. Fences shall not be covered with graffiti.
2. Fence and wall materials may include commercially available materials specifically designed for fence construction. Scrap lumber, plywood, woven wire (except for agricultural purposes), sheet metal, plastic or fiberglass sheets, old signage, old doors, pallets, tires, or other materials not specifically designed for fence construction are prohibited.

**E. Finished Side of Fence.**

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.



**F. Fence Location and Height.**

Fences may be permitted on any property in any District, and shall be subject to the following:

Table 3.19 Fence Location & Height		
	Residential	Non-Residential
Front Yard	6 ft <sup>1</sup>	No height limit
Side Yard & Rear Yard	6 ft <sup>1</sup>	No height limit
Waterfront Yard	Fences are not allowed in the waterfront yard	
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 <a href="#">Section 3.21</a> .		

<sup>1</sup> A fence higher than six (6) feet may be constructed on established perimeter boundaries of identifiable lot lines or boundary easements and must be accompanied by a certified survey in order to be approved. A Special Use permit is required.

**G. Temporary Fences.**

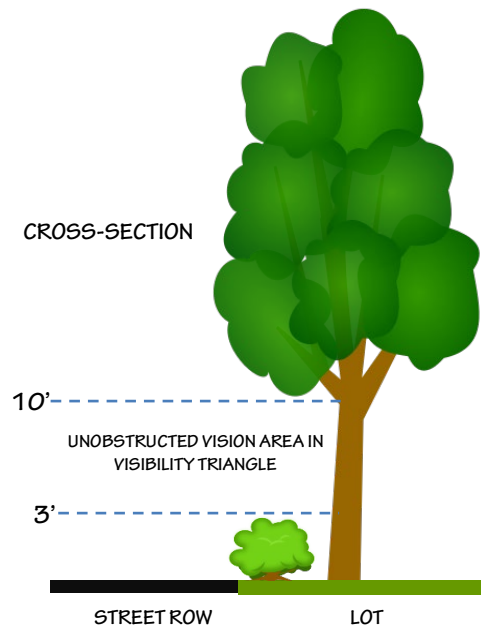
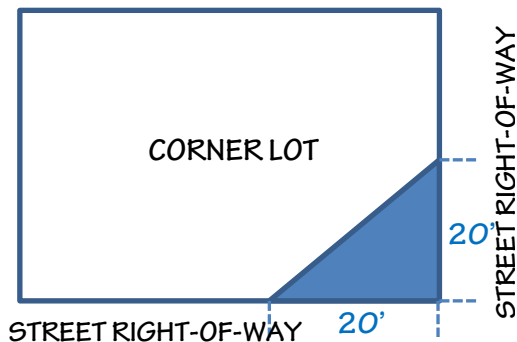
Temporary fencing is a type of porous fencing that forces windblown, drifting snow, sand, or other airborne material to accumulate in a desired place rather than accumulating on roads, private drives, and other property areas where the accumulation and drifts are not desirable. As used in this Ordinance, 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 1<sup>st</sup> through April 1<sup>st</sup>. Temporary fences, including posts, may not be erected prior to November 1<sup>st</sup> and must be removed by April 1<sup>st</sup>. 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.

**H. Deviations.**

Deviations from this Section shall require a Special Use Permit.

## Section 3.20 Corner Clearance

No fence, wall, shrubbery, crops, signs, or other visual obstruction shall be permitted above a height of thirty-six (36) feet to a height of ten (10) feet within a triangular area formed by the intersection of any street or road right-of-way lines at a distance along each such line of twenty (20) feet from their point of intersection.



## Section 3.21 Landscaping & Screening

These requirements apply to all non-residential uses and multi-family uses.

- A. The intent of this Section is to promote the public health, safety, and general welfare on and around commercial and industrial properties by:
  1. Minimizing the nuisances that new development may cause, including additional noise, air and water pollution, and the destruction of scenic views.
  2. Improving the appearance of off-street parking and other vehicular use areas.
  3. Requiring buffering between incompatible land uses.
  4. Regulating the appearance of property abutting the public rights-of-way.

5. Protecting and preserving the appearance, character, and value of the community and its neighborhoods.
6. Preventing soil erosion and soil depletion.
7. Promoting soil water absorption.

#### **B. Flexible Design Standards.**

It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this Section be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this Section. The provisions of this Section shall be considered the minimum development standards and not a design goal. The Planning Commission may waive or alter design standards contained in this Section on a case-by-case basis.

#### **C. Landscaping Requirements.**

1. A landscaping plan shall be required at the time of site plan review.
2. All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas, or other pedestrian-oriented impervious surfaces or water surfaces shall be planted with living vegetation, including canopy trees, shrubbery, and ground covers which shall be called the Landscape Area.
3. Not less than twenty (20) percent of any Landscape Area shall be covered by trees, shrubs, and ground cover in combination. A combination of stone, mulches, pedestrian walks, other impervious surfaces, or water surfaces may cover the remaining eighty (80) percent of the Landscape Area. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be part of this eighty (80) percent.
4. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible to reinforce the local and regional character.
5. All trees shall be located to allow sufficient room for growth.
6. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.

#### **7. Minimum Landscape Material Standards.**

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

- a. All plant material shall remain in a healthy and vigorous growing condition, free of disease and insects, compatible with local climate, site soils, and drainage, have an available water supply (in-ground sprinklers are not required), and meet the current [American Association of Nurserymen Standards](#).
- b. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on-site or on adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
- c. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections and not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties. Landscape materials shall be planted pursuant to [Section 3.20: Corner Clearance](#).

d. **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

- e. Existing plant material, which complies with the standards and intent of the Ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
  - f. The overall landscape plan shall not contain more than thirty-three (33) percent of any one (1) plant species.
2. **Existing Vegetation.** The following standards shall apply to existing site vegetation whenever compliance is required:
- a. Existing healthy trees and shrubs in areas not required for development shall be preserved and incorporated into the final development plan where possible.
  - b. Trees to be preserved shall be pruned to remove dead, diseased, or irregular branching, but the crown form characteristic of the respective species shall be maintained.

D. **Screening Requirements.**

Whenever a nonresidential use abuts a residential district or use, there shall be provided and maintained, on each side lot line and the rear lot line of the property, an obscuring fence, wall, vegetative buffer, or a combination thereof which shall be no less than six (6) feet in height. Required screening may be interrupted to provide

reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.

1. **Screening Fences and Walls.** Solid fences, walls, chainlink, or other wire fences utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.
2. **Vegetative Buffer Strip.** The Township may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence, wall, or berm to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.
  - a. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect, of such height and width as is determined adequate by the Planning Commission, for proper screening between land uses.
  - b. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
3. **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:
  - a. 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) feet run ratio.
  - b. 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.
  - c. Berms shall be constructed in a way that does not alter drainage patterns on-site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
  - d. Trees shall be allowed to be placed on berms.
  - e. No buildings or any structures shall be permitted upon or within any berm.
  - f. 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.

#### 4. **Installation and Maintenance.**

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

#### 5. **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.

#### 6. **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:

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

## Section 3.22 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 right-of-ways 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** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

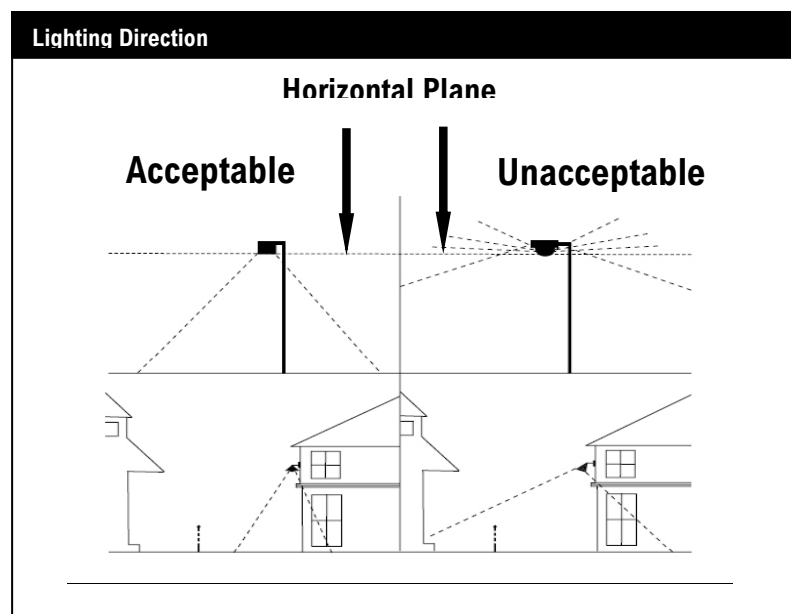
**9** Administration & Enforcement

**10** Amendments & Adoption

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 Administrations](#), 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 3.31](#).
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 cut off 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 3.23 Temporary Outdoor Event Uses

- A. Temporary outdoor event uses, which are not held at a permitted Commercial Event Facility, may be permitted in any zoning district provided that the temporary use is similar in nature to those uses that are allowed by right in the district. Any others require a review by the Planning Commission and may require an approved site plan at the Commission's discretion in accordance with [Article 5](#).
- B. A zoning permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by an event sponsor. The Zoning Administrator shall determine the off-street parking requirements for the event.
- C. Commercial Event Facilities are regulated by [Section 7.4](#).

### Section 3.24 Garage or Yard Sales

Not more than three (3) garage or yard sales shall be conducted by a resident of Baldwin Township during a calendar year. Said garage or yard sale shall not exceed three (3) days duration each. No sale merchandise shall be brought onto the premises for the sale except in the case of joint sales between two (2) or more households. Any lot which engages in more than three (3) garage or yard sales shall be classified as a Cottage Industry and shall obtain all necessary approvals pursuant to this Ordinance. No zoning permit is needed for a garage or yard sale.

### Section 3.25 Animals

- A. Domestic household pets, including, but not limited to, dogs, cats, and birds but not including exotic pets may be kept as an accessory use on any premises provided that reasonable control is maintained to prevent nuisances to adjoining properties as per subsection B.
- B. Domestic animal control is the owner's responsibility to maintain and prevent nuisance to adjoining properties. Nuisance includes but is not limited to noise, odor, and trespass. Animals let outside, if left unattended, are to be penned, put on a leash, or tethered to a run to keep them safely in their yard and off roadways and neighboring property.
- C. **Chickens, Ducks, and Geese.**

In all districts, chickens, ducks, turkeys, guineafowl, or geese may be kept on lots which are classified as Category 4 sites by the [Michigan Department of Agriculture and Rural Development's "GAAMP for Site Selection and Odor Control for New and Expanding Livestock Facilities."](#) No permit is required.

1. Roosters are prohibited.
2. Chickens, ducks, turkeys, guineafowl, or geese must 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. Enclosed structures which house the animals shall adhere to the setbacks in [Section 3.6](#).

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 must be clean and resistant to predators and rodents.
4. Enclosures shall be located at least twenty-five (25) feet from any dwelling on a neighboring lot.
5. No chickens, ducks, turkeys, guineafowl, or geese shall be kept on lots with more than one (1) principal dwelling.
6. Odor shall not constitute a nuisance to adjacent lots.

#### D. Hobby Farms.

At least three (3) acres per horse shall be required for hobby farms which contain horses.

### Section 3.26 Performance Standards

#### A. Loud and Unnecessary Noise.

It is unlawful for any person to make, continue, or allow to be made or continued, any excessive, unnecessary, unusual, or loud noise which creates a nuisance or injures or endangers the comfort, repose, health, or safety of others, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual.

#### B. Vibration.

All machinery shall be so mounted and operated as to prevent transmission of ground vibration which can be readily perceived by a person standing at any lot line of the transmitting use. Vibrations resulting from temporary construction and excavation activity shall be exempt from the requirements of this Section.

#### C. Odor.

The emission of noxious odors in such quantities as to be readily detectable at any lot line so that it is a public nuisance or hazard beyond lot lines is prohibited.

#### D. Drifted or Blown Material.

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

#### E. Gases.

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Amendments & Adoption

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

**F. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.**

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

**G. Glare and Heat.**

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

**H. Solid Waste Management.**

Solid waste shall be managed in accordance with the current Iosco County Solid Waste Management Plan, as amended.

## Section 3.27 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 material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
  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 3.28 Nonconformities

### A. Intent and Purpose.

It is the intent of this Section to provide for the use of lands, buildings, and structures which were lawfully established prior to the effective date of this Ordinance to continue even though the use may be prohibited or differently regulated under the terms of this Ordinance. Such nonconforming lots, nonconforming uses of land, and nonconforming structures are declared by this Ordinance to be incompatible with permitted conforming uses, buildings, and structures. In order to adequately regulate the conflicts between conforming and nonconforming uses, buildings, and structures, the regulations that follow are enacted.

### B. Nonconforming Lots.

Any lot created and recorded on or prior to the effective date of this Ordinance, or any amendment to this Ordinance, may be used for the allowable purposes in that district even though the lot does not comply with the dimensional requirements of this Ordinance.

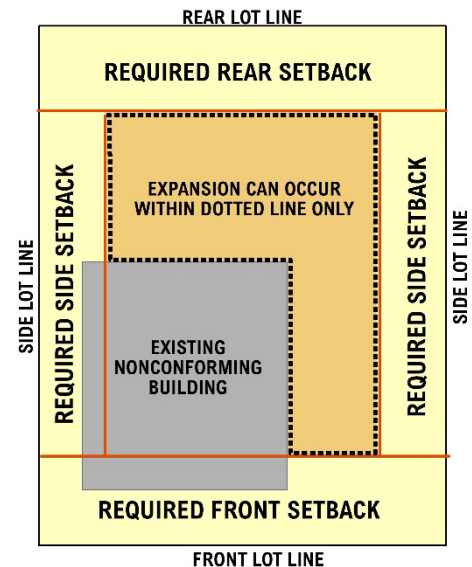
1. If required setbacks cannot be met, any proposed construction or changes to structures on nonconforming lots shall be reviewed and approved by the Zoning Board of Appeals prior to the commencement of the proposed project to ensure that setbacks and other regulations are met to the greatest extent possible. Variances may be granted if practical difficulty is established.
2. All other requirements of this Ordinance shall be met.

### C. Nonconforming Structures.

Where a lawful 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:

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.
2. **Damage or Destruction.** Should any such structure be destroyed or damaged by fire, natural disaster, an act of God, the public enemy, or willful removal may be reconstructed in its footprint which existed immediately prior to the damage or destruction.
3. **Re-Location.** Should a building which is nonconforming due to setbacks be moved for any reason for any distance, it shall hereafter conform to the regulations for the area into which it is located.

Alteration of Nonconforming Building



#### D. Nonconforming Uses.

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on a lot exists that becomes nonconforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful.

1. **Change of Use.** A nonconforming use shall not be changed to other than a conforming use, nor shall any nonconforming use be reverted to a former nonconforming use after use has been changed to a conforming use.
2. **Expansion or Enlargement.** No nonconforming use shall be enlarged or expanded to occupy a greater area of land than was occupied at the effective date of this Ordinance except as provided below:
  - a. **Expansion or Enlargement 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 6.5](#) shall not apply.

- b. **Expansion 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.
- 3. **Damage or Destruction.** Should any such use be destroyed or damaged by fire, natural disaster, an act of God, the public enemy, or willful removal, the use may be reconstructed in its footprint which existed immediately prior to the damage or destruction within one (1) year. An extension of one (1) additional year may be granted by the Zoning Administrator.
- 4. **Abandonment of a Nonconforming Use.** 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.

Based upon a hardship or extraordinary circumstances, a petition may be made to the Zoning Board of Appeals to extend the period of disuse or re-establish the nonconforming use.

#### E. **Repair of Nonconforming Structures and Structures which Contain Nonconforming Uses.**

On any nonconforming building and any building 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 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. **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 of the character of such



nonconforming use that would be at variance with the provisions of this Ordinance.

#### G. 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.

### Section 3.29 Parking & Loading

#### A. Intent.

It is the purpose of these regulations to ensure that adequate parking facilities are provided for and that they are adequately maintained. Off-street parking as required by this Ordinance shall be in accordance with the following provisions.

#### 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 less than that required under the terms of this Ordinance.

### C. Off-Street Parking Lot Construction Requirements.

1. **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, that shall be graded to drain and dispose of stormwater.
2. **Drainage.** Stormwater collection, drainage, and retention structures meeting all requirements of the [Iosco County Road Commission](#) and [Iosco County Drain Commissioner](#) shall be installed for all off-street parking areas.
3. **Driveways.** Driveways and aisles for any off-street parking area shall be clearly defined meeting the following requirements:
  - a. Each driveway lane shall be a minimum of nine (9) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be defined.
  - b. A driveway shall intersect the abutting street at a ninety (90) degree angle.
  - c. Aisles shall be at least eighteen (18) feet wide.
4. **Size of Spaces.** Parking spaces shall be a minimum of twenty (20) feet x ten (10) feet. Handicapped spaces must conform to the Michigan Barrier Free Design Standards.
5. **Lighting.** All lighting of a required off-street parking area shall be arranged in such a manner and shall be of such height that the illumination is directed toward the ground and is not directed toward a public road or adjacent properties. See [Section 3.22](#).
6. **Location.** Parking and loading areas in general shall be located beside or behind structures, but in no case closer than fifty (50) feet from any road right-of-way and shall not be located any closer than ten (10) feet from any lot line.
7. **Screening.** Any parking area larger than ten (10) spaces shall have a visual screen not less than six (6) feet high between the parking area and adjacent property zoned for or containing residential uses.
8. **Site Plan Required.** A site plan review shall be required for the construction of any parking lot.
9. **Turn-Around Space.** Adequate space should be provided in all parking areas to facilitate the turning around of vehicles so that the entry onto streets and roads may be in a forward manner and not by backing. Furthermore, in parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to ensure vehicular and pedestrian safety.

10. **Snow Storage.** Adequate area must be provided for snow piling.

#### D. Number of Parking Spaces Required.

For all uses, adequate off-street parking shall be required. Off-street parking areas shall be designed with enough capacity to provide safe and sufficient parking for all vehicles during normal times of use. Direct access to off-street parking areas shall be provided from a public road street or an approved private road, service drive, lane, or alley. Road rights-of-way shall not be construed as satisfying the requirements of this Section except as allowed by specific districts and uses in this Ordinance. Parking needs shall be reviewed as a part of the Site Plan Review.

##### 1. Joint Use.

- a. **Joint Use with Overlapping Hours.** Nothing in this Section shall be construed to prevent the collective provision of off-street parking facilities for two (2) or more buildings or uses. Provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with [Table 3.29](#).
- b. **Joint Use without Overlapping Hours.** Joint use of the same parking area may be permitted for two (2) or more uses located on the same, abutting, or nearby lots provided that the developer or owner demonstrates to the satisfaction of the Township that the uses will not overlap in hours of operation or in demand for shared spaces. Shared parking shall contain enough parking spaces to satisfy the parking requirements for the use requiring the largest number of spaces. The owners of all lots used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(ies) and shall be recorded with the [Register of Deeds](#). Shared parking areas shall be located not more than five hundred (500) feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.

2. **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 [Table 3.29](#). 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.
3. **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.
4. **Double Count.** Loading spaces as required in this Ordinance shall not be construed as part of the minimum required parking spaces for any facility.
5. **Employment Sites.** Parking at any employment site shall be sufficient to accommodate the number of employees at the peak shift.

6. **High Attendance Events.** Unpaved parking areas may be allowed to handle special events or high non-routine parking requirements. These areas, though, must have a properly stabilized subsoil and meet regular landscape requirements.
7. **Table of Required Parking.** The following table provides minimum requirements for surfaced parking areas. The total parking recommended is the sum of spaces for all land uses proposed on the site, plus employee parking, as outlined by the table.

Table 3.29 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 community	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, auditoriums, and 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 member families

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 similar 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, dance, health, and fitness; and exercise centers	One (1) for each two hundred (200) square feet of useable 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

**E. Loading/Unloading Space.**

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading, and standing of all vehicles to avoid undue interference with public use of the road.

**F. 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 3.30 Driveways, Easements & Private Roads****A. Driveways Which Provide Access to One Lot.**

Driveways that provide access to one (1) lot 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 (10) 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. County or townships cannot be held responsible for non-maintenance of access.

**B. Easements Which Provide Access to Two to Four Lots.**

1. Easements that provide access to at least two (2) but not more than four (4) lots shall meet the following standards:
  - a. Access to the principal buildings(s) shall require an easement which has sixty-six (66) 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. County or townships cannot be held responsible for non-maintenance of access.
2. **Setbacks.** Setbacks for a lot shall be measured from the edge of the right-of-way nearest the lot.

**C. 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.

#### D. Private Roads.

Private roads, providing access to five (5) or more lots, 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 **County Road Commission's** current 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 must 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 twenty (20) feet of the right-of-way of a street.
  - d. No more than twenty (20) lots 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 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 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 street or private road.
    - (1) Not more than four (4) lots 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 fronting on private roads shall meet the required front 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 ten (10) 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 obstruction 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 must 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 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 others bound to or returning from any of the properties having a need to use the road.

### 3. Application Review and Approval or Denial.

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Amendments & Adoption

- 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 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.

## Section 3.31 Signs

### A. Intent and Purpose.

The intent of this Section is to regulate the type, number, physical dimensions, erection, and placement of signs in Baldwin Township in a manner which does not restrict the content while recognizing the mass communications needs of the public. The purpose of these regulations is to:

1. Promote the public health, safety, and welfare of residents and visitors.
2. Reduce hazardous distractions to motorists and pedestrians.
3. Protect commercial districts from visual clutter and ugliness.
4. Protect property values.
5. Protect the rural character and natural beauty of the Township.

### B. Signs Not Requiring a Permit.

Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance:

1. House number identification signs, public signs, or notices of Baldwin Township, Iosco County, the State of Michigan, or the United States Government may be erected as deemed necessary and appropriate by the unit of government.

2. On nonresidential property, permanent, freestanding accessory signs that do not exceed six (6) square feet each.
3. On nonresidential property, accessory signs on structures such as gas pumps or storage sheds.
4. Signs erected by any organization, firm, or corporation which is charged with warning the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
5. Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.
6. Signs erected by an official governmental body, public utility, or historic agency.
7. Flags.
8. Signs when located on or below a canopy, awning, or marquee.
9. Signs in windows.
10. Temporary signs or attention-getting devices.
11. Signs not visible by motorists or pedestrians on any road, alley, water body, public lands, or adjacent lots.
12. Signs required by law.
13. Murals.

**C. General Sign Standards.**

1. **Construction and Maintenance.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.
2. **Illumination.** Internal or external illumination is permitted and shall be by non-flashing light. Said source of illumination shall be shielded from direct view of adjacent residential properties and vehicles passing on adjacent roads. The source of any illumination shall not be visible beyond the lot lines of the lot upon which the advertising structure is located.
3. **Zoning and Safety Codes.** All signs shall be subject to the building code.

4. **Setbacks.** All signs shall be setback a minimum of ten (10) feet from all lot lines, except where regulated otherwise by this Section.
5. **Height.** No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by [Table 3.31](#).
6. **Ground Clearance.** Freestanding signs shall have a minimum clearance of eight (8) feet between the ground surface and the lowest point of the sign.
7. **Corner Clearance.** No signs shall be placed in required clear vision areas ([Section 3.20](#)).
8. **Sign Maintenance.** All signs shall be adequately maintained; if not, written notice shall be issued by the Zoning Administrator to the owner of the structure. If disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.
9. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

#### D. Nonconforming Signs.

1. A nonconforming sign or sign structure existing and in place of the date of the enactment of this Ordinance may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a nonconforming sign existing on the day of enactment of this Section shall not:
  - a. Be changed to another nonconforming sign.
  - b. Be structurally altered so as to prolong the life of the sign or to change the shape, size, location, type, or design of the sign.
  - c. Be re-established after it has been determined to be an abandoned sign.
  - d. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.
2. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework, location, and/or the size and/or shape of the sign remain unchanged. If such framework is altered or moved/removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

#### E. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:

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



- a. The sign is located on a property on which the use has been abandoned.
- b. The sign has remained blank over a period of one (1) year.
- c. The sign's message becomes illegible in whole or substantial part.
- d. The sign which has fallen into disrepair.

2. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign has not been removed in the time provided in the second notice, then the sign shall be determined to be a violation of this Ordinance.

- a. The Zoning Administrator has discretion to extend the period of time during which abandoned signs are required to be removed in the event that the property is for sale or if he or she finds good cause for such extension.
- b. The frame of an abandoned sign may remain in place.

#### F. 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.

#### G. Signs Permitted and Prohibited.

1. **Prohibited Signs.** Any sign not specifically permitted is prohibited. The Zoning Administrator shall have the authority to classify signs not specifically denoted.
  - a. Off-Premise Signs, Large (Billboards).
  - b. Signs not securely affixed to a substantial structure.
  - c. Abandoned signs.
  - d. Signs which are affixed to trees, rocks, or other natural features.
  - e. Signs which resemble official traffic signs or devices or which obstruct official signs.

- f. Flashing, rotating, animated, intermittent, glaring, and oscillating signs.
  - g. Signs which are hazardous to traffic.
  - h. Signs which obstruct doors, windows, or fire escapes.
  - i. Signs in the Right-of-Way. No sign other than a traffic or regulatory sign shall be erected in a street or road right-of-way unless permission is obtained from the agency with jurisdiction over the road.
  - j. **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.
2. **Signs Erected by Governmental Agencies.** Signs when erected by the township, county, or state shall be permitted in all Districts.
  3. **Zoning Permit Required.** Unless a sign is exempt from permit requirements as specified in subsection B, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction of placement of any sign.
  4. **Permitted Signs.** Permitted signs shall be limited to those listed in the following [Table 3.31: Signs Permitted By Use](#), subject to all regulations listed and other requirements of this Section. The existence of a particular sign type does not preclude the existence of other sign types on the same lot.

Table 3.31 Signs Permitted By Use

Table 3.31 Signs Permitted By Use			
Sign Type	Single-Family & Two-Family Uses	Non-Residential Uses & Multi-Family Uses	Signs at Entrances to Residential Developments
<b>Primary Sign, Freestanding</b> <i>(permanent)</i>	<b>Size:</b> 9 sq ft <b>Number Allowed:</b> 1 per residence + 1 extra if residence contains a Home Occupation or Cottage Industry <b>Height:</b> 6 ft	<b>Size:</b> 32 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per entrance <b>Height:</b> 20 ft <b>Setback:</b> 0' from front lot line and 10 ft from side lot lines	<b>Size:</b> 32 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per entrance <b>Setback:</b> 10 ft from lot lines
<b>Wall, Window, Awning or Canopy Signs</b> <i>(permanent)</i>	Not allowed	<b>Size:</b> 10% of any face of the building <i>(max.)</i>	
<b>Temporary Signs</b>	32 sq ft in sum (max.) Maximum of 10 separate signs. Additional signage is permitted from 60 days prior to 5 days after a national, state or local election.		
<b>Portable Changeable Copy Message Boards</b>	Not allowed	Counts toward temporary signage allowed	Not allowed
<b>Digital or Static Message Center</b> <i>(permanent)</i>	Not allowed	Counts toward the primary sign limits ( <a href="#">subsection E</a> )	
<b>Cluster Signs</b> <i>(permanent)</i>	Not allowed	Size and height permitted is based on Planning Commission approval	Not allowed
<b>Projecting Signs</b> <i>(permanent)</i>	Not allowed	<b>Size:</b> 20 sq ft <b>Number Allowed:</b> 1 per entrance <b>Height:</b> 8 ft from ground level <i>(minimum)</i>	
<b>Right-of-Way/Easement Sign</b>	Not allowed	1 per lot after approval through a permitting process by the controlling entity of the right-of-way. This sign counts as the 1 permitted Freestanding Primary Sign.	
<b>Off-Premise Signs, Large</b>	No new off-premise signs allowed		
<b>Off-Premise Signs, Small</b>	See <a href="#">Section I</a>		
<b>Attention-Getting Devices</b>	Not allowed	<b>Number Allowed:</b> 2 per establishment (shall not be located in clear vision area per <a href="#">Section 3.20</a> )	

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**H. Digital Message Centers.**

1. A digital message center 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. A digital message center shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
4. A digital message center 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 a digital message center and shall be subject to all provisions of this Ordinance.
6. The message shall change no more than once per every eight (8) seconds. No scrolling messages are permitted.

**I. Small Off-Premise Signs.**

Small off-premise signs shall be allowed on private property.

1. Small off-premise signs may be located on vacant or developed lots. Small off-premise signs on developed lots shall NOT count toward that lot's sign size limitations.
2. Signs shall not be located in the road right-of-way.
3. Small off-premise signs shall be no greater than twelve (12) square feet.
4. One (1) small off-premise sign shall be allowed on each lot. Up to two (2) small off-site signs shall be allowed on lots which are located at intersections.
5. The height of an off-site sign shall not exceed six (6) feet from grade. However, variations in height may be granted by the Planning Commission to ensure its visibility to motorists.

**J. Deviations.**

The Planning Commission may allow deviations from this Section; provided, however no such deviation shall be based on the content (message) display 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 upon 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 upon parks and public spaces.
  - c. Impact of the sign upon historic buildings or properties.
4. Impacts of the sign upon 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 3.32 Dividing or Combining Lots

Dividing or combining a lot or lots, after the effective date of this Ordinance or amendment thereto, shall not have the effect of creating nonconformities due to any standard within this Ordinance including but not limited to lot size, setbacks, number of structures or any required district standard. An application for a land division or lot combination shall be reviewed by the Zoning Administrator for compliance with this Ordinance prior to being approved.

# Article 4

## District Regulations

Sec	Name	Pg
4.1	<b>Districts</b>	4-1
4.2	<b>Zoning Map &amp; District Boundaries</b>	4-2
4.3	<b>Application of Regulations</b>	4-3
4.4	<b>General Residential District (GR)</b>	4-5
4.5	<b>Lakeshore Residential District (LR)</b>	4-9
4.6	<b>Agricultural/Rural Residential District (AR)</b>	4-14
4.7	<b>Forested/Conservation District (FC)</b>	4-19
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4.9	<b>Industrial District (I)</b>	4-30
4.10	<b>Airport Safety Zone Overlay District (AP)</b>	4-35
4.11	<b>Full Table of Permitted &amp; Special Uses</b>	4-37

### Section 4.1 Districts

For the purposes of this Ordinance, all land within Baldwin Township, excepting the roadways and alleys, is divided into the following Zoning Districts:

GR	General Residential District
LR	Lakeshore Residential District
AR	Agricultural/Rural Residential District
FC	Forested/Conservation District
C	Commercial District
I	Industrial District
AP	Airport Safety Overlay District

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## Section 4.2 Zoning Map & District Boundaries

The boundaries of zoning districts are defined and established as shown on a map entitled the Baldwin Township Zoning Map. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept by the Township Clerk and shall be maintained by the Zoning Administrator.

A. **District Boundary Lines.** Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

1. Boundaries shown following roads or alleys shall be presumed to follow the centerline of these roads.
2. Boundaries shown approximately following Township boundary lines or lot lines shall be presumed to follow these lines.
3. Boundaries shown approximately parallel to the centerline of roads or alleys shall be interpreted as being parallel thereto and at such a distance therefrom as indicated by given distance or scaled dimension.
4. A boundary indicated as following the centerline of a stream or river or the shoreline of a lake or other waterbody shall be construed as following such centerline or shoreline.
5. All questions concerning the exact location of any Zoning District boundary not clearly described shall be determined by the Zoning Board of Appeals consistent with the purposes of this Ordinance upon written application through the Township Supervisor or upon its own motion.

### B. Zoning of Vacated Areas.

Whenever any road, alley, 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.

### C. Zoning of Filled Areas.

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

### D. Annexed Areas.

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Whenever any area is annexed to Baldwin 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 and the Board shall approve same by resolution.

## Section 4.3 Application of Regulations

### A. Uses in Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the specific zoning district or **Table 4.11** or are similar to such listed uses, as determined by the Planning Commission.
2. **Special Uses.** Special Uses are permitted after review and approval by the Planning Commission only if specifically listed as a Special Use in the specific zoning district or **Table 4.11** or are similar to such listed uses, as determined by the Planning Commission.

### B. Classification of Uses Not Listed.

The Planning Commission shall have the power to classify a use which is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with comparable uses, as determined by the Planning Commission, and permitted or prohibited in accordance with the District Regulations found in any Zoning District. If it is determined, by the Planning Commission, that there is no comparable use, then the use shall be allowed only by amendment of this Ordinance.

### C. 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. **Measuring Lot Width.** Lot width shall be measured as the horizontal distance between the side lot lines measured at the front lot line or the road right-of-way or easement.
4. **Setbacks.**
  - a. **Measuring Setback.** The setback is measured from the nearest point of the structure (including the eave) to the lot line. In cases where the lot line is at the center of a road or easement, then the setback is measured from the edge of the road right-of-way (nearest to the lot) to the eave.
  - b. **Corner Lots.** In the case of a corner lot, there shall be two (2) front yards and two (2) rear yards.

- c. **Double Frontage Lots.** In the case of a double frontage lot, the front setback is measured from both roads or rights-of-way.
- d. **Water Frontage Lots.** The lot line abutting the water and the lot line abutting the road are both considered the front lot lines and the front setback is measured from the ordinary high water mark on the waterfront side.

**D. Application of Height Regulations.**

- 1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.
- 2. The height limitations of this Ordinance shall not apply to rooftop equipment, chimneys, church spires, flag poles, light poles, public monuments, wireless transmission towers, farm silos, or wind turbines, provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted by Special Use in this Ordinance.

## Section 4.4 General Residential District (GR)

**GR  
DISTRICT**

### A. Intent.

The purpose and intent of this district is to provide for the development of family homes at higher densities. The district is meant to encourage the development of attractive residential areas with compatible services and amenities. Multiple-family housing developments may be appropriate within this district provided that adequate water and sewer services can be furnished and other appropriate site conditions are met.

### B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	<b>GR</b>
Accommodation & Food/Event Services	
Bed & Breakfasts/Tourist Homes	<b>S</b>
Boarding & Rooming Houses	<b>P</b>
Inns	<b>S</b>
Short Term Rentals	<b>P</b>
Arts, Entertainment & Recreation	
Parks & Playgrounds	<b>P</b>
Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	<b>P</b>
Commercial, Services & Retail	
Commercial Use in a Residential District (neighborhood business)	<b>S</b>
Educational Services/Churches	
Churches or Places of Worship	<b>S</b>
Public, Charter or Private Schools (elementary through high school)	<b>S</b>
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	<b>P</b>
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	<b>S</b>
Charitable Institutions (ex: soup kitchen); Non-Profit Organizations	<b>S</b>

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	<b>GR</b>
Human Care & Social Assistance (cont.)	
Child Day Care Services (see following):	
Family Child Care Home	<b>P</b>
Group Child Care Home	<b>S</b>
Child Care Center or Day Care Center	<b>S</b>
State-Licensed Residential Facilities (6 or less persons)	<b>P</b>
State-Licensed Residential Facilities providing care (7) or more persons	<b>S</b>
Nursing/Convalescent Home/Assisted Living Home (7) or more persons	<b>S</b>
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources (including mining, quarries & gravel pits) <a href="#">§7.20</a>	<b>S</b>
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Permitted Uses <a href="#">§3.6</a>	<b>P</b>
Planned Unit Developments <a href="#">§7.10</a>	<b>S</b>
Site Condominium Development <a href="#">§7.9</a>	<b>S</b>
Public Facilities	
Public Buildings	<b>S</b>

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TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	GR
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.3	P
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed) §7.21	P
Home Occupations §7.2	P
Home Occupations: Cottage Industries §7.2	S
Multiple-Family Dwellings §7.21	S
Single-Family Dwellings – Detached §7.21	P
Temporary Dwelling During Construction §3.12	P
Two-Family Dwellings §7.21	P
Transportation, Storage & Wholesale	
Airports, Landing Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation (including but not limited to offices, research & development, communications and technology, signs, loading/unloading of cargo and passengers, sale of fuel and maintenance supplies)	S
Utilities, Energy & Communications	
Amateur Radio Antennae (roof-mounted or ground-mounted)	P
Essential Services §3.15	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.15	S
Solar Energy – Accessory §7.15	P

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**C. Development Standards for the GR District.****GR  
DISTRICT**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

**1. Lot & Structure Standards**

a. Lot Area (min.)	12,000 SQ FT
b. Lot Width (min.)	<b>With Public Sewer:</b> 100 ft <b>Without Public Sewer:</b> 120 ft
c. Building Height (max.)	40 FT
d. Dwelling Unit Size (min. per dwelling unit)*	(1) Single-Family: 720 SQ FT (2) Two-Family: 600 SQ FT (3) Multiple-Family: 420 SQ FT *Garage, attic, cellar and storage space do not count toward the minimum dwelling unit size (4) Building shall be at least 12 FT in width (5) A dwelling unit less than the area stated above may be approved by the Planning Commission upon issuance of a Special Use Permit

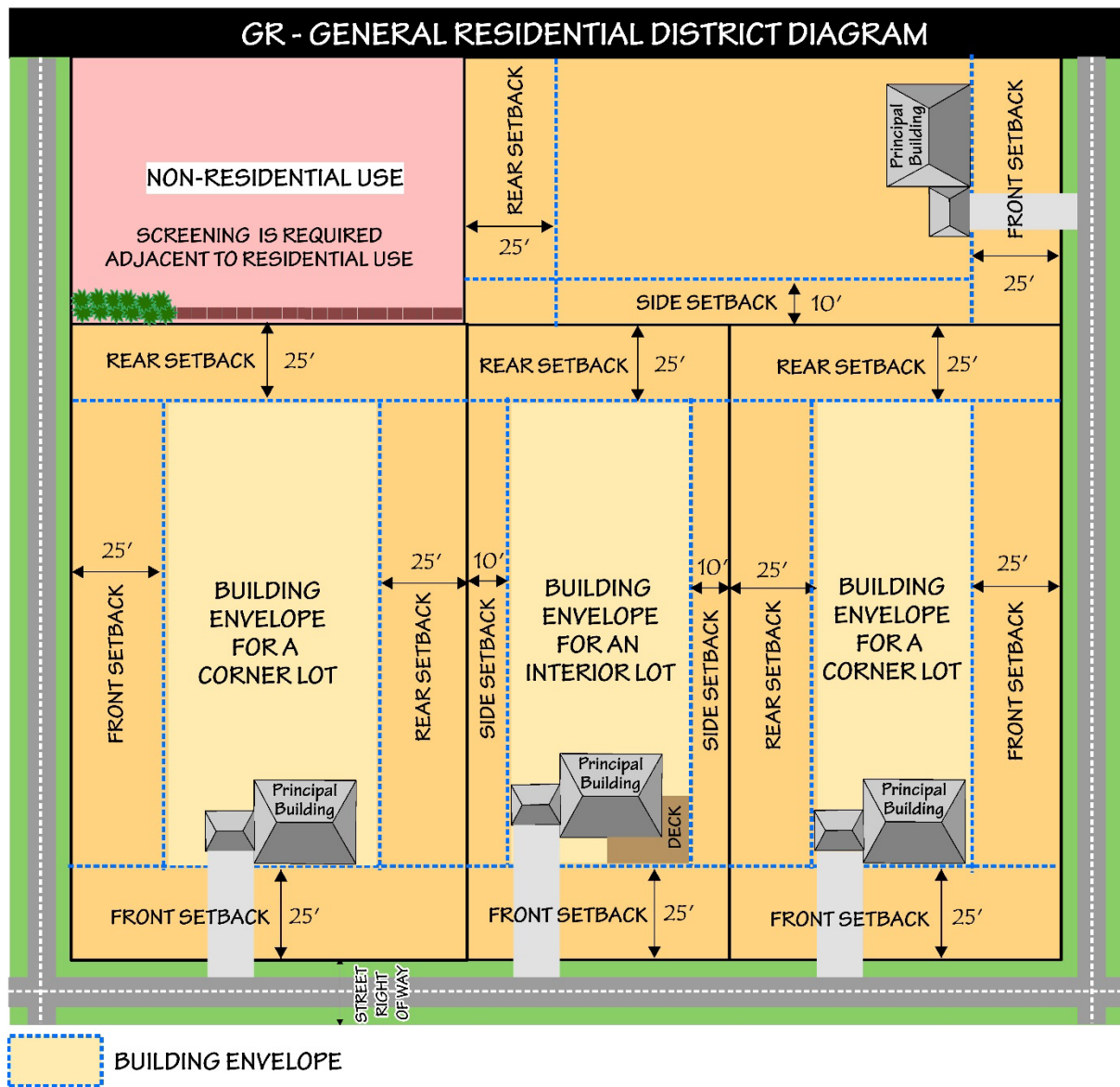
**2. Setbacks**

a. Front (min.)	25 FT Corner lots shall have a front setback on each road
b. Side (min.)	10 FT
c. Rear (min.)	25 FT Corner lots shall have two rear setbacks opposite of each front yard

**3. Additional Development Standards**

1. Accessory Buildings	See <a href="#">§3.6</a> .
2. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.21</a> . A vegetative buffer strip may be used per <a href="#">§3.21</a> .
3. Fences	See <a href="#">§3.19</a> .
4. Decks & Patios	If no roof, then the setback shall be 8 FT from side and rear lot line If roofed, then the setback shall be 10 FT from side and rear lot line Front setback shall be 25 FT
5. Signs	See <a href="#">§3.31</a> .
6. Parking	See <a href="#">§3.29</a> .
7. Performance Standards	(1) In designing home sites and developments, care shall be taken to preserve the quality of the Township's natural environment. Proper drainage, including retention and detention areas, shall be provided and buffer areas shall be provided along the creeks, streams, and drainage swales within this district. (2) Roads shall integrate rationally into the road networks. Connections to existing roads shall be required where appropriate. Road and driveway accesses onto a county primary road shall be no closer than 350 feet to one another wherever possible.

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## Section 4.5 Lakeshore Residential District (LR)

LR  
DISTRICT

## A. Intent.

The purpose and intent of this district is to provide for medium-density single-family residential uses in lakeshore areas of the Township with different development standards for areas with sewers and those without.

## B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	LR
Accommodation & Food/Event Services	
Bed & Breakfasts/Tourist Homes	S
Boarding & Rooming Houses	P
Inns	S
Resorts (including cabin courts)	S
Short Term Rentals	P
Arts, Entertainment & Recreation	
Campgrounds & RV Parks	S
Canoe/Boat/Kayak Liveries	S
Country Clubs	S
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)	S
Equipment Rental, Non-Motorized (Outfitter)	S
Parks & Playgrounds	P
Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	P
Commercial, Services & Retail	
Commercial Use in a Residential District (neighborhood business)	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	LR
Human Care & Social Assistance (cont.)	
Charitable Institutions (ex: soup kitchen); Non-Profit Organizations	S
Child Day Care Services (see following):	
Family Child Care Home	P
Group Child Care Home	S
Child Care Center or Day Care Center	S
State-Licensed Residential Facilities (6 or less persons)	P
State-Licensed Residential Facilities providing care (7) or more persons	S
Nursing/Convalescent Home/Assisted Living Home (7) or more persons	S
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources (including mining, quarries & gravel pits) <a href="#">§7.20</a>	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Permitted Uses <a href="#">§3.6</a>	P
Accessory Buildings on Waterfront Lots larger - than allowed by <a href="#">§3.6.D.1.b.3</a>	S
Planned Unit Developments <a href="#">§7.10</a>	S
Site Condominium Development <a href="#">§7.9</a>	S
Public Facilities	
Public Buildings	S



TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	LR
Residential Uses (cont.)	
Accessory Dwelling Units/Guest Houses §7.3	P
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed)	P
Home Occupations §7.2	P
Home Occupations: Cottage Industries §7.2	S
Multiple-Family Dwellings §7.21	S
Single-Family Dwellings – Detached §7.21	P
Temporary Dwelling During Construction §3.12	P
Two-Family Dwellings §7.21	P
Transportation, Storage & Wholesale	
Airports, Landing Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation (including but not limited to offices, research & development, communications and technology, signs, loading/unloading of cargo and passengers, sale of fuel and maintenance supplies)	S
Utilities, Energy & Communications	
Amateur Radio Antennae (roof-mounted or ground-mounted)	P
Essential Services §3.15	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.15	S
Solar Energy – Accessory §7.15	P
Water & Wastewater Treatment Plants	S

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**C. Development Standards for the LR District.****LR  
DISTRICT**

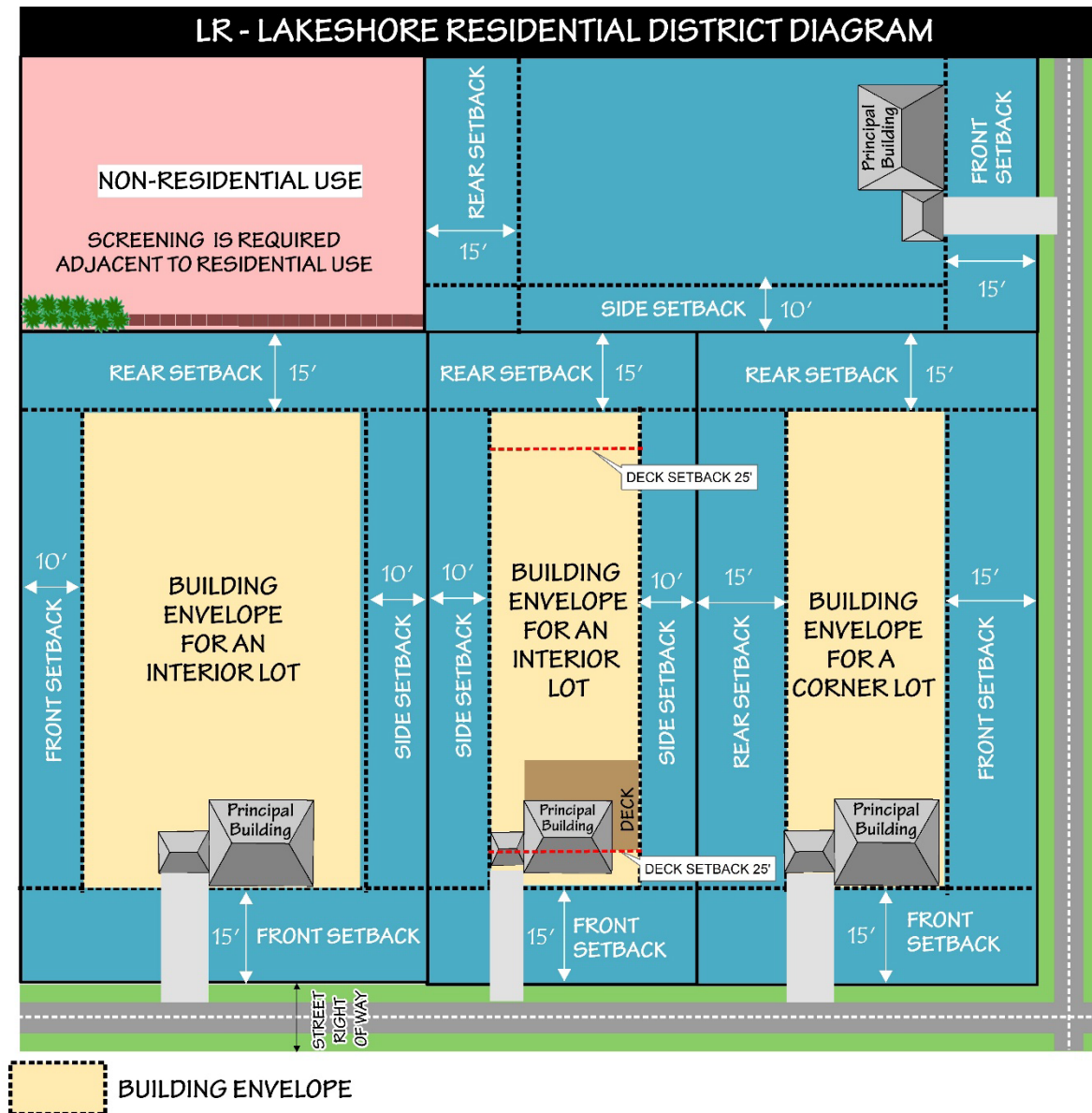
Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

<b>1. Lot &amp; Structure Standards</b>	
a. Lot Area (min.)	12,000 SQ FT
b. Lot Width (min.)	80 ft
c. Building Height (max.)	40 FT
d. Dwelling Unit Size (min. per dwelling unit)*	(1) Single-Family: 720 SQ FT (2) Two-Family: 600 SQ FT (3) Multiple-Family: 420 SQ FT *Garage, attic, cellar and storage space do not count toward minimum dwelling unit size
	(4) Building shall be at least 12 FT in width
	(5) A dwelling unit less than the area stated above may be approved by the Planning Commission upon issuance of a Special Use Permit
<b>2. Setbacks</b>	
a. Front (min.)	15 FT
	Corner lots shall have a front setback on each road
	Waterfront lots shall have a front setback on the waterfront lot line (measured from the ordinary high water mark) and front setback on the roadside lot line
b. Side (min.)	10 FT
c. Rear (min.)	15 FT
	Corner lots shall have two rear setbacks opposite of each front yard
<b>3. Additional Development Standards</b>	
a. Accessory Buildings	See <a href="#">§3.6</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.21</a> . A vegetative buffer strip may be used per <a href="#">§3.21</a> .
c. Fences	See <a href="#">§3.19</a> .
d. Decks & Patios	If no roof, then the setback shall be 8 FT from side and rear lot line
	If roofed, then the setback shall be 10 FT from side and rear lot line
	Front setback shall be 25 FT
e. Signs	See <a href="#">§3.31</a> .
f. Parking	See <a href="#">§3.29</a> .
g. Performance Standards	(1) In designing home sites and developments, proper sanitary and storm sewer measures shall be taken to ensure protection of lakes, streams, and other water bodies. Proposed development in high-risk erosion and flood-prone areas will follow state and federal regulations.

The diagram illustrates the setbacks and building envelopes for waterfront lots in the LS - Lakeshore Residential District. The top boundary is labeled "WATER" and the "ORDINARY HIGH WATER MARK" is indicated by a red dotted line. The diagram shows three lot types: an interior lot, a corner lot, and a waterfront lot. The setbacks are as follows:

- FRONT SETBACK:** 15' for all lots.
- REAR SETBACK:** 15' for the waterfront lot.
- SIDE SETBACK:** 10' for the interior lot, 10' for the corner lot, and 15' for the waterfront lot.
- DECK SETBACK:** 25' for the waterfront lot.

The building envelopes are shown as yellow rectangles. The "Principal Building" is shown as a grey rectangle within the envelope. The "STREET RIGHT OF WAY" is indicated at the bottom. A legend at the bottom left shows a yellow rectangle representing the "BUILDING ENVELOPE".

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## Section 4.6 Agricultural/Rural Residential District (AR)

**AR  
DISTRICT****A. Intent.**

The purpose and intent of the Agricultural/Rural Residential District is to provide areas for commercial agricultural and farming operations as well as larger residential estates. This district is established to conserve and protect agricultural lands as an ecologically and economically valued resource by preventing the encroachment of urban land uses in predominately agricultural areas where geographic and social conditions favor continued agricultural production. A range of farming activities shall be permitted in this zone in order to foster the continuation of agriculture in the Township.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	<b>AR</b>
Accommodation & Food/Event Services	
Bed & Breakfasts/Tourist Homes	<b>S</b>
Boarding & Rooming Houses	<b>P</b>
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.4	<b>S</b>
Food Trucks (more than 2 weeks) §7.5	<b>P</b>
Inns	<b>S</b>
Resorts (including cabin courts)	<b>S</b>
Short Term Rentals	<b>P</b>
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	<b>S</b>
Agriculture, Animal Services & Forest Products	
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	<b>S</b>
Agricultural Equipment Sales	<b>S</b>
Agricultural Products Processing & Storage (on a farm)	<b>P</b>
Agricultural Research & Development Facilities (public or private)	<b>S</b>
Agricultural Tourism (see following):	
Bakeries (selling goods grown primarily on-site)	<b>P</b>
Educational Tours, Classes, Lectures & Seminars	<b>P</b>
Family-Oriented Animated Barns (haunted houses)	<b>P</b>

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	<b>AR</b>
Agriculture, Animal Services & Forest Products	
Farm Stays	<b>S</b>
Gift shops for agriculturally-related products, crafts	<b>P</b>
Historical Agricultural Exhibits	<b>P</b>
Organized Meeting Space – Commercial Event Facilities §7.4	<b>S</b>
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)	<b>P</b>
Picnic Areas (including restrooms)	<b>P</b>
Playgrounds, Wagon/Sleigh Rides, Nature Trails	<b>P</b>
Restaurants (related to the agricultural use of the site)	<b>S</b>
Seasonal Outdoor Mazes of Agricultural Origin	<b>P</b>
Small-Scale Entertainment (concert, car show, art fair)	<b>S</b>
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	<b>S</b>
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only)	<b>S</b>
Animal Services (such as dog grooming, animal daycare, & dog clubs)	<b>S</b>
Animal Shelters	<b>S</b>

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## TABLE OF PERMITTED &amp; SPECIAL USES

P = Permitted by right S = Permitted with a Special Use Permit	AR
<b>Agriculture, Animal Services &amp; Forest Products</b>	
Biofuel Production Facilities on Farms §7.8	PS
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	S
Composting Facilities (large scale facilities – compost material brought in & deposited)	S
Farms (including agricultural buildings)	P
Farm Markets including Roadside Stands - on property controlled by the affiliated farm	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	P
Forest Products Processing (including 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)	P
Grain Elevators	P
Greenhouse, Nursery, Landscaping & Garden Supplies	S
Kennels, Boarding; Kennel, Breeding	S
Seasonal “U-Pick” Fruits & Vegetables Operations	P
Slaughter Houses	S
Stables	P
Veterinary Clinics	S
<b>Arts, Entertainment &amp; Recreation</b>	
Archery Ranges	P
Art Galleries & Art Studios	P
Campgrounds & RV Parks	S
Camps (ex: summer camps)	S
Clubs, Lodges & Fraternal Organizations	S
Country Clubs	S
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	S
Golf Courses (incl. clubhouse, driving range, incidental sale of food, beverages, or golf equipment)	S
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	S
Museums	P

## TABLE OF PERMITTED &amp; SPECIAL USES

P = Permitted by right S = Permitted with a Special Use Permit	AR
<b>Arts, Entertainment &amp; Recreation (cont.)</b>	
Parks & Playgrounds	P
Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	P
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf)	S
Race Tracks (motorized)	S
Race Tracks (non-motorized)	S
Shooting Range, Indoor (in a completely enclosed building)	P
Shooting Range, Outdoor	S
Sportsmen's Clubs	S
Theaters, Drive-In	S
Theaters & Performing Arts Facilities, Outdoor (Commercial Event Facilities)	S
<b>Commercial, Services &amp; Retail</b>	
Business Incubators	P
Construction & Special Trade Contractors	P
Construction - Storage Facilities for Building Materials/Contractor's Equipment	S
Flea Market	S
Marihuana Growers (indoor only) §7.11	S
Marihuana Safety Compliance Facilities §7.11	S
Marihuana Secure Transporters §7.11	S
Retail	
Bait & Tackle Shops	S
Building & Garden Equipment & Supplies Dealers	S
Farm & Feed Supply Stores	S
Farm Market	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	S
Taxidermy Shops	S
<b>Educational Services/Churches</b>	
Churches or Places of Worship	S
Private Instructional Facilities	S
Public, Charter or Private Schools (elementary through high school)	S

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**TABLE OF PERMITTED & SPECIAL USES**

P = Permitted by right S = Permitted with a Special Use Permit

**AR****Human Care & Social Assistance**Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME **P**Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME **S**Adult Day Care Facilities - NOT IN PRIVATE HOME **S**Charitable Institutions (ex: soup kitchen); Non-Profit Organizations **S**

Child Day Care Services (see following):

Family Child Care Home **P**Group Child Care Home **S**Child Care Center or Day Care Center **S**Child Caring Institution **S**State-Licensed Residential Facilities (6 or less persons) **P**State-Licensed Residential Facilities providing care (7) or more persons **P**Nursing/Convalescent Home/Assisted Living Home (7) or more persons **P****Manufacturing, Industrial & Waste Management**Extraction of Natural Resources (including mining, quarries & gravel pits) §7.20 **S****Miscellaneous**Accessory Buildings & Uses Incidental to Principal Permitted Uses §3.6 **P**Cemeteries including Columbaria & Mausoleums (human or pet) **S**Planned Unit Developments §7.10 **S**Site Condominium Development §7.9 **S****Public Facilities**Public Buildings **S****Residential Uses**Accessory Dwelling Units/Guest Houses §7.3 **P**Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed) **P****TABLE OF PERMITTED & SPECIAL USES**

P = Permitted by right S = Permitted with a Special Use Permit

**AR****Residential Uses (cont.)**Migrant Housing (in accordance with State regulations) §7.21 **P**Home Occupations §7.2 **P**Home Occupations: Cottage Industries §7.2 **S**Manufactured Housing Communities **S**Multiple-Family Dwellings §7.21 **S**Single-Family Dwellings – Detached §7.21 **P**Temporary Dwelling During Construction §3.12 **P**Two-Family Dwellings §7.21 **P****Transportation, Storage & Wholesale**Airports, Landing Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation (including but not limited to offices, research & development, communications and technology, signs, loading/unloading of cargo and passengers, sale of fuel and maintenance supplies) **S**Storage – Self-Service (Mini-Storage) **S****Utilities, Energy & Communications**Amateur Radio Antennae (roof-mounted or ground-mounted) **P**Battery Energy Storage Systems §7.19 **S**Essential Services §3.15 **P**Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.15 **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, (Small On-Site) §7.17 **S**Wireless Facilities (with or without support structures) §7.13 **S**Wireless Facilities - Small Cell §7.14 **S****1** Authority & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Plan Review**6** Special Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Amendments & Adoption



**C. Development Standards for the AR District.****AR  
DISTRICT**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

**1. Lot & Structure Standards**

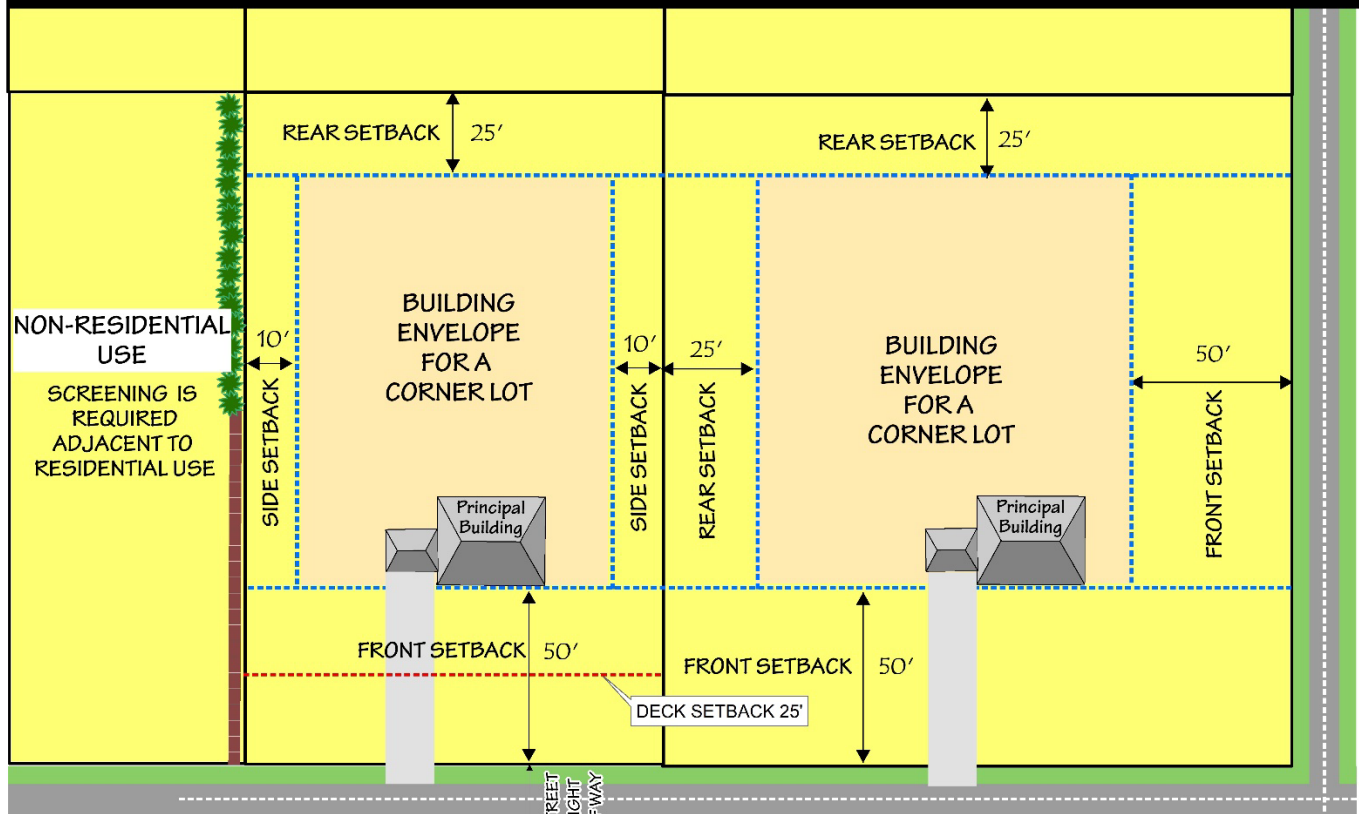
a. Lot Area (min.)	3 acres Lot size variation may be granted by the Planning Commission as part of a Special Use Permit
b. Lot Width (min.)	200 ft
c. Building Height (max.)	40 FT
d. Dwelling Unit Size (min. per dwelling unit)*	(1) Single-Family: 720 SQ FT (2) Two-Family: 600 SQ FT (3) Multiple-Family: 420 SQ FT *Garage, attic, cellar and storage space does not count toward the minimum dwelling unit size (4) Building shall be at least 12 FT in width (5) A dwelling unit less than the area stated above may be approved by the Planning Commission upon issuance of a Special Use Permit

**2. Setbacks**

a. Front (min.)	50 FT Corner lots shall have a front setback on each road
b. Side (min.)	10 FT
c. Rear (min.)	25 ft Corner lots shall have 2 rear setbacks opposite of each front yard

**3. Additional Development Standards**

a. Accessory Buildings	See <a href="#">§3.6</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.21</a> . A vegetative buffer strip may be used per <a href="#">§3.21</a> .
c. Fences	See <a href="#">§3.19</a> .
d. Decks & Patios	If no roof, then the setback shall be 8 FT from side and rear lot line If roofed, then the setback shall be 10 FT from side and rear lot line Front setback shall be 25 FT
e. Signs	See <a href="#">§3.31</a> .
f. Parking	See <a href="#">§3.29</a> .
g. Livestock on Hobby Farms	The keeping of horses, ponies and other livestock is allowed on residential lots of three (3) acres or larger within this district. No manure piles or other similar debris shall be kept within fifty (50) feet of any lot line.
h. Farm Dwellings	Farm dwellings in addition to the principal dwelling shall be located to minimize adverse effects upon productive areas for farm crops and livestock and shall require a Special Use Permit.

**A-R - AGRICULTURAL/RURAL RESIDENTIAL DISTRICT DIAGRAM****1** Authority & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Plan Review**6** Special Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Amendments & Adoption

## Section 4.7 Forested/Conservation District (FC)

### A. Intent.

The purpose and intent of this district is to preserve the forest, marshes, and other terrain unlikely to be developed for other than natural resources use while allowing residential development and a wide range of uses in such ways that will not detract from this end. To the greatest degree practicable, the integrity and contiguity of forest lands shall be maintained.

**FC**  
DISTRICT

### B. Uses Allowed. Permitted and Special Uses shall be limited to those listed below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	FC
Accommodation & Food/Event Services	
Bed & Breakfasts/Tourist Homes	S
Boarding & Rooming Houses	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) <a href="#">§7.4</a>	S
Food Trucks (more than 2 weeks) <a href="#">§7.5</a>	P
Inns	S
Resorts (including cabin courts)	S
Short Term Rentals	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	S
Agriculture, Animal Services & Forest Products	
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	S
Agricultural Products Processing & Storage (on a farm)	P
Agricultural Tourism (see following):	
Bakeries (selling goods grown primarily on-site)	P
Educational Tours, Classes, Lectures, & Seminars	P
Family-Oriented Animated Barns (haunted houses)	P
Farm Stays	S
Gift shops for agriculturally-related products, crafts	P
Historical Agricultural Exhibits	P
Organized Meeting Space – Commercial Event Facilities <a href="#">§7.4</a>	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	FC
Agriculture, Animal Services & Forest Products	
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)	S
Seasonal Outdoor Mazes of Agricultural Origin	P
Small-Scale Entertainment (concert, car show, art fair)	S
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 and release only)	S
Animal Services (such as dog grooming, animal daycare, & dog clubs)	S
Animal Shelters	S
Biofuel Production Facilities on Farms <a href="#">§7.8</a>	PS
Composting Facilities (large scale facilities – compost material brought in & deposited)	S
Farms (including agricultural buildings)	P
Farm Markets including Roadside Stands - on property controlled by the affiliated farm	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	P
Forest Products Processing (including sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	S

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TABLE OF PERMITTED & SPECIAL USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit	<b>FC</b>
Agriculture, Animal Services & Forest Products	
Game Preserves (where game is hunted)	<b>P</b>
Greenhouse, Nursery, Landscaping & Garden Supplies	<b>S</b>
Kennels, Boarding; Kennel, Breeding	<b>S</b>
Seasonal "U-Pick" Fruits & Vegetables Operations	<b>P</b>
Stables	<b>P</b>
Veterinary Clinics	<b>S</b>
Arts, Entertainment & Recreation	
Archery Ranges	<b>P</b>
Art Galleries & Art Studios	<b>P</b>
Campgrounds & RV Parks	<b>S</b>
Camps (ex: summer camps)	<b>S</b>
Canoe/Boat/Kayak Liveries	<b>S</b>
Clubs, Lodges & Fraternal Organizations	<b>S</b>
Country Clubs	<b>S</b>
Equipment Rental, Motorized (ORV, Snowmobile)	<b>P</b>
Equipment Rental, Non-Motorized (Outfitter)	<b>P</b>
Golf Courses (including clubhouse, driving range, and incidental sale of food, beverages, or golf equipment)	<b>S</b>
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public	<b>S</b>
Museums	<b>P</b>
Parks & Playgrounds	<b>P</b>
Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	<b>P</b>
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf)	<b>S</b>
Shooting Range, Indoor (in a completely enclosed building)	<b>P</b>
Shooting Range, Outdoor	<b>S</b>
Sportsmen's Clubs	<b>S</b>
Theaters, Drive-In	<b>S</b>
Theaters & Performing Arts Facilities, Outdoor (Commercial Event Facilities)	<b>S</b>

TABLE OF PERMITTED & SPECIAL USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit	<b>FC</b>
Commercial, Services & Retail	
Business Incubators	<b>P</b>
Construction & Special Trade Contractors	<b>P</b>
Construction - Storage Facilities for Building Materials/Contractor's Equipment	<b>S</b>
Flea Market	<b>S</b>
Retail	
Bait & Tackle Shops	<b>S</b>
Farm & Feed Supply Stores	<b>S</b>
Farm Market	<b>P</b>
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	<b>S</b>
Taxidermy Shops	<b>S</b>
Educational Services/Churches	
Churches or Places of Worship	<b>S</b>
Private Instructional Facilities	<b>S</b>
Public, Charter or Private Schools (elementary through high school)	<b>S</b>
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	<b>P</b>
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	<b>S</b>
Adult Day Care Facilities - NOT IN PRIVATE HOME	<b>S</b>
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	<b>S</b>
Child Day Care Services (see following):	
Family Child Care Home	<b>P</b>
Group Child Care Home	<b>S</b>
Child Care Center or Day Care Center	<b>S</b>
Child Caring Institution	<b>S</b>
State-Licensed Residential Facilities (6 or less persons)	<b>P</b>
State-Licensed Residential Facilities providing care (7) or more persons	<b>P</b>
Nursing/Convalescent Home/Assisted Living Home (7) or more persons	<b>P</b>

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TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	FC
<b>Manufacturing, Industrial &amp; Waste Management</b>	
Extraction of Natural Resources (including mining, quarries & gravel pits) §7.20	S
<b>Miscellaneous</b>	
Accessory Buildings & Uses Incidental to Principal Permitted Uses §3.6	P
Cemeteries including Columbaria & Mausoleums (human or pet)	S
Planned Unit Developments §7.10	S
Site Condominium Development §7.9	S
<b>Public Facilities</b>	
Public Buildings	S
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses §7.3	P
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed)	P
Migrant Housing (in accordance with State regulations) §7.21	P
Home Occupations §7.2	P
Home Occupations: Cottage Industries §7.2	S
Manufactured Housing Communities	S
Multiple-Family Dwellings §7.21	S
Single-Family Dwellings – Detached §7.21	P
Temporary Dwelling During Construction §3.12	P
Two-Family Dwellings §7.21	P
<b>Transportation, Storage &amp; Wholesale</b>	
Airports, Landing Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation (including but not limited to offices, research & development, communications and technology, signs, loading/unloading of cargo and passengers, sale of fuel and maintenance supplies)	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	FC
<b>Utilities, Energy &amp; Communications</b>	
Amateur Radio Antennae (roof-mounted or ground-mounted)	P
Essential Services §3.15	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.15	S
Solar Energy – Accessory §7.15	P
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.18	S
Wind Turbines, (Small On-Site) §7.17	S
Wireless Facilities (with or without support structures) §7.13	S
Wireless Facilities - Small Cell §7.14	S

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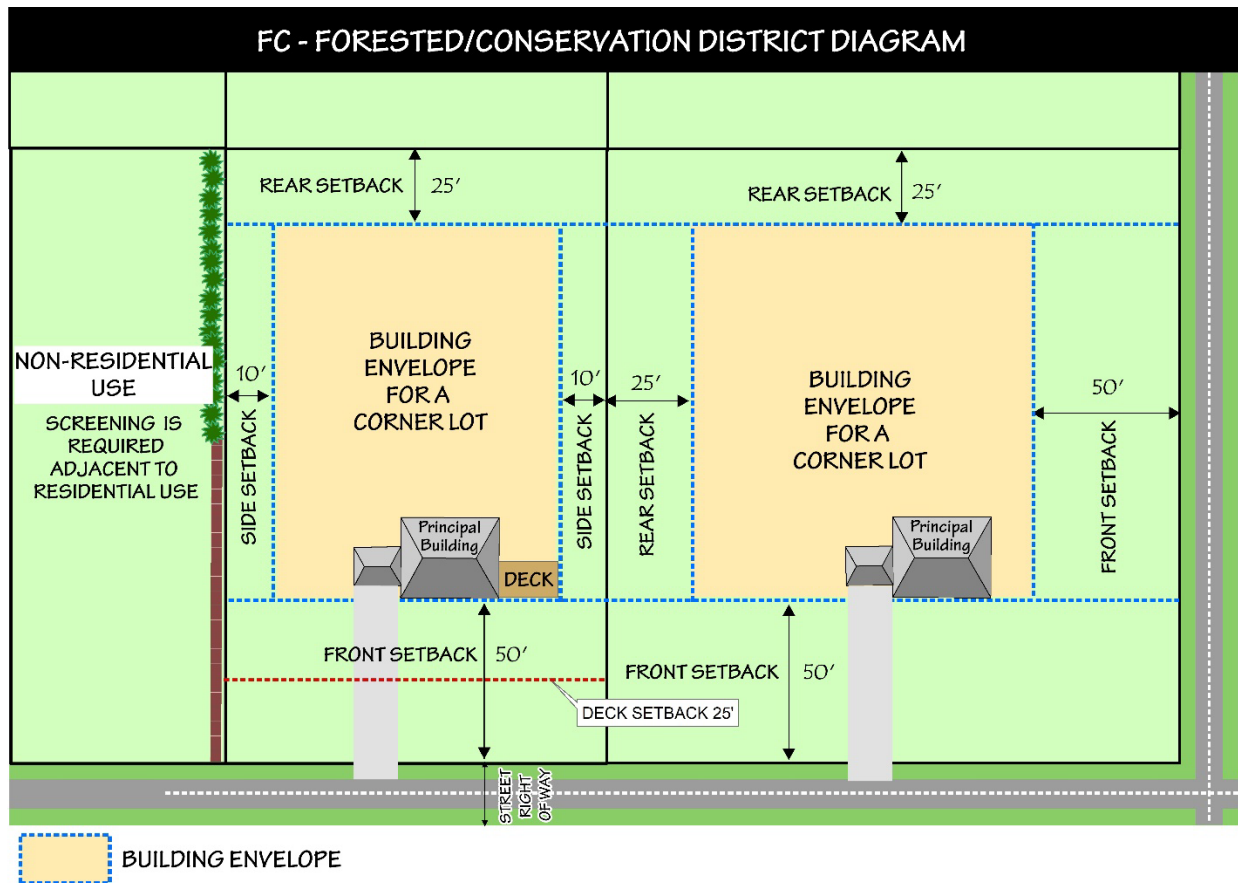
9 Administration &amp; Enforcement

10 Amendments &amp; Adoption

**C. Development Standards for the FC District.**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	3 acres
b. Lot Width (min.)	200 ft
c. Building Height (max.)	40 FT
d. Dwelling Unit Size (min. per dwelling unit)*	(1) Single-Family: 720 SQ FT
	(2) Two-Family: 600 SQ FT
	(3) Multiple-Family: 420 SQ FT
	*Garage, attic, cellar and storage space do not count toward the minimum dwelling unit size
	(4) Building shall be at least 12 FT in width
	(5) A dwelling unit less than the area stated above may be approved by the Planning Commission upon issuance of a Special Use Permit
e. Flag Lots	Flag lots may be created by Planning Commission action: driveway leg must have a minimum access of sixty-six (66) foot frontage on a public road.
2. Setbacks	
a. Front (min.)	50 FT
b. Side (min.)	10 FT
c. Rear (min.)	25 FT
3. Additional Development Standards	
a. Accessory Buildings	See <a href="#">§3.6</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.21</a> . A vegetative buffer strip may be used per <a href="#">§3.21</a> .
c. Fences	See <a href="#">§3.19</a> .
d. Decks & Patios	If no roof, then the setback shall be 8 ft from side and rear lot line
	If roofed, then the setback shall be 10 ft from side and rear lot line
	Front setback shall be 25 feet
e. Signs	See <a href="#">§3.31</a> .
f. Parking	See <a href="#">§3.29</a> .



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## Section 4.8 Commercial District (C)

### A. Intent.

The purpose and intent of this district is to provide locations for common commercial uses in the Township. Permitted uses will serve Township residents and regional residents as well as visitors to the area. All proposed commercial uses are required to submit a Site Plan in accordance with [Article 5](#) of this Ordinance.

**C**  
DISTRICT

### B. Uses Allowed. Permitted and Special Uses shall be limited to those listed below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	<b>C</b>
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	P
Bars/Taverns	S
Bed & Breakfasts/Tourist Homes	P
Caterers/Food Service Contractors	P
Commercial Event Facilities <a href="#">§7.4</a>	S
Food Trucks (more than 2 weeks) <a href="#">§7.5</a>	P
Hotels & Motels	S
Inns	P
Night Clubs	S
Resorts (including cabin courts)	P
Restaurants without Drive-Through	P
Restaurants with Drive-Through	S
Short Term Rental	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	P
Agriculture, Animal Services & Forest Products	
Agricultural Equipment Sales	P
Agricultural Research & Development Facilities (public or private)	P
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	S
Animal Services (such as dog grooming, animal daycare, & dog clubs)	S
Animal Shelters	S
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	P

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	<b>C</b>
Agriculture, Animal Services & Forest Products	
Composting Facilities (large scale facilities – compost material brought in & deposited)	S
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	P
Forest Products Processing (including 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; Kennel, Breeding	S
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	S
Veterinary Clinics	P
Arts, Entertainment & Recreation	
Archery Ranges	P
Art Galleries & Art Studios	P
Campgrounds & RV Parks	S
Canoe/Boat/Kayak Liveries	S
Clubs, Lodges & Fraternal Organizations	P
Country Clubs	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Fitness & Recreational Sports Centers (ex: health club, gym, tennis, swimming pool club, skating rinks)	P
Golf Courses (including clubhouse, driving range, and incidental sale of food, beverages, or golf equipment)	S

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**TABLE OF PERMITTED & SPECIAL USES**

P = Permitted by right S = Permitted with a Special Use Permit

**C****Arts, Entertainment & Recreation (cont.)**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 &amp; Playgrounds

**P**

Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)

**P**

Recreational Facilities, Indoor (ex: arcades, billiards, bowling, skating rinks)

**S**

Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf)

**S**

Shooting Range, Indoor (in a completely enclosed building)

**P**

Shooting Range, Outdoor

**S**

Spectator Sports Arenas

**S**

Sportsmen's Clubs

**P**

Theaters, Drive-In

**S**

Theaters &amp; Performing Arts Facilities, Indoor

**S**

Theaters &amp; Performing Arts Facilities, Outdoor (Commercial Event Facilities)

**S**

Tours (Commercial Operations)

**P****Commercial, Services & Retail**

Auto or Vehicle Repair Garage including Auto Body/Paint/Interior &amp; Glass Repair and Tire Sales/Installation

**S**

Automotive Equipment Rental &amp; Leasing

**S**

Automotive Oil Change &amp; Lubrication Shops

**S**

Automotive Towing Businesses

**S**

Banks/Financial Institutions

**P**

Boat/RV/Recreational Equipment Repair &amp; Storage

**S**

Business Incubators

**P**

Business Services &amp; Computer Repair

**P**

Business, Labor, Political &amp; Like Organizations

**P**

Carwash Facilities

**S**

Cash Advance Stores

**P**

Cleaning Services

**P****TABLE OF PERMITTED & SPECIAL USES**

P = Permitted by right S = Permitted with a Special Use Permit

**C****Commercial, Services & Retail (cont.)**

Commercial/Industrial Equipment Rental &amp; Leasing

**P**

Commercial Equipment Repair &amp; Maintenance

**P**

Construction &amp; Special Trade Contractors

**P**

Construction - Storage Facilities for Building Materials/Contractor's Equipment

**S**

Drive-In or Drive-Through Retail Establishments

**S**

Dry Cleaning &amp; Laundry Services (coin-operated &amp; dealing directly w/public)

**S**

Electric Vehicle Charging Facilities

**P**

Electronic &amp; Precision Equipment Repair &amp; Maintenance

**P**

Equipment Rental &amp; Sales

**P**

Extermination &amp; Pest Control Services

**P**

Film Production Facilities/Recording Facilities (including sound stages &amp; other related activities)

**P**

Flea Market

**P**

Funeral Homes &amp; Mortuaries

**S**

Gas Stations

**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 &amp; Supply

**S**Marihuana Retailers or Provisioning Centers **§7.11****S**Marihuana Safety Compliance Facilities **§7.11****S**Marihuana Secure Transporters **§7.11****S**

Medical Laboratories

**P**

Office Buildings

**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, &amp; similar)

**S**

Personal &amp; Household Goods Repair &amp; Maintenance

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

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	<b>C</b>
Commercial, Services & Retail (cont.)	
Personal Services (barber/beauty shops, tailoring, massage)	<b>P</b>
Photofinishing/Photographers	<b>P</b>
Printing/Binding/Publishing of Printed Materials	<b>P</b>
Repair Shops (not automotive-related)	<b>P</b>
Retail	
Antique Stores/Second-Hand Stores	<b>P</b>
Art & Photography Shops	<b>P</b>
Automotive Accessory Sales	<b>P</b>
Bait & Tackle Shops	<b>P</b>
Bicycle Shops	<b>P</b>
Book Stores	<b>P</b>
Building & Garden Equipment & Supplies Dealers	<b>P</b>
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	<b>P</b>
Convenience Stores	<b>P</b>
Department Stores	<b>P</b>
Electronics & Appliance Stores	<b>P</b>
Farm & Feed Supply Stores	<b>P</b>
Farm Market	<b>P</b>
Firearms Store	<b>P</b>
Florists	<b>P</b>
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)	<b>P</b>
General Merchandise Stores/General Retail	<b>P</b>
Gift Shops	<b>P</b>
Grocery Stores/Meat Market/Fruit & Vegetable Market	<b>P</b>
Hardware Stores	<b>P</b>
Health & Personal Care Stores	<b>P</b>
Home Improvement Centers (lumber stored in enclosed structure)	<b>S</b>
Jewelry Stores	<b>P</b>
Liquor Stores (where liquor is the primary item for sale)	<b>P</b>
Malls, Shopping Centers or Shopping Plazas	<b>S</b>

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	<b>C</b>
Commercial, Services & Retail (cont.)	
Manufactured Home Dealers	<b>S</b>
Office Supply Stores	<b>P</b>
Pet Stores & Pet Supply Stores	<b>P</b>
Pharmacies/Medical & Optical Supplies	<b>P</b>
Resale Shops/Thrift Shops (outdoor display is permitted but goods must be brought inside after closing hours)	<b>P</b>
Truck & Heavy Equipment Sales/Service Establishments	<b>S</b>
Sexually Oriented Businesses §7.7	<b>S</b>
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	<b>P</b>
Tattoo/Piercing Parlor	<b>P</b>
Taxidermy Shops	<b>P</b>
Upholstery Shop	<b>P</b>
Educational Services/Churches	
Churches or Places of Worship	<b>S</b>
Private Instructional Facilities	<b>S</b>
Public or Private Colleges/Universities	<b>S</b>
Trade Schools	<b>S</b>
Human Care & Social Assistance	
Adult Day Care Facilities - NOT IN PRIVATE HOME	<b>P</b>
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	<b>S</b>
Child Caring Institution	<b>P</b>
Community/Emergency & Other Relief Services	<b>P</b>
Health Care Clinics/Dental Clinics	<b>P</b>
Hospitals	<b>S</b>
Individual & Family Services	<b>P</b>
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)	<b>S</b>
Rehabilitation Institutions	<b>P</b>
Vocational Rehabilitation Services	<b>P</b>
Manufacturing, Industrial & Waste Management	
Extraction of Natural Resources (including mining, quarries & gravel pits) §7.20	<b>S</b>

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**TABLE OF PERMITTED & SPECIAL USES**

P = Permitted by right S = Permitted with a Special Use Permit

**C****Manufacturing, Industrial & Waste Management**Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection **S**Waste Collection Services **S**Industrial or Manufacturing Uses not listed **S****Miscellaneous**Accessory Buildings & Uses Incidental to Principal Permitted Uses §3.6 **P**Planned Unit Developments §7.10 **S**Site Condominium Development §7.9 **S****Public Facilities**Public Buildings **S****Residential Uses**Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed) **P**Home Occupations §7.2 **P**Home Occupations: Cottage Industries §7.2 **S**Multiple-Family Dwellings §7.21 **S**Single-Family Dwellings – Detached §7.21 **S**Two-Family Dwellings §7.21 **S****Transportation, Storage & Wholesale**Airports, Landing Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation (including but not limited to offices, research & development, communications and technology, signs, loading/unloading of cargo and passengers, sale of fuel and maintenance supplies) **P**Air Cargo Shipping Businesses **S**Couriers/Parcel Packing/Delivery Establishments **S**Storage Facilities **S**Storage – Self-Service (Mini-Storage) **S**Transit Facilities including Scenic/Sightseeing, Passenger Transportation **P**Warehousing **S**Wholesale Trade **S****TABLE OF PERMITTED & SPECIAL USES**

P = Permitted by right S = Permitted with a Special Use Permit

**C****Utilities, Energy & Communications**Amateur Radio Antennae (roof-mounted or ground-mounted) **P**Essential Services §3.15 **P**Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.15 **S**Public utility facilities (without storage yards) – does not include Essential Service Buildings **P**Public utility facilities (with storage yards) – does not include Essential Service Buildings **S**Solar Energy – Accessory §7.15 **P**Wireless Facilities (with or without support structures) §7.13 **S**Wireless Facilities – Small Cell §7.14 **S****1** Authority & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Plan Review**6** Special Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Amendments & Adoption

**C. Development Standards for the C District.****C  
DISTRICT**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

<b>1. Lot &amp; Structure Standards</b>	
a. Lot Area (min.)	12,000 SQ FT
b. Lot Width (min.)	<b>With Public Sewer:</b> 66 ft
c. Building Height (max.)	40 FT
d. Dwelling Unit Size (min. per dwelling unit)*	(1) Single-Family: 720 SQ FT (2) Two-Family: 600 SQ FT (3) Multiple-Family: 420 SQ FT *Garage, attic, cellar and storage space do not count toward the minimum dwelling unit size
	Building shall be at least 12 FT in width
	A dwelling unit less than the area stated above may be approved by the Planning Commission upon issuance of a Special Use Permit
<b>2. Setbacks</b>	
a. Front (min.)	25 FT
b. Side (min.)	10 FT
c. Rear (min.)	10 ft or 50 ft from any residential district
<b>3. Additional Development Standards</b>	
a. Accessory Buildings	See <a href="#">§3.6</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.21</a> . A vegetative buffer strip may be used per <a href="#">§3.21</a> .
c. Fences	See <a href="#">§3.19</a> .
d. Decks & Patios	If no roof, then the setback shall be 8 ft from side and rear lot line
	If roofed, then the setback shall be 10 ft from side and rear lot line
	Front setback shall be 25 feet
e. Signs	See <a href="#">§3.31</a> .
f. Parking	See <a href="#">§3.29</a> .

**C - COMMERCIAL DISTRICT DIAGRAM**

The diagram illustrates the setbacks and building envelopes for lots in the C - Commercial District, which is adjacent to a Residential District.

**Residential District (Left):**

- SCREENING REQUIRED ADJACENT TO RESIDENTIAL USE:** Indicated by a green hatched area along the boundary.
- 50' SETBACK REQUIRED ABUTTING RESIDENTIAL:** A specific setback requirement for the residential lot.
- REAR SETBACK 50':** The setback for the residential lot's rear boundary.
- SIDE SETBACK 10':** The setback for the residential lot's side boundary.
- FRONT SETBACK 25':** The setback for the residential lot's front boundary.

**Commercial District (Right):**

- REAR SETBACK 10':** The setback for the commercial lot's rear boundary.
- SIDE SETBACK 10':** The setback for the commercial lot's side boundary.
- REAR SETBACK 10':** The setback for the commercial lot's rear boundary.
- FRONT SETBACK 25':** The setback for the commercial lot's front boundary.

**Building Envelopes:**

- BUILDING ENVELOPE FOR INTERIOR LOT:** A yellow-shaded area representing the maximum building footprint for an interior lot.
- BUILDING ENVELOPE FOR CORNER LOT:** A yellow-shaded area representing the maximum building footprint for a corner lot.
- Principal Building:** A gray-shaded area representing the main building structure within the envelope.

**Legend:**

- BUILDING ENVELOPE:** Represented by a yellow-shaded area.



## Section 4.9 Industrial District (I)

## A. Intent.

The purpose of this district is to provide for areas where moderate-scale industrial activities may occur within the Township. These areas will primarily be adjacent to the current industrial areas associated with the Industrial Park and Downtown Development Authority and where utilities, roads, and other necessary services are available.

I  
DISTRICT

## B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)).

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	I
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.4	S
Food Trucks (more than 2 weeks) §7.5	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	P
Agriculture, Animal Services & Forest Products	
Animal Shelters	P
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	P
Composting Facilities (large scale facilities – compost material brought in & deposited)	P
Forest Products Processing (including sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)	P
Grain Elevators	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	P
Slaughter Houses	S
Arts, Entertainment & Recreation	
Parks & Playgrounds	P
Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	P
Theaters & Performing Arts Facilities, Outdoor (Commercial Event Facilities)	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	I
Commercial, Services & Retail	
Auto or Vehicle Repair Garage including Auto Body/Paint/Interior & Glass Repair and Tire Sales/Installation	P
Automotive Equipment Rental & Leasing	P
Automotive Oil Change & Lubrication Shops	P
Automotive Towing Businesses	P
Boat/RV/Recreational Equipment Repair & Storage	P
Business Incubators	P
Construction & Special Trade Contractors	P
Construction - Storage Facilities for Building Materials/Contractor's Equipment	P
Data Centers	S
Extermination & Pest Control Services	P
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	P
Gas Stations	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	P
Marihuana Growers (indoor or outdoor) §7.11	S
Marihuana Processors §7.11	S
Marihuana Safety Compliance Facilities §7.11	S
Marihuana Secure Transporters §7.11	S
Office Buildings	P
Repair Shops (not automotive-related)	P
Retail	
Farm & Feed Supply Stores	P
Truck & Heavy Equipment Sales/Service Establishments	P

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TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	I
Educational Services/Churches	
Trade Schools	S
Human Care & Social Assistance	
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	S
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. <b>Light Manufacturing are those industries in which the modes of operation of the industry have no external effects &amp; 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, &amp; vibration.</b>	P
Manufacturing, Heavy – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. <b>Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects &amp; may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, &amp; vibration.</b>	S
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	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) §7.20	S
Gas & Oil Processing (does not include extraction at wellhead)	S

TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	I
Manufacturing, Industrial & Waste Management	
Incinerator Plants	S
Junkyards/Salvage Yards/Scrap Yards §7.6	S
Laboratories (research & experimental)	P
Machine Shops	P
Metal Plating/Buffing/Polishing/Etc.	P
Prefabrication Shops for Residential, Commercial & Industrial Equipment	P
Printing & Related Support Activities (large-scale)	P
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	S
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Tool & Die Shops	P
Waste Collection Services	S
Industrial or Manufacturing Uses not listed	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Permitted Uses §3.6	P
Public Facilities	
Public Buildings	S
Residential Uses	
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed)	P
Home Occupations §7.2	P
Home Occupations: Cottage Industries §7.2	S
Transportation, Storage & Wholesale	
Airports, Landing Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation (including but not limited to offices, research & development, communications and technology, signs, loading/unloading of cargo and passengers, sale of fuel and maintenance supplies)	P

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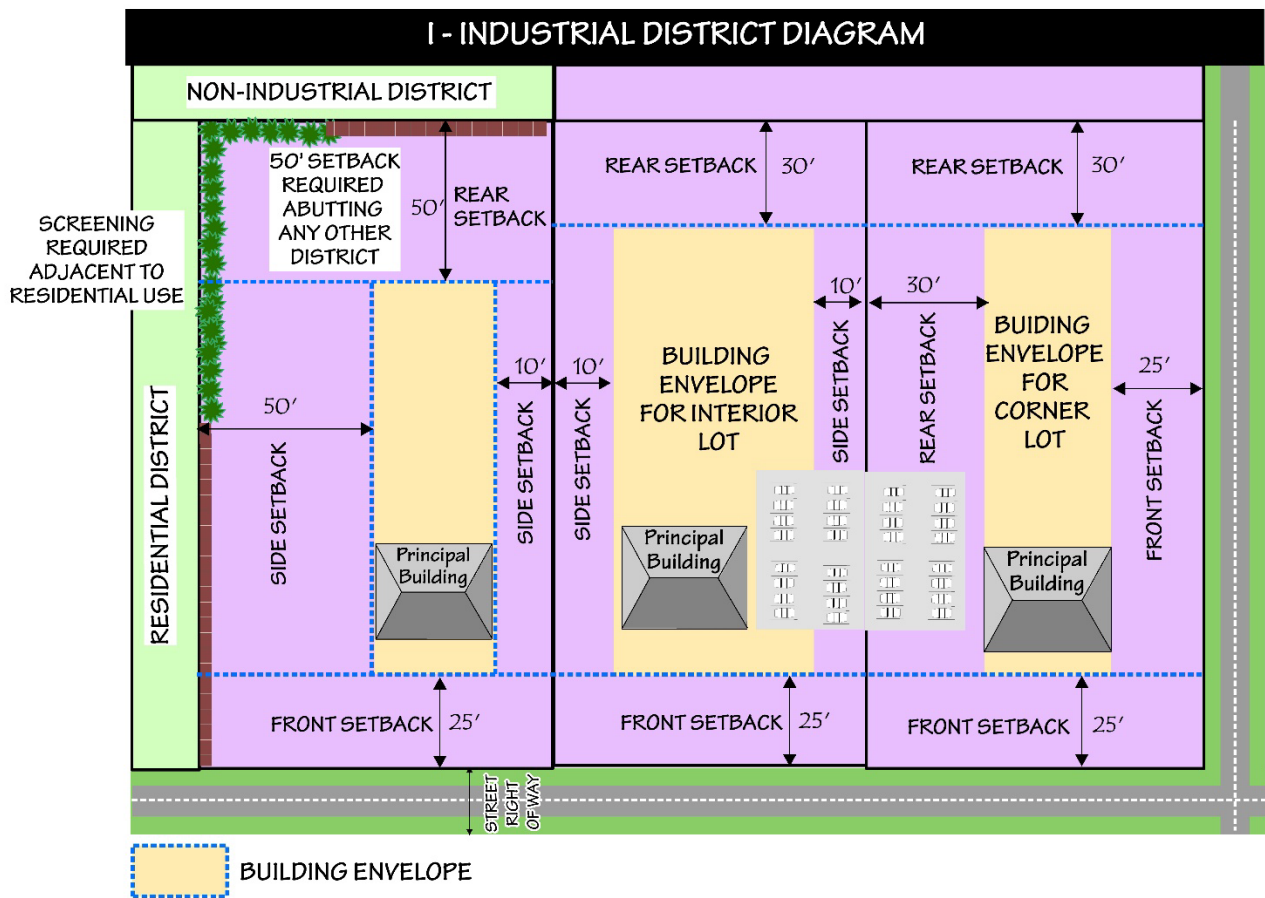
TABLE OF PERMITTED & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit	I
Transportation, Storage & Wholesale (cont.)	
Air Cargo Shipping Businesses	S
Couriers/Parcel Packing/Delivery Establishments	S
Drone (Unmanned Aerial) Centers	P
Distribution Centers, Freight Terminals/Trucking Facilities	P
Railyards	S
Storage Facilities	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 §3.15	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.15	P
Public utility facilities (without storage yards) – does not include Essential Service Buildings	P
Public utility facilities (with storage yards) – does not include Essential Service Buildings	S
Solar Energy – Accessory §7.15	P
Solar Energy Facilities – Utility-Scale §7.16	S
Water & Wastewater Treatment Plants	S
Wireless Facilities (with or without support structures) §7.13	S
Wireless Facilities - Small Cell §7.14	S

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**C. Development Standards for the I District.****I  
DISTRICT**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

<b>1. Lot &amp; Structure Standards</b>	
a. <b>Lot Area (min.)</b>	12,000 SQ FT
b. <b>Lot Width (min.)</b>	75 ft
c. <b>Building Height (max.)</b>	50 ft
<b>2. Setbacks</b>	
a. <b>Front (min.)</b>	25 ft
b. <b>Side (min.)</b>	10 ft
	Minimum setback distance from another district boundary: 50 ft
c. <b>Rear (min.)</b>	30 ft
	Minimum setback distance from another district boundary: 50 ft
<b>3. Additional Development Standards</b>	
a. <b>Accessory Buildings</b>	See <a href="#">§3.6</a> .
b. <b>Screening</b>	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.21</a> . A vegetative buffer strip may be used per <a href="#">§3.21</a> .
c. <b>Fences</b>	See <a href="#">§3.19</a> .
d. <b>Decks &amp; Patios</b>	If no roof, then the setback shall be 8 ft from side and rear lot line
	If roofed, then the setback shall be 10 ft from side and rear lot line
	Front setback shall be 25 feet
e. <b>Signs</b>	See <a href="#">§3.31</a> .
f. <b>Parking</b>	See <a href="#">§3.29</a> .
g. <b>Performance Standards</b>	(1) Proposed activities shall provide for all necessary infrastructure to the site – public sewers are required.
	(2) Ingress and egress drives shall be kept to a minimum, and where appropriate, service drives shall connect businesses. Flare or turning lanes may be required at highway entries.
	(3) Buffers and proper drainage devices shall be provided to ensure protection of township creeks, streams, and other waterways.

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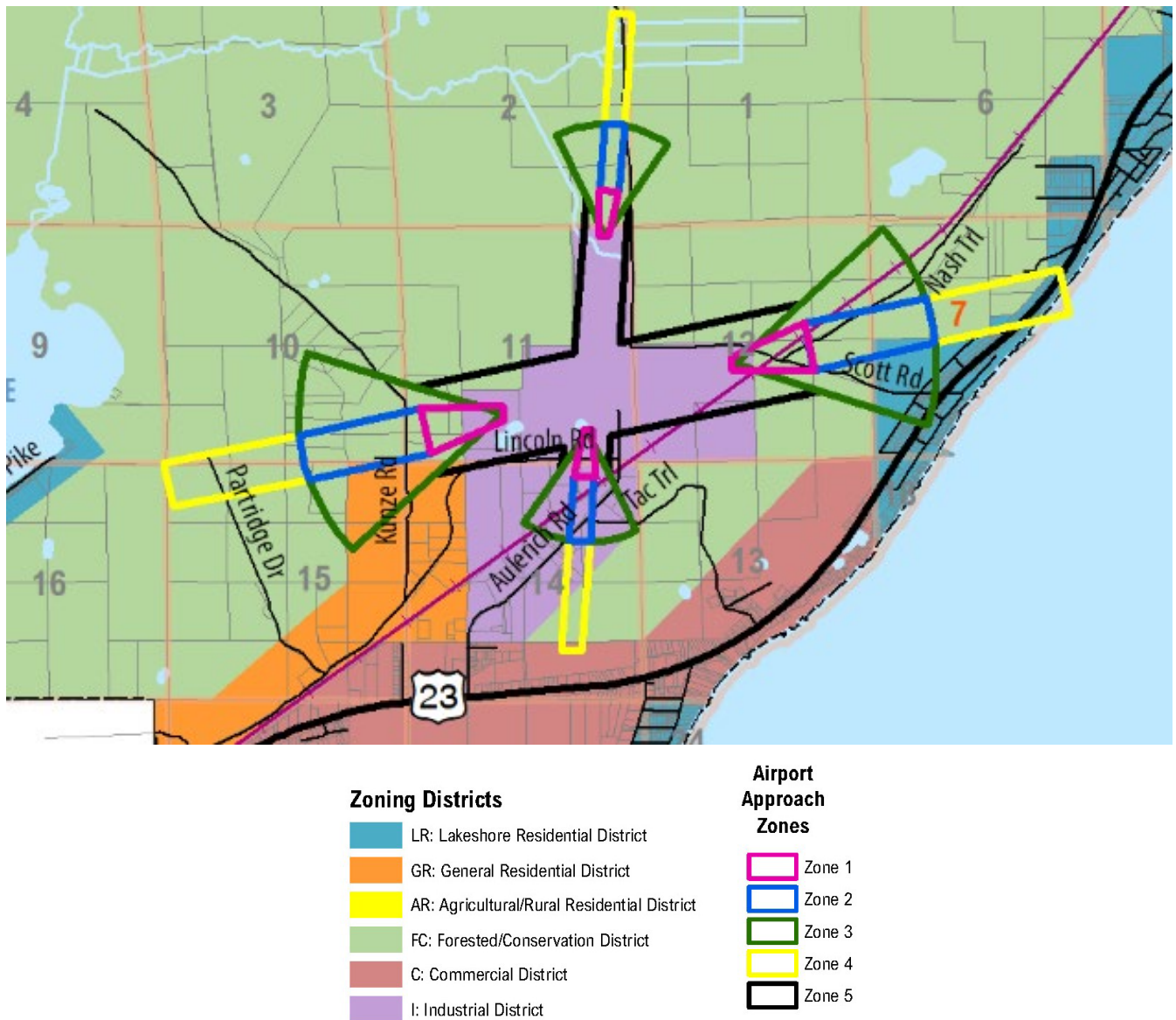
## Section 4.10 Airport Safety Zone Overlay District (AP)

### A. Intent.

The purpose and intent of this overlay district is to provide safety zones adjacent to and in the vicinity of the airport in order to prevent land uses that may cause or be the occasion of an aircraft accident.

### B. Uses Allowed – Airport Approach Zones.

Residential and non-residential uses shall be permitted as shown in the underlying districts with the exception of uses prohibited in the Airport Approach Zones.



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**AIRPORT APPROACH ZONES 1, 2, 3, 4 and 5**

	The following table imposes additional standards for property located within Zones 1, 2, 3, 4 and 5 of the Airport Approach Plan in addition to those standards which apply to the underlying districts.
<b>DENSITY</b> Density is based on the number of people present on the lot on a daily basis.	<b>ZONES 1, 2, and 5:</b> Maximum 5 people per acre.
	<b>ZONE 3:</b> Maximum 25 people per acre.
	<b>ZONE 4:</b> Maximum: 40 people per acre inside of buildings and 75 people per acre outside of buildings. Clustered developments may be allowed as long as density is maintained and open space remains unbuilt.
<b>LAND USES</b>	Prohibited: Land uses which involve the storage of large quantities of hazardous or flammable material (fueling provisions for aircraft are allowed).
	Prohibited: Land uses which generate smoke or steam or create large areas of standing water.
	Prohibited land uses: <ul style="list-style-type: none"> <li>• State-Licensed Residential Facilities</li> <li>• Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</li> <li>• Schools, Child Care Facilities and Institutions</li> <li>• Hospitals</li> <li>• Commercial Events Facilities</li> <li>• Hotels &amp; Motels &amp; Resorts</li> <li>• Bulk Storage, Distribution &amp; Sales for Petroleum or Gas Products</li> <li>• Public parks, playgrounds, or recreation areas</li> <li>• Churches or Places of Worship</li> <li>• Residential Care Facilities</li> <li>• Hospitals</li> <li>• Residential Uses (except in Approach Zone 3 and 4 where low density shall be permitted)</li> <li>• Manufactured Housing Communities</li> <li>• Wireless Facilities</li> <li>• Wind Energy Facilities and Anemometer Towers (Utility-Scale)</li> <li>• Wind Energy Systems (small on-site)</li> <li>• Noise-Sensitive Land Uses</li> </ul>
<b>ADDITIONAL REGULATIONS</b>	Structures shall be located as far from runway centerline as possible.
	Low vegetation required (i.e. shrubs and ground cover)
	Lighting shall be no greater in height than the maximum allowable height of the building and shall be shaded downward.
	Utilities shall be placed underground.
	Structures shall not exceed height limitations set by the <a href="#">FAA</a> .

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## Section 4.11 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 4.3](#). In the event of a conflict between the regulations in this Section and the use regulations contained in [Section 4.4](#) through [4.9](#), 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
<a href="#">Accommodation &amp; Food/Event Services</a>	4-38
<a href="#">Agriculture, Animal Services &amp; Forest Products</a>	4-38
<a href="#">Arts, Entertainment &amp; Recreation</a>	4-40
<a href="#">Commercial, Services &amp; Retail</a>	4-41
<a href="#">Educational Services/Churches</a>	4-44
<a href="#">Human Care &amp; Social Assistance</a>	4-44
<a href="#">Manufacturing, Industrial &amp; Waste Management</a>	4-45
<a href="#">Miscellaneous</a>	4-46
<a href="#">Public Facilities</a>	4-46
<a href="#">Residential Uses</a>	4-46
<a href="#">Transportation, Storage &amp; Wholesale</a>	4-47
<a href="#">Utilities, Energy &amp; Communications</a>	4-47

Baldwin Township Zoning Districts	
GR	General Residential District
LR	Lakeshore Residential District
AR	Agricultural/Rural Residential District
FC	Forested/Conservation District
C	Commercial District
I	Industrial District
AP	Airport Safety Overlay District



FULL TABLE OF PERMITTED & SPECIAL USES						
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit <b>§7.x</b> indicates supplemental regulations apply	<b>GR</b>	<b>LR</b>	<b>AR</b>	<b>FC</b>	<b>C</b>	<b>I</b>
Accommodation & Food/Event Services						
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops					<b>P</b>	<b>P</b>
Bars/Taverns					<b>S</b>	
Bed & Breakfasts/Tourist Homes	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	
Boarding & Rooming Houses	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>		
Caterers/Food Service Contractors					<b>P</b>	
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) <b>§7.4</b>			<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
Food Trucks (more than 2 weeks) <b>§7.5</b>			<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Hotels & Motels					<b>S</b>	
Inns	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	
Night Clubs					<b>S</b>	
Resorts/Cabin Courts		<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	
Restaurants without Drive-Through					<b>P</b>	
Restaurants with Drive-Through					<b>S</b>	
Short Term Rentals	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations			<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>
Agriculture, Animal Services & Forest Products						
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)			<b>S</b>	<b>S</b>		
Agricultural Equipment Sales			<b>S</b>		<b>P</b>	
Agricultural Products Processing & Storage (on a farm)			<b>P</b>	<b>P</b>		
Agricultural Research & Development Facilities (public or private)			<b>S</b>		<b>P</b>	
Agricultural Tourism (see following):						
Bakeries (selling goods grown primarily on-site)			<b>P</b>	<b>P</b>		
Educational Tours, Classes, Lectures, & Seminars			<b>P</b>	<b>P</b>		
Family-Oriented Animated Barns (haunted houses)			<b>P</b>	<b>P</b>		
Farm Stays			<b>S</b>	<b>S</b>		
Gift shops for agriculturally-related products, crafts			<b>P</b>	<b>P</b>		
Historical Agricultural Exhibits			<b>P</b>	<b>P</b>		
Organized Meeting Space (weddings, birthdays, corporate picnics) – Commercial Event Facilities <b>§7.4</b>			<b>S</b>	<b>S</b>		

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Agriculture, Animal Services & Forest Products						
Petting Farms, Animal Displays, & Pony Rides (may be accessory use to hobby farms)			P	P		
Picnic Areas (including restrooms)			P	P		
Playgrounds, Wagon/Sleigh Rides, Nature Trails			P	P		
Restaurants (related to the agricultural use of the site)			S	S		
Seasonal Outdoor Mazes of Agricultural Origin			P	P		
Small-Scale Entertainment (concert, car show, art fair)			S	S		
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)			S	S	S	
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only)			S	S		
Animal Services (such as dog grooming, animal daycare, & dog clubs)			S	S	S	
Animal Shelters			S	S	S	P
Biofuel Production Facilities on Farms <b>\$7.8</b>			PS	PS		
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)			S		P	P
Composting Facilities (large scale facilities – compost material brought in & deposited)			S	S	S	P
Farms (including agricultural buildings)			P	P		
Farm Markets including Roadside Stands - on property controlled by the affiliated farm			P	P		
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm			P	P	P	
Forest Products Processing (including sawmills, planing mills, veneer mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood)			S	S	S	P
Game Preserves (where game is hunted)			P	P		
Grain Elevators			P			P
Greenhouse, Nursery, Landscaping & Garden Supplies			S	S	P	
Kennels, Boarding; Kennel, Breeding			S	S	S	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply					S	P
Seasonal "U-Pick" Fruits & Vegetables Operations			P	P		
Slaughter Houses			S			S
Stables, Non-Commercial			P	P		
Veterinary Clinics			S	S	P	

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Archery Ranges			P	P	P	
Art Galleries & Art Studios			P	P	P	
Campgrounds & RV Parks		S	S	S	S	
Camps (ex: summer camps)			S	S		
Boat/Canoe/Kayak/Paddle Board Liveries and/or Boat Yards		S		S	S	
Clubs, Lodges & Fraternal Organizations			S	S	P	
Country Clubs		S	S	S	P	
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a single-family residence)		S				
Equipment Rental, Motorized (ORV, Snowmobile)			P	P	P	
Equipment Rental, Non-Motorized (Outfitter)		S	P	P	P	
Fitness & Recreational Sports Centers (ex: health clubs, gym, tennis, swimming pool club, skating rinks)					P	
Golf Courses (including clubhouse, driving range, and incidental sale of food, beverages, or golf equipment)			S	S	S	
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, & displays of historical artifacts related to the premises) – open to the public			S	S	P	
Museums			P	P	P	
Parks & Playgrounds	P	P	P	P	P	P
Recreation Areas (passive recreation), Nature Areas, Conservation Areas, Wildlife Preserves (public or private)	P	P	P	P	P	P
Recreational Facilities, Indoor (ex: arcades, billiards, bowling, skating rinks)					S	
Recreational Facilities, Outdoor (ex: go-karts, mini-golf, disc golf)			S	S	S	
Race Tracks (motorized)			S			
Race Tracks (non-motorized)			S			
Shooting Range, Indoor (in a completely enclosed building)			P	P	P	
Shooting Range, Outdoor			S	S	S	
Spectator Sports Arenas					S	
Sportsmen's Clubs			S	S	P	
Theaters, Drive-In			S	S	S	
Theaters & Performing Arts Facilities, Indoor					S	
Theaters & Performing Arts Facilities, Outdoor (Commercial Event Facilities)			S	S	S	S
Tours (Commercial Operations)					P	

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Auto Repair Garage including Auto Body/Paint/Interior & Glass Repair and Tire Sales/Installation					<b>S</b>	<b>P</b>
Automotive Equipment Rental & Leasing					<b>S</b>	<b>P</b>
Automotive Oil Change & Lubrication Shops					<b>S</b>	<b>P</b>
Automotive Towing Businesses					<b>S</b>	<b>P</b>
Banks/Financial Institutions					<b>P</b>	
Boat/RV/Recreational Equipment Repair & Storage					<b>S</b>	<b>P</b>
Business Incubators			<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Business Services & Computer Repair					<b>P</b>	
Business, Labor, Political & Like Organizations					<b>P</b>	
Carwash Facilities					<b>S</b>	
Cash Advance Stores					<b>P</b>	
Cleaning Services					<b>P</b>	
Commercial/Industrial Equipment Rental & Leasing					<b>P</b>	
Commercial Equipment Repair & Maintenance					<b>P</b>	
Commercial Use in a Residential District (neighborhood business)	<b>S</b>	<b>S</b>				
Construction & Special Trade Contractors			<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Construction - Storage Facilities for Building Materials/Contractor's Equipment			<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>
Data Centers						<b>S</b>
Drive-In or Drive-Through Retail Establishments					<b>S</b>	
Dry Cleaning & Laundry Services (coin-operated & dealing directly w/public)					<b>S</b>	
Electric Vehicle Charging Facilities					<b>P</b>	
Electronic & Precision Equipment Repair & Maintenance					<b>P</b>	
Equipment Rental & Sales					<b>P</b>	
Extermination & Pest Control Services					<b>P</b>	<b>P</b>
Film Production Facilities/Recording Facilities (including sound stages & other related activities)					<b>P</b>	<b>P</b>
Flea Market			<b>S</b>	<b>S</b>	<b>P</b>	
Funeral Homes & Mortuaries					<b>S</b>	
Gas Stations					<b>S</b>	<b>P</b>
General Rental Centers/Rent-to-Own					<b>P</b>	
Health Spa					<b>P</b>	

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<b>Commercial, Services &amp; Retail</b>						
Interior Designers/Showrooms					P	
Locksmiths					P	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply					S	P
Marihuana Growers (indoor only in AR, indoor or outdoor in I) <b>§7.11</b>			S			S
Marihuana Processors <b>§7.11</b>						S
Marihuana Retailers or Provisioning Centers <b>§7.11</b>					S	
Marihuana Safety Compliance Facilities <b>§7.11</b>			S		S	S
Marihuana Secure Transporters <b>§7.11</b>			S		S	S
Medical Laboratories					P	
Office Buildings					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)					S	
Personal & Household Goods Repair & Maintenance					P	
Personal Services (barber/beauty shops, tailoring, massage)					P	
Photofinishing/Photographers					P	
Printing/Binding/Publishing of Printed Materials					P	
Repair Shops (not automotive-related)					P	P
Retail:						
Antique Stores/Second-Hand Stores					P	
Art & Photography Shops					P	
Automotive Accessory Sales					P	
Bait & Tackle Shops			S	S	P	
Bicycle Shops					P	
Book Stores					P	
Building & Garden Equipment & Supplies Dealers			S		P	
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)					P	
Convenience Stores					P	
Department Stores					P	
Electronics & Appliance Stores					P	
Farm & Feed Supply Stores			S	S	P	P
Farm Market			P	P	P	
Firearms Store					P	
Florists					P	

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Commercial, Services & Retail						
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)					P	
General Merchandise Stores/General Retail					P	
Gift Shops					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)					S	
Jewelry Stores					P	
Liquor Stores (where liquor is the primary item for sale)					P	
Malls, Shopping Centers or Shopping Plazas					S	
Manufactured Home Dealers					S	
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 must be brought inside after closing hours)					P	
Truck & Heavy Equipment Sales/Service Establishments					S	P
Sexually Oriented Businesses <b>\$7.7</b>					S	
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses			S	S	P	
Tattoo/Piercing Parlor					P	
Taxidermy Shops			S	S	P	
Upholstery Shop					P	

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<b>Educational Services/Churches</b>						
Churches or Places of Worship	S		S	S	S	
Private Instructional Facilities			S	S	S	
Public, Charter or Private Schools (elementary through high school)	S		S	S		
Public or Private Colleges/Universities					S	
Trade Schools					S	S
<b>Human Care &amp; Social Assistance</b>						
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	P	P	P	P		
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	S	S	S	S		
Adult Day Care Facilities - NOT IN PRIVATE HOME			S	S	P	
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	S	S	S	S	S	S
Child Day Care Services (see following):						
Family Child Care Home	P	P	P	P		
Group Child Care Home	S	S	S	S		
Child Care Center or Day Care Center	S	S	S	S		
Child Caring Institution			S	S	P	
Community/Emergency & Other Relief Services					P	
Health Care Clinics/Dental Clinics					P	
Hospitals					S	
Individual & Family Services					P	
State-Licensed Residential Facilities (6 or less persons)	P	P	P	P		
State-Licensed Residential Facilities providing care (7) or more persons	S	S	P	P		
Nursing/Convalescent Home/Assisted Living Home (7) or more persons	S	S	P	P		
Other Residential Care Facilities (Homeless shelter, substance abuse, correctional)					S	
Rehabilitation Institutions					P	
Vocational Rehabilitation Services					P	

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Manufacturing, Industrial & Waste Management						
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. <b>Light Manufacturing are those industries in which the modes of operation of the industry have no external effects &amp; 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, &amp; vibration.</b>						<b>P</b>
Manufacturing, Heavy – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. <b>Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects &amp; may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, &amp; vibration.</b>						<b>S</b>
Accessory Uses incidental to Manufacturing (offices, food services, caretaker buildings)						<b>P</b>
Bulk Storage, Distribution, & Sales Facilities For Petroleum & Gas Products, Paint & Chemicals (including Propane Supply)						<b>S</b>
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)						<b>P</b>
Cold Storage Plants						<b>P</b>
Crematoriums						<b>S</b>
Extraction of Natural Resources (including mining, quarries & gravel pits) <b>§7.20</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
Gas & Oil Processing (does not include extraction at wellhead)						<b>S</b>
Incinerator Plants						<b>S</b>
Junkyards/Salvage Yards/Scrap Yards <b>§7.6</b>						<b>S</b>
Laboratories (research & experimental)						<b>P</b>
Machine Shops						<b>P</b>
Metal Plating/Buffing/Polishing/Etc						<b>P</b>
Prefabrication Shops for Residential, Commercial & Industrial Equipment						<b>P</b>
Printing & Related Support Activities (large-scale)						<b>P</b>
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection					<b>S</b>	<b>S</b>
Research/Design/Experimental Product Development (within a completely enclosed building)						<b>P</b>
Tool & Die Shops						<b>P</b>
Waste Collection Services					<b>S</b>	<b>S</b>
Industrial or Manufacturing Uses not listed					<b>S</b>	<b>S</b>

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<b>Miscellaneous</b>						
Accessory Buildings & Uses Incidental to Principal Permitted Uses <a href="#">§3.6</a>	P	P	P	P	P	P
Accessory Buildings on Waterfront Lots larger - than allowed by <a href="#">§3.6.D.1.b.3</a>		S				
Cemeteries including Columbaria & Mausoleums (human or pet)			S	S		
Planned Unit Developments <a href="#">§7.10</a>	S	S	S	S	S	
Site Condominium Development <a href="#">§7.9</a>	S	S	S	S	S	
<b>Public Facilities</b>						
Public Buildings	S	S	S	S	S	S
<b>Residential Uses</b>						
Accessory Dwelling Units/Guest Houses <a href="#">§7.3</a>	P	P	P	P		
Dwelling Units in Conjunction with Non-Residential Establishments (in districts where the non-residential establishment is allowed)	P	P	P	P	P	P
Migrant Housing (in accordance with State regulations) <a href="#">§7.21</a>			P	P		
Home Occupations <a href="#">§7.2</a>	P	P	P	P	P	P
Home Occupations: Cottage Industries <a href="#">§7.2</a>	S	S	S	S	S	S
Manufactured Housing Communities			S	S		
Multiple-Family Dwellings <a href="#">§7.21</a>	S	S	S	S	S	
Single-Family Dwellings – Detached <a href="#">§7.21</a>	P	P	P	P	S	
Temporary Dwelling During Construction <a href="#">§3.12</a>	P	P	P	P		
Two-Family Dwellings <a href="#">§7.2</a>	P	P	P	P	S	

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<b>Transportation, Storage &amp; Wholesale</b>						
Airports, Landing Strips, Heliports, Aviation Support, Aviation Development, & Other Functions Related to Aviation (including but not limited to offices, research & development, communications and technology, signs, loading/unloading of cargo and passengers, sale of fuel and maintenance supplies)	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>
Air Cargo Shipping Businesses					<b>S</b>	<b>S</b>
Couriers/Parcel Packing/Delivery Establishments					<b>S</b>	<b>S</b>
Drone (Unmanned Aerial) Centers						<b>P</b>
Distribution Centers, Freight Terminals/Trucking Facilities						<b>P</b>
Railyards						<b>S</b>
Storage Facilities					<b>S</b>	<b>P</b>
Storage – Self-Service (Mini-Storage)			<b>S</b>		<b>S</b>	<b>P</b>
Transit Facilities including Scenic/Sightseeing, Passenger Transportation					<b>P</b>	<b>P</b>
Truck Washes, Rental, & Repair Facilities						<b>P</b>
Warehousing					<b>S</b>	<b>P</b>
Wholesale Trade					<b>S</b>	<b>P</b>
<b>Utilities, Energy &amp; Communications</b>						
Amateur Radio Antennae (roof-mounted or ground-mounted)	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Battery Energy Storage Systems <b>§7.19</b>			<b>S</b>			<b>S</b>
Essential Services <b>§3.15</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) <b>§3.15</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>
Public utility facilities (without storage yards) – does not include Essential Service Buildings					<b>P</b>	<b>P</b>
Public utility facilities (with storage yards) – does not include Essential Service Buildings					<b>S</b>	<b>S</b>
Solar Energy – Accessory <b>§7.15</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Solar Energy Facilities – Utility-Scale <b>§7.16</b>			<b>S</b>			<b>S</b>
Water & Wastewater Treatment Plants		<b>S</b>				<b>S</b>
Wind Energy Facilities & Anemometer Towers (Utility-Scale) <b>§7.18</b>			<b>S</b>	<b>S</b>		
Wind Turbines, (Small On-Site) <b>§7.17</b>			<b>S</b>	<b>S</b>		
Wireless Facilities (with or without support structures) <b>§7.13</b>			<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
Wireless Facilities - Small Cell <b>§7.14</b>			<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>

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# Article 5

## Plot Plan & Site Plan Review

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### Section 5.1 Intent

Land development affects the character of the community and its public health, safety, and general welfare. This Article provides the procedures and standards for plot plan review and site plan review of all uses that are required by this Ordinance for such review.

### Section 5.2 Approval Overview Table

No person shall undertake any activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith, for which plot plan or site plan approval is required by this Ordinance without first obtaining such approval, nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetlands permits, or flood plain permits. **Table 5.2** shows the type of plan required and the approving authority for different types of uses.

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Amendments & Adoption

**Table 5.2: Approval Overview Table**

Type of Use	Required	Approving Authority
1. Single-Family Dwellings, Two-Family Dwellings	Plot Plan	Zoning Administrator
2. Residential Special Uses: Cottage Industries, Bed & Breakfasts/Tourist Home, Group Day Care Homes & Adult Day Care Homes (in private residence – more than 6 adults)	Plot Plan	Planning Commission
3. Accessory Dwelling Units	Plot Plan	Zoning Administrator
4. Dwelling Units in conjunction with Commercial Establishments	Site Plan	Planning Commission
5. Multiple-Family Dwelling Units; Manufactured Housing Communities	Site Plan	Planning Commission
6. Family Child Care Homes and Adult Day Care Homes (in private residence – 6 or less adults)	Plot Plan	Zoning Administrator
7. Special Uses (except #2 above)	Site Plan	Planning Commission
8. Parking Lots	Plot Plan	Zoning Administrator
9. Accessory Buildings/Structures (erection of, improvements to, or reconstruction of) 500 sq ft or less	Plot Plan	Zoning Administrator
10. Accessory Buildings/Structures (erection of, improvements to, or reconstruction of) greater than 500 sq ft	Plot Plan	Planning Commission
11. Fences	Plot Plan	Zoning Administrator
12. Signs	Application	Zoning Administrator
13. Non-Residential Principal Buildings/Principal Uses (new) or the external remodeling, alteration, or additions of more than five hundred (500) square feet to non-residential structures.	Site Plan	Planning Commission
14. The external remodeling, alteration, or additions of five hundred (500) square feet or less to Non-Residential Principal Buildings/Principal Uses.	Site Plan	Zoning Administrator
15. Planned Unit Developments & Site Condominium Projects	Site Plan	Planning Commission
16. Food Trucks – temporary (2 weeks or less)	Outdoor Permit	Zoning Administrator
17. Food Trucks – permanent	Plot Plan	Zoning Administrator
18. Seasonal Uses	None	No zoning permit needed
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. Short Term Rentals	No permit required	N/A
<b>Zoning Administrator may refer <u>any</u> approval to the Planning Commission</b>		

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

## Section 5.3 Plot Plan Data Requirements

Plot plans shall be submitted for uses listed in [Table 5.2](#). The plot plan, drawn to scale, shall include the items listed in [Table 5.3](#). 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 whether the proposed development complies with all applicable requirements of this Ordinance. 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.

**Table 5.3: Plot Plan Requirements**

1. <b>Address/Contact</b>	Address or legal or tax description of the property where the proposed use will occur. Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties including evidence of ownership.
2. <b>Lot Lines</b>	The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
3. <b>Setbacks</b>	Location of required setbacks of the zoning district.
4. <b>Structures</b>	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.
5. <b>Access</b>	The location and configuration of the lot access and driveway, drawn to scale. The names and widths of abutting rights-of-way.
6. <b>Use</b>	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.
7. <b>Natural Features</b>	Natural features such as forests, lakes, streams, wetlands, high risk erosion areas, slopes over 10%, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.
8. <b>Water &amp; Sewage</b>	Existing or proposed sewage disposal facilities and existing or proposed water wells.
9. <b>Other</b>	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

## Section 5.4 Site Plan Data Requirements

Each site plan submitted shall contain the following information. The Zoning Administrator or Planning Commission may waive a requirement or requirements listed below if not deemed necessary for a thorough review to determine whether the proposed development complies with all applicable requirements of this Ordinance. The Zoning Administrator or Planning Commission shall include written reasons for taking such action in the official Township records of the case.

**Table 5.4: 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 must 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 at 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 line, 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 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, including the location and size of all existing trees with a trunk of six (6) inches or more in diameter, four and one-half (4 ½) feet above ground, if not located in a forest. Forests or large areas of vegetation to be preserved shall be demarcated and designated as such.
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 state or federal regulations.
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**

1. 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, wetlands within three hundred (300) feet of the project site, and proposed erosion control measures.
2. Existing topographic elevations at two-foot intervals, proposed grades, and directions of drainage flows.
3. The location and type of existing soils on the site and any certifications of borings.
4. 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 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 by the Planning Commission to ensure that the purposes of this Ordinance are satisfied. The Commission shall state for the record its reasons for requiring such data.

## Section 5.5 Pre-Application Meetings

- A. The Zoning Administrator 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.
- B. Except for Planned Unit Developments, this meeting 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.
- C. The applicant is encouraged to submit a conceptual plan for review by the Planning Commission in order that errors, miscalculations, or misconceptions are not incorporated into preliminary plans. This procedure is intended to be informational only and shall not necessarily bear directly upon later reviews. Submissions for this review may consist of all those items listed in [Section 5.4](#) that shall present an adequate overview of the intended project.

## Section 5.6 Zoning Administrator Review Procedure

The following details the review procedure for projects that require Zoning Administrator review and approval.

- A. Plot plans or site plans are reviewed and approved according to the approval chart in [Table 5.2](#) after an application has been submitted and applicable fees have been paid.
- B. Application fees pursuant to the currently adopted fee schedule and [Section 9.4](#) shall be paid when the application and plot plan/site plan are submitted. Once an application has been stamped as received by the Township Clerk, no portion of the fee shall be returned to the applicant unless authorized by an action of the Township Board. Once the application is submitted to the Township Clerk and the fee has been paid and processed by the Township Treasurer, the Clerk shall send the application to the Zoning Administrator.
- C. The Zoning Administrator will issue zoning approval pursuant to [Section 9.2](#) after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.
- D. After approval, the Zoning Administrator will email copies of the approved plan with the Zoning Administrator's digital signature and a copy of the zoning permit. Hard copies will be provided to the applicant, if requested.

## Section 5.7 Planning Commission Review Procedure

This Section uses the term “site plan” to refer to all plans which are reviewed by the Planning Commission (whether they are site plans or plot plans).

### A. Number of Copies and Timing.

Seven (7) copies of the application and the proposed plot plan or site plan shall be presented to the Township Clerk's Office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting where the plot plan or site plan will be considered. A digital copy of the plot plan or site plan shall be required.

### B. Fees.

Application fees pursuant to the currently adopted fee schedule and [Section 9.4](#) shall be paid when the application and plot plan/site plan are submitted. Once an application has been stamped as received by the Township Clerk, no portion of the fee shall be returned to the applicant unless authorized by an action of the Township Board. Once the application is submitted to the Township Clerk and the fee has been paid and processed by the Township Treasurer, the Clerk shall send the application to the Zoning Administrator.

### C. 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. When all necessary information as provided by this Section is submitted to the Zoning Administrator, the Zoning Administrator shall notify the Planning Commission Chair. The Chair shall place the Site Plan Review on the next available meeting agenda for discussion by the Commission and shall notify the applicant of this action. If the site plan is being submitted as part of a Special Use, notice of said meeting shall be in conformance with [Section 9.6](#) and the procedures of [Article 6](#) shall be followed.

### D. 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:

1. The [Iosco County Building Department](#)
2. The [Iosco County Soil Erosion and Sedimentation Control Officer](#)
3. The [Iosco County Drain Commissioner](#)
4. The [Iosco County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#)
5. [District Health Department](#)
6. Local police, fire, and ambulance service providers

7. Planning consultant
8. Other agencies or consultants as deemed appropriate

#### E. **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, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

#### F. **Attendance at Meeting.**

The applicant or their authorized representative shall attend the Planning Commission meeting at which the application is being reviewed. If the applicant or authorized representative fails to attend, the issue will be postponed until the next Planning Commission meeting. If the applicant or authorized representative fails to attend the second meeting, then the application shall be acted on without input.

#### G. **Planning Commission Action.**

- a. **Decision.** Within a reasonable time and based upon the standards in [Section 5.8](#), the Planning Commission shall act either to:
  - (1) Approve the site plan; or
  - (2) Approve the site plan with conditions; or
  - (3) Provide information to the applicant by which he may amend the plans to conform to certain stipulated requirements to obtain approval. Upon re-submittal, the Planning Commission shall, within sixty (60) days, inform the applicant of the acceptance or rejection of his plans; or
  - (4) 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 require conditions for approval pursuant to [Section 9.7](#).
- d. **Signed Copies.** After approval, the Zoning Administrator will email copies of the approved plan with the Zoning Administrator's digital signature and a copy of the zoning permit. Hard copies will be provided to the applicant, if requested.

- 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 9.5](#). Whenever a site plan approval is granted or modified subject to the conditions that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the Zoning Administrator.
- f. **Zoning Permit.** Approval of a final site plan authorizes the issuance of a zoning permit.
- g. **Rehearing.** A rehearing may be granted pursuant to [Section 9.10](#).
- h. **Special Uses and Concurrent Approvals.** The Planning Commission may choose to review Special Use Permit and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall ensure that both the site plan and Special Use submittals satisfy all requirements of this Ordinance.

## Section 5.8 Site Plan Review Standards

The following standards shall be utilized in reviewing all site plans. The standards are intended to provide guidance for the applicant in the production of plans as well as a method for the review of site plans by Township Officials.

### A. Elements of Site Plan Review.

#### 1. Neighborhood and Community Elements.

- a. **Historical Preservation.** Owners of existing structures of historical significance are encouraged to preserve these structures and to renovate them in a manner which preserves that significance and places them appropriately among other like structures. Variances may be granted by the Zoning Board of Appeals when necessary to accomplish this purpose.
- b. **Relation of Proposed Building to Environment.** Proposed structures shall be related harmoniously to the terrain, the size and shape of a lot, the character of adjoining properties, and the existing buildings in the vicinity that have a visual and functional relationship to the proposed buildings. Such a relationship may include the enclosure of a space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain, or other buildings. In all cases, open spaces should be created that are usable. Other concerns which shall be addressed include microclimate effects created by structure placement, solar exposure, and shadow effects, wind and canyon effects, including snow build-up and drifting, and effects upon wetlands, drainage, and habitat systems.
- c. **Landscape Preservation.** Except in urbanized areas, the landscape shall be preserved in as natural a state as possible by minimizing tree and soil removal. Areas such as steep slopes, wetlands, and littoral areas, as well as resource areas such as forests, wooded lots, and farmlands

shall be preserved wherever possible. Any grading changes shall be in keeping with the lay of neighboring lands. Golf courses in particular shall be designed to retain as much of the native terrain and herbage as possible and shall provide wide screening buffers between fairways and the public roadways and other non-compatible uses.

- d. **Business Districts.** Design standards may be developed by particular business districts, and if promulgated, will be used to design the elements of structures and site improvements proposed within these districts.
- e. **Trafficways and Gateways.** Site plans shall address the effects of new structures or uses upon traffic at or near their sites. A major use may require a traffic study to determine potential effects and possible necessary mitigating actions. Proposed uses at entryways to the community shall provide appropriate design features to welcome travelers to the community.
- f. **Security, Fire, and Emergency Access.** Setbacks, access paths with adequate land widths and sufficient areas for fire and emergency vehicle turnarounds, and fire hydrant locations (where applicable) shall be provided per existing statutes and ordinances and in accordance with the requirements of the appropriate reviewing authorities. All buildings or groups of buildings shall be arranged to permit emergency vehicle access by some practical means to all sides. Where applicable, security shall also be considered integral to the design. Sufficient illumination and ease of surveillance shall be addressed where appropriate.

## 2. Engineering Elements.

- a. **Drives, Parking and Circulation.** Parking spaces sufficient only for the intended use shall be allowed. Calculations and justification for spaces provided shall be noted on the plans. With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, attention shall be given to the location and number of access points to the public roads, the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and neighboring properties. Parking areas shall be screened from roadways and from other adjacent uses by landscaped areas or by walls. Sufficient distance between drives and property lines shall be provided.
- b. **Storm Water Management.** Projects shall be designed to manage stormwater such that stormwater is retained and released at a rate no greater than the predevelopment amounts and velocities. Retention and detention ponds or structures, rain gardens, and other measures shall be used to meet this standard to ensure that infiltration occurs, sediments and other contaminants are removed, and erosion is prevented.
- c. **Utility Service.** New utility service distribution lines shall be underground wherever feasible. Any existing utility installations remaining above ground shall be placed out of sight as much as possible and situated harmoniously in relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be



carried out in accordance with the current standards, rules, and regulations of those entities having jurisdiction. No project shall be approved without permits or authorization from all appropriate governing agencies.

#### **B. General and Necessary Conditions.**

All other standards and requirements of this Ordinance and other applicable ordinances, regulations, and statutes must be met by site plans presented for review under the provisions of this Article. It is specifically intended that a use allowed in the Township will not be or become a nuisance within its neighborhood or to the Township as a whole. The Planning Commission may confer or consult with a qualified expert, e.g., a planner, engineer, or landscape architect, at the applicant's expense, to aid it in evaluating a difficult or complex project.

### **Section 5.9 Amendments to Approved Site Plans**

- A. Amendments to an approved site plan may be made by the Planning Commission upon written request by the landowner. Minor changes to an approved development site plan may be approved by the Zoning Administrator after construction has begun, provided no such change results in any of the following:
1. A significant change in use or character of the development.
  2. An increase in overall coverage of structures.
  3. An increase in the intensity of use.
  4. A reduction in the required open space.
  5. A change that may increase the stormwater run-off to adjacent properties.
  6. A reduction in required off-street parking and loading.
  7. A reduction in required pavement widths or utility sizes.
  8. A significant increase in traffic on public roads or an increase in the burden on public utilities or services.
- B. If the Zoning Administrator finds that a proposed amendment to an approved site plan does not qualify as a minor change, he shall notify the landowner that he must apply for a modification of the site plan in accordance with the procedures of [Section 5.7](#); or if the developer or landowner has already effected the changes in question, the Zoning Administrator shall immediately notify the permit holder in writing that site plan approval has been suspended pending review by the Planning Commission of the proposed amendment. The permit holder's notice shall be delivered personally or by certified mail. The permit holder shall then apply for a modification of the site plan in accordance with the procedures in [Section 5.7](#) hereof.

**Section 5.10 Expiration of Plans & Time Limit for Construction**

- A. A plan approval granted pursuant to this Article shall be valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant, the plan approval shall expire. If substantial construction has stopped for a period of one hundred twenty (120) days, the Zoning Administrator shall send a courtesy letter to the permittee reminding them of the zoning approval time limit for construction. All exterior finishes of the building shall be completed within one (1) year of the plan being approved.
- B. The approving authority may grant one (1) extension of the plan approval for a one (1) year period upon submittal in writing by the applicant of a request for an extension. The approving authority shall grant such an extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction on the project is likely to proceed within one (1) year.

**Section 5.11 Violations of Site Plan**

If conditions and stipulations of an approved site plan 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.

**Section 5.12 Appeals of Site Plan Review Decisions**

Any person aggrieved by the decision of the Planning Commission in the approval or denial of a site plan review may appeal said decision to the Zoning Board of Appeals. The appellant shall file a letter with the Zoning Administrator within ten (10) days of the decision of the Planning Commission on the site plan. The appellant's letter shall specify the grounds for the appeal, and the appeal shall be limited to the issues raised in the letter.

- A. In review of the decision, the Zoning Board of Appeals shall consider the following:
  - 1. The appellant's letter and validity of grounds for appeal.
  - 2. The minutes taken during the Planning Commission's review of the site plan.
  - 3. Other documentation presented to the Planning Commission prior to its decision on the site plan.
  - 4. Any verbal or written information submitted to the Zoning Board of Appeals in response to a request for the information by the Zoning Board of Appeals.
- B. In its determination of the appeal, the Zoning Board of Appeals may take any of the following actions:
  - 1. Affirm the decision of the Planning Commission with or without modification.

2. Refer the matter back to the Planning Commission for further consideration, study, or additional documentation. The Zoning Board of Appeals shall inform the Planning Commission of the issues that it believes are in need of further consideration, study, or documentation. Once the Planning Commission has examined the issues, it shall send the matter with a report back to the Zoning Board of Appeals for a decision.
3. Reverse the decision of the Planning Commission if the decision is not in accordance with the intent and purpose of this Ordinance.

# Article 6

## Special Use Review

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### Section 6.1 Intent

Special Use Permits are required for proposed activities which are essentially compatible with other permitted uses in a zoning district but which possess characteristics or locational qualities which require individual review and restriction. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with standards set forth in this Ordinance. Special Uses are listed in this Ordinance within 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 6.2 Pre-Existing Special Use

Any existing use which is permissible by right in the district shall continue as a permissible use even if that use is later designated a Special Use. Any expansion or enlargement of the original permissible use, designated now as a Special Use, must proceed through the Special Use process for approval.

### Section 6.3 Reviewing Authority

All applications for Special Use Permits shall be considered by the Planning Commission. The Planning Commission shall have the authority to grant, to deny, or to grant with conditions such Special Use Permits. Any appeal shall be filed with the Zoning Board of Appeals.

All applications for Special Use Permits shall include the requirements for site plan review per [Article 5](#), for site plan review and site plan approval by the Planning Commission. The Zoning Administrator may waive plot plan or site plan requirements in cases where no change to the property or building is proposed.

## Section 6.4 Special Use Review Procedure

### A. Application Submittal.

1. **Application.** Application shall be submitted through the office of the Township Clerk on a special form provided for that purpose. The applicant shall provide seven (7) copies of the application and seven (7) sets of all required data. Each application shall be made by the owner of record of the property on which the proposed Special Use is to exist or be conducted, or by an applicant, if not the owner, with a signed authorization of the property owner, and shall be accompanied by the payment of a fee as set forth in the schedule established by the Township Board to cover the costs of processing the Special Use Permit application. Each application shall include the following:
  1. The name, address, telephone number, and signature of the property owner and applicant;
  2. A full legal description of the property on which the proposed Special Use is to exist or be conducted, including the property tax parcel number(s), together with proof of property ownership and applicable options on the property, if any;
  3. A detailed description of the proposed Special Use for which the permit is requested;
  4. Project schedule and development plans;
  5. A vicinity map with north arrow indicated;
  6. Land uses and existing structures on the subject lot and lots within three hundred (300) feet of the subject lot; and
  7. A written statement relative to the project's effects on existing infrastructure, including but not limited to, traffic, capacity of roads, schools, existing utilities, and upon the natural environment.
2. **Fees.** Fees shall be paid at the time of application. Once an application has been stamped as received by the Township Clerk, no portion of the fee shall be returned to the applicant unless authorized by an action of the Township Board. Once the application is submitted to the Township Clerk and the fee has been paid and processed by the Township Treasurer, the Clerk shall send the application to the Zoning Administrator for review for completeness.
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.
4. **Plot Plan or Site Plan Required.** In addition to a complete application form, the applicant is required to submit a plot plan or a site plan as indicated in [Table 5.2](#). 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.

**B. Application Processing.**

1. **Review for Completeness and Scheduling of Public Hearing.** 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. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall notify the Planning Commission Chairperson.
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:
  1. The [Iosco County Building Department](#)
  2. The [Iosco County Soil Erosion and Sedimentation Control Officer](#)
  3. The [Iosco County Drain Commissioner](#)
  4. The [Iosco County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#)
  5. [District Health Department](#)
  6. Local police, fire, and ambulance service providers
  7. Planning consultant
  8. Other agencies or consultants as deemed appropriate
3. **Special Uses Requiring ZBA Action.** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before Special Use approval can be granted, or the Special Use may be approved subject to favorable action by the Zoning Board of Appeals. Where a Special Use Permit is granted conditionally, based upon the necessity for the applicant to obtain a variance, or variances, from the Zoning Board of Appeals, the permit shall not be valid until such variances are obtained.
4. **Attendance at Meeting.** The applicant or their authorized representative shall attend the Planning Commission meeting at which the application is being reviewed. If the applicant or authorized representative fails to attend, the issue will be postponed until the next Planning Commission meeting. If the applicant or authorized representative fails to attend the second meeting, then the application shall be acted on without 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 9.6](#).

**D. Planning Commission Action.****1** Authority & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Plan Review**6** Special Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Amendments & Adoption

1. After the public hearing, the Planning Commission, upon finding that the proposed Special Use complies with all applicable provisions of this Ordinance, standards listed in [Section 5.4](#) (if a site plan is required), the standards listed in [Section 6.5](#), 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 the issuance of a zoning permit.

#### **E. Conditions.**

The Planning Commission may impose reasonable conditions with the approval of a Special Use, pursuant to [Section 9.7](#) 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 9.5](#) of this Ordinance.

#### **G. Signed Copies of an Approved Site Plan or Plot Plan for a Special Use.**

After approval, the Zoning Administrator will email copies of the approved plan with the Zoning Administrator's digital signature and a copy of the zoning permit. Hard copies will be provided to the applicant if requested.

#### **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. Request for appeal shall be made within ten (10) days of the decision by the Planning Commission.

#### **I. Conformance.**



Permits issued on the basis of plans and applications approved by the 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 9.9](#).

**J. Rehearing.**

A rehearing may be granted pursuant to [Section 9.10](#).

**K. Transfer of Property.**

A Special Use Permit does not expire upon transfer of property.

## Section 6.5 Special Use Approval Standards

Before approval of a Special Use Permit, the Planning Commission shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed Special Uses on the proposed location shall:

- A. Be designed, constructed, operated, and maintained so as to be harmonious in effect and appropriate in appearance with the existing or intended character of the general vicinity as indicated in the Township Master Plan or other policies of the Township.
- B. Not be hazardous or disturbing to existing uses in the same general vicinity and will not have adverse effects on the market value of surrounding property and to the community as a whole.
- C. Be served adequately by essential facilities and services, such as, but not limited to, highways, roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- D. Not create excessive additional requirements at public cost for public facilities and services.
- E. Not involve uses, activities, processes, materials, equipment, or conditions of operations that will be detrimental to any persons, property, or the general welfare by fumes, glare, noise or odors, or any harmful effects.
- F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.
- G. Will not directly or indirectly have an adverse effect upon the natural resources of the Township, including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forests, wetlands, and wildlife areas.
- H. Structures, landscaping, or other land uses will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with [Iosco County Drain Commissioner](#) requirements.

- I. Phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- J. Be in compliance with the requirements of the district in which it is proposed and all other standards in this Ordinance, as well as with the requirements of the **County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Officer, County Conservation Service**, area fire departments, **State of Michigan**, and any other applicable township, county, state, and federal statutes.
- K. **Special Uses in the AR District.**

The necessary conditions for approval of a Special Use in the AR District shall be a demonstrated need for the use and the placement of the facility in a manner which least affects the productive agricultural land of the site or surrounding properties.

### Section 6.6 Binding Effect

- A. Any Special Use Permit approved by the Planning Commission, pursuant to the provisions of this Ordinance, shall be binding between the parties, and said use shall not be modified, altered, expanded, or otherwise changed unless the Special Use Permit holder obtains a new or amended Special Use Permit in accordance with the procedures of this Article.
- B. Further, such conditions shall run with the land and shall be binding on the landowner, his successors, heirs, and assigns. If at any time during the existence of a permitted Special Use the land, lot, or structures are used contrary to the conditions and provisions of the permit, said use shall be deemed a violation of the Zoning Ordinance.

### Section 6.7 Expiration of a Special Use Permit

#### A. Expiration of Special Use Permit.

A Special Use Permit issued pursuant to the requirements of the Ordinance shall be valid for a period of one (1) year from the date of issuance of said permit. If construction or use has not commenced and proceeded meaningfully toward completion by the end of this period, the Special Use Permit shall be null and void. Upon acceptable justification by the permit holder, a Special Use Permit may be renewed by the Planning Commission for a period of time not to exceed one (1) year. See **Section 5.10** for site plan time limits.

#### 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 Permit and in fact abandons this Special Use Permit for a period of one (1) year or more, then the Special Use Permit 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.

The Planning Commission may grant an exception to the abandonment requirements in instances where the property is actively for sale.

## Section 6.8 Violations of a Special Use Permit

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
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7.2	<b>Home Occupations &amp; Cottage Industries</b>	7-1
7.3	<b>Accessory Dwelling Units</b>	7-4
7.4	<b>Commercial Events Facilities</b>	7-6
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### Section 7.1 Purpose

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance. Uses marked with an § in the Table of Permitted and Special Uses are included in this Article.

### Section 7.2 Home Occupations & Cottage Industries

While Baldwin 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 nonresidential activities conducted in a residential zone. The intent of this Section is to provide standards to ensure Home Occupations and Cottage Industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

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A. **Standards.**1. **Zoning Permit.**

- a. 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.
- b. Cottage industries may be permitted as a Special Use subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each Cottage Industry 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.

2. **Products Sold.** No products shall be sold from the premises which are not strictly related to the Home Occupation or Cottage Industry conducted therein.3. **Use of Buildings.** Home Occupations and Cottage Industries operated within the dwelling shall occupy no more than twenty-five (25) percent of the dwelling's ground floor area. Home Occupations and Cottage Industries may occupy one hundred (100) percent of attached or detached accessory buildings.4. **Employees (including Independent Contractors).** Home Occupations and Cottage Industries shall be conducted primarily by the person or persons occupying the premises as their principal residence.

- a. **Home Occupations.** No more than one (1) nonresident person shall be employed to assist with the business.

- b. **Cottage Industries.** The maximum number of non-resident employees shall be determined at the time of Special Use review.

5. **Architectural Style.** Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation is discontinued.6. **Residential Character.** Home Occupations and Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.7. **Nuisances.** Home Occupations and Cottage Industries 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 or

Cottage Industry 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.

8. **Traffic and Delivery.** Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses. No such Cottage Industry shall require the delivery of goods or the visit of customers before 8:00 a.m. and after 7:00 p.m.
9. **Outdoor Storage and Display.**
  - a. **Home Occupations.** There shall be no exterior display or storage of goods on said premises, and the area shall be kept free of debris.
  - b. **Cottage Industries.** 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. Products produced on premises may be displayed outside upon approval of the Planning Commission. The proposed outdoor display areas shall be shown on the proposed plot plan.
  - 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.
10. **Parking.**
  - a. There shall be no off-street parking shall be permitted within the setback area.
  - b. The Home Occupation or Cottage Industry 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.
11. **Materials/Process.** No process, chemicals, or materials shall be used which are contrary to applicable state or federal laws.

## B. Compliance, Inspections, and Violations.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
3. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to a new review and approval unless it falls under the definition of a minor amendment as indicated by [Section 5.9](#) and as determined by the Zoning Administrator.

**1** Authority & Purpose

**2** Definitions

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**C. Prohibited Uses and Uses Not Classified as Home Occupation/Cottage Industry.**

1. The following uses (including similar establishments) are prohibited as a Home Occupation or a Cottage Industry:
  - a. Private clubs.
  - b. Restaurants and bars/taverns.
  - c. Sexually-oriented businesses.
  - d. Marihuana establishments and facilities.
2. The following uses are not classified as a Home Occupation or a Cottage Industry 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
  - e. Bed and Breakfast/Tourist Homes
  - f. Rooming & Boarding Houses
  - e. Short Term Rentals
  - f. Stables
  - g. Agricultural Tourism Businesses
  - h. Kennels
  - i. Commercial Events Facilities

**Section 7.3 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. If the secondary dwelling space is being utilized by the residents of the dwelling as an extension of the primary dwelling, then it is not classified as an Accessory Dwelling Unit. 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 either a Short-Term Rental (less than thirty (30) days) or a Long-Term Rental (thirty (30) days or more).
3. Only one (1) such Accessory Dwelling Unit shall be permitted on each lot.
4. Accessory Dwelling Units count toward the maximum number of accessory buildings on a lot.
5. 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.
6. Accessory Dwelling Units may be less than the minimum dwelling unit size stated in [Article 4](#) but shall be no less than three hundred (320) square feet.
7. The Accessory Dwelling Unit may be a detached structure or may be attached to another building on the property including the principal dwelling or an accessory building.
8. Accessory Dwelling Units shall meet the required setbacks for the principal building.
9. Accessory Dwelling Units shall meet the current Building Code.
10. 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.

#### 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 7.4 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 6.5](#) 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:
  - a. 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) feet setback from all property lines and from all public or private road rights-of-way.
  - b. If the commercial event facility is a type of completely enclosed structure, then there shall be a one hundred (100) feet setback from all property lines and from all public or private road rights-of-way.
3. **Location of Activities.** Except for parking, all activities associated with the commercial event facility should be located within the facility 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 adjoining 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** Authority & Purpose

**2** Definitions

**3** General Provisions

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1. In addition to the requirements in [Section 5.4: Site Plan Data Requirements](#), the site plan must 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 including the maximum number of food trucks or food vendors planned.
  - f. Areas for trash receptacles and 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 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. **Coordination with Other Agencies.** Upon receipt of the completed application, the Zoning Administrator shall forward a copy of the application to the police department and/or county sheriff department, fire department, [County Road Commission](#), and [MDOT](#) (if applicable). Each department may review the application and return it, with any comments or recommendations, to the Zoning Administrator within ten (10) working days of receipt.
  
4. **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 7.5 Food Trucks & Food Truck Parks

### A. Intent.

Baldwin 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 to also 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 which 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 Outdoor Events ([Section 3.23](#)).
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](#). The property owner shall submit a plot plan pursuant to [Section 5.3](#). 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 5.8](#).
7. Sanitary facilities shall be provided. This requirement may be waived if documentation is provided for alternative arrangements.

## Section 7.6 Junkyards

### A. Intent.

It is the intent of this Section that certain minimum standards of operation be established for junkyards as uses that because of prior functional characteristics have a high potential of impacting surrounding properties or the aesthetic quality of the community as a whole. For the purpose of this Section, the term junkyard includes salvage yards and scrap yards.

### B. Standards.

1. The use 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 kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
2. Such uses shall be established and maintained in accordance with all applicable State of Michigan statutes and regulations.
3. All activities shall be confined within the fenced areas. No equipment, material, signs, or lighting shall be used or stored outside the fenced area.
4. 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.
5. 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 a.m. and after 6:00 p.m. and no such activity shall operate on Sundays.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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 7.7 Sexually Oriented Businesses

The purpose and intent of this Section pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually-oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually-oriented businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinances, state, or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory building or structure, including signs, is within one thousand (1,000) feet of any principal or accessory building or structure of another sexually oriented business.
- B. No sexually oriented business shall be established on a lot which is within four thousand (4,000) feet of any lot zoned for or used for residential use or any lot used for park, school, child care center, library, or religious or cultural activity.



- C. The distances in **subsections A** and **B** shall be measured in a straight line without regard to intervening structures, topography, and zoning. Said business shall not be permitted as a home occupation or cottage industry.
- D. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and, to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- F. 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.
- G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. Entrances to the proposed sexually-oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: (1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the **Michigan Liquor Control Commission**.”
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- K. Any booth, room, or cubicle available in any sexually oriented business, except an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - 1. Shall be handicap accessible to the extent required by the **Americans with Disabilities Act**;
  - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
  - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - 4. Is illuminated 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.

**L. Review Procedure for Sexually Oriented Businesses.**

The Planning Commission shall adhere to the following procedures when reviewing a Special Use application for a sexually oriented business.

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 sexually oriented business is in compliance with the standards designated in this Section, [Section 5.8](#) and [Section 6.5](#). If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business 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 sexually oriented business 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 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 7.8 Biofuel Production Facilities on Farms

- A. In conformance to the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, the following regulations shall apply to biofuel production facilities:
  1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Use approval if all of the following requirements are met:
    - a. The biofuel production facility is located on a farm.
    - b. The biofuel production facility is located not less than one hundred (100') feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.

- c. On an annual basis, not less than seventy-five (75%) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75%) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
2. Each of the following requires Special Use approval under [subsections A.3 to A.5](#):
  - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of [subsections A.1.a](#) and [A.1.b](#) but that does not meet the requirements of [subsection A.1.c](#).
  - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of [subsections A.1.a](#) and [A.1.b](#).
3. An application for Special Use approval for a biofuel production facility described in [subsection A.2](#) shall include all of the following:
  - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
  - b. A description of the process to be used to produce biofuel.
  - c. The number of gallons of biofuel anticipated to be produced annually.
  - d. Emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
  - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed [United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau](#), forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the [National Environmental Policy Act of 1969](#), 42 USC 4321 to 4347, and the [Federal Water Pollution Control Act](#), 33 USC 1251 to 1387.
  - f. Information that demonstrates that the biofuel production facility will comply with the requirements of [subsections A.2](#) and [A.5](#).
  - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Use approval under [subsection A.2](#) not more than sixty (60) days after the application is filed.

5. Special Use approval of a biofuel production facility described in [subsection A.2](#) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
- a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
  - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - (1) Air pollution emissions.
    - (2) Transportation of biofuel or additional products resulting from biofuel production.
    - (3) Use or reuse of additional products resulting from biofuel production.
    - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
  - c. The biofuel production facility includes sufficient storage for both of the following:
    - (1) Raw materials and fuel.
    - (2) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.
- B. This Section does not authorize biofuel production facilities that are not located on farms.

## Section 7.9 Subdivisions & Site Condominium Developments

Subdivisions and site condominium developments are reviewed and permitted as Planned Unit Developments in any district where Planned Unit Developments are allowed subject to the standards and conditions of [Section 7.10](#) of this Ordinance.

## Section 7.10 Planned Unit Developments (PUD)

### A. Purpose.

The intent of a Planned Unit Development is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific districts' standards of this Ordinance where such modifications will not be contrary to the intent of this Ordinance or significantly inconsistent with the Master Plan upon which it is based. These regulations, while adhering to the underlying densities specified in the various districts of the Zoning Ordinance, provide for better design and planning of land uses by making the geography, history and culture, and ecology of the area the standards and determinants of that design rather than the singular enforcement of lot sizes and standard setbacks.

These regulations intend to promote the efficient and thoughtful use of the land while encouraging a diversity of housing types, and mixed uses where appropriate, by maintaining the high degree of quality control necessary for the preservation of the natural and scenic elements that are integral to the rural character of the Township.

### 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. Creation of Lots.

All legal methods of land subdivision may be used in the design of a Planned Unit Development. All pertinent regulations addressed elsewhere in the zoning ordinance or in separate ordinances of the Township shall be complied with. Condominium projects, manufactured housing communities, and land divisions within a PUD shall be administered and reviewed under this section.

### D. Flexibility of District Standards.

Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance.

**E. Performance Standards.**

The following development requirements shall apply to all Planned Unit Developments:

1. **Compatible Design.** The Planned Unit Developments should be designed and developed in a manner compatible with and complementary to existing uses or development indicated by the current Master Plan for the immediate vicinity of the project site. Site planning on the property perimeter shall provide for the protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.
2. **Open Space.**
  - a. Open space may be left undeveloped or may be improved. If it is improved, provisions for its maintenance must be provided. If land is to remain undeveloped, measures may be required to mitigate construction, improve natural habitat, prevent erosion, and control drainage. Open space left in its natural state shall be kept free of litter. Open spaces shall link with those on adjoining properties to ensure maximum landscape cover and wildlife habitat.
  - b. All or any part of designated open space shall be reserved for use in common by the owners or residents of the Planned Unit Development. Areas permanently preserved for common open space shall be reserved for the use and enjoyment of the owners and residents. The Township may, with the developer's consent, require that open space easements be conveyed to the Township or to another responsible entity.
3. **Perimeter Setback.** The Planning Commission may require a setback from the perimeter of the PUD property.
4. **Public Roads.** All public roads within or abutting the proposed Planned Unit Development shall be improved to County specifications for the particular classification of road. When the developer desires to retain any roads within the development as private roads, such roads shall be maintained for their intended purposes by the development's landowners association or other means acceptable to the Township and County. All roads and passageways must be designed to allow emergency vehicle access.
5. **Natural Features.**
  - a. Planned Unit Developments shall be in harmony with the topography of the site and shall preserve water courses, drainage areas, wooded areas, rough terrain, and similar natural features and areas.
  - b. The designation of building plots or building areas within which structures must be sited is required to ensure proper placement of homes in relation to the geography and ecology of the site.

6. **Utilities.** All utilities within a Planned Unit Development shall be placed underground where feasible; otherwise, they shall be placed in the most unobtrusive manner possible. Sufficient easements shall be provided for all necessary utilities.
7. **Property Owner's Association.** A property owners association shall be formed to hold title to and manage any land, structures, or improvements to be held in common. Necessary stipulations of the Planned Unit Development approval shall be conveyed by deed restrictions and covenants or within the condominium master plan, whichever is applicable.
8. **Other Requirements.** The development must meet all the standards and requirements of the various agencies that have jurisdiction over the development area. No Planned Unit Development shall be granted final approval until all necessary approvals are obtained.
9. **Phased Development.**
  - a. If development is to be done in stages, the development plan shall schedule the improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and planned amenities of the total development.
  - b. A development schedule, including all contiguous or adjacent land owned or controlled by the applicant, shall be submitted indicating planned phases, including the construction of roads, utilities, dwellings, and amenities - all the major components of the project. An annual updated schedule shall be submitted to the Planning Commission until the entire development is completed. This annual report shall include, at minimum, the percentage complete to date and forecasted construction for the ensuing year of each component of the project. Approval of subsequent stages of a development shall be based upon adherence to the approved scheduled or modifications agreed upon by the Planning Commission.

#### F. Accessory Structures and Uses.

Accessory uses and structures shall be located as specified on the development plans as approved by the Township.

#### G. Miscellaneous Regulations.

General Provisions as permitted in [Article 3](#). Parking as permitted in [Section 3.29](#). Signage as permitted in [Section 3.31](#).

#### H. Pre-Application Meeting.

A pre-application meeting is required pursuant to [Section 5.5](#).

#### I. Conceptual Development Plan Requirements.

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Amendments & Adoption



1. **Conceptual Plan Requirements.** Seven (7) copies of a conceptual development 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:
  - a. 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.
  - b. Zoning and use of all adjoining properties.
  - c. Existing natural features of the site, including predominant vegetative cover, major tree stands, and existing drainage ways.
  - d. Existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.
  - e. Existing site elevation contours at a minimum of twenty (20) foot intervals.
  - f. If applicable, identify existing shoreline, existing one-hundred (100) year flood hazard area boundary, and existing wetlands.
  - g. Existing rights-of-way lines, pavement edges, and names of public roads; proposed layout of new public roads or private roads.
  - h. 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.
  - i. Locations of proposed access driveways and parking areas.
  - j. If multi-phase development is proposed, identify areas included in each proposed phase.
2. **Legal Description.** A legal description of the land to be included in the Planned Unit Development.
3. **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.
4. **Narrative.** A narrative statement describing the overall objectives of the Planned Unit Development.
5. **Application.** A complete application on a form supplied by the Township.

6. **Fees.** Payment of the fee established, from time to time, by resolution of the Township Board to cover the cost of the Planned Unit Development project review.

#### J. Review and Approval of Conceptual Development Plan.

The applicant may elect to combine the Conceptual Development Plan review and the Final Development Plan review into one (1) review.

1. **Public Hearing Required.** The Planning Commission shall review the conceptual development plan at a public hearing.
2. **Planning Commission Review.** The Planning Commission shall base its review on the following and shall provide written findings of fact:
  - a. The standards for approval of a Planned Unit Development contained in this Section and based upon the intent of the Ordinance.
  - b. Site plan review standards in [Section 5.8](#) and Special Use standards in [Section 6.5](#).
  - c. The uses, buildings, and structures shown on the conceptual site plan not be in conflict with the Master Plan of current adoption.
  - d. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to mitigate adequately non-compatible uses have been included in the conceptual site plan.
3. **Planning Commission Approval.** Based on the findings of its review, the Planning Commission shall do one of the following:
  - a. Approve conceptual site plan.
  - b. Approve conceptual site plan subject to conditions and the submission of a revised site plan.
  - c. Disapprove the conceptual site plan, stating the specific reasons for the disapproval.
4. **Time Period.** Once approved, the conceptual development 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 Township Board may approve one (1) extension of up to two (2) years.

#### K. Review and Approval of Final Development Plan

1. The Planning Commission shall review the final development plan at a public hearing.

2. The Planning Commission shall base its review on the following:
  - a. The standards for approval of a Planned Unit Development contained in this Section and based upon the intent of the Ordinance.
  - b. Site plan review standards in [Section 5.8](#) and Special Use standards in [Section 6.5](#).
  - c. The uses, buildings, and structures shown on the conceptual site plan not be in conflict with the Master Plan of current adoption.
  - d. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to mitigate adequately non-compatible uses have been included on the final site plan.
3. Based on the findings of its review, the Planning Commission shall do one of the following:
  - a. Approve final development plan.
  - b. Approve final development plan subject to conditions and the submission of a revised development plan.
  - c. Disapprove the final development plan, stating the specific reasons for the disapproval.

**L. Changes to an Approved Planned Unit Development.**

Changes to an approved PUD shall be approved according to [Section 5.9](#).

**M. Time Limit For Approved Planned Unit Developments.**

1. Construction of an approved Planned Unit Development shall commence and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the final development plan by the Planning Commission.
2. The owner or applicant of the Planned Unit Development may apply to the Planning Commission for one (1) extension of the original approval for an additional term of one (1) year. The Planning Commission may, in its discretion, authorize this extension. In considering such authorization, the Planning Commission shall use the following standards:
  - a. The Planned Unit Development has encountered unforeseen difficulties beyond the reasonable control of the owner or applicant.
  - b. The Planned Unit Development is likely to commence and to be completed.

3. If the Planned Unit Development has not commenced and proceeded meaningfully towards completion at the end of the initial one (1) year time period, or the one (1) permitted extensions thereof, then the Planned Unit Development approval shall automatically become invalid and void.

## Section 7.11 Commercial Marijuana Facilities

- A. A commercial marijuana grower, marijuana processor, marijuana provisioning center or retailer, marijuana secure transporter, and marijuana safety compliance facility, in accordance with the provisions of State law, may be permitted through the issuance of a Special Use permit pursuant to [Article 6](#), in the specified zones, provided that:
  1. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be permitted by Baldwin Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Baldwin Township shall suspend the acceptance of applications for Special Use permits pending the resolutions of the legal issue in question.
  2. At the time of application for a Special Use permit, the marijuana facility must have the Baldwin Township permit application ([Ordinance 2018-01](#)) concurrently in process with the Special Use permit and site plan approval and then shall be at all times in compliance with the Zoning Ordinance of Baldwin Township.
  3. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may NOT be permitted as a home occupation, cottage industry, or accessory use nor may they include accessory uses, except as otherwise provided in this Ordinance.
  4. Signage requirements for marijuana facilities, unless otherwise specified, are as provided in [Section 3.31](#) of the Baldwin Township Zoning Ordinance.
  5. With the exception of Outdoor Commercial Marijuana Growers, all activities of Commercial Marijuana Facilities, including without limitation, distribution, growth, cultivation, processing, or the sale or transfer of marijuana, and all other related activity permitted under the facilities license or permit must occur indoors.
  6. Commercial Marijuana Facilities operation and design shall minimize any impact to adjacent uses, including, with the exception of Secure Transporters and Outdoor Growers, the control of odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted facility as follows:
    - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
    - b. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.

- c. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  - d. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The Township may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert, it should be accepted.
7. The sale, consumption, or use of alcohol or tobacco products on the permitted property is prohibited. Smoking or consumption of controlled substances, including marijuana, on the permitted property is prohibited.

#### B. Outdoor Commercial Marijuana Growers.

Outdoor Commercial Marijuana Growers are permitted in the industrial district only and shall be subject to the following standards:

- 1. The minimum front, rear, and side setbacks for the growing and cultivation of marijuana plants outdoors shall be in accord with [Article 4](#) of the Baldwin Township Zoning Ordinance.
- 2. Marijuana plants must be surrounded by a solid opaque fence at least eight (8) feet in height.
- 3. Marijuana plants shall not be visible from the road or adjacent properties.
- 4. No artificial light is permitted except as required for parking.

#### C. Indoor Commercial Marijuana Growers.

Indoor Commercial Marijuana Growers shall be subject to the following standards:

- 1. **Indoor Cultivation.** Marijuana production shall be located entirely within one (1) or more completely enclosed buildings.
- 2. **Lighting.** Light cast by light fixtures inside any building used for marijuana production shall not be visible outside the building from dusk to dawn the following day.

#### D. Marijuana Processors and Safety Compliance Facilities.

Marijuana Processors and Safety Compliance Facilities shall be subject to the following standards:

1. Marijuana processing shall be located entirely within one (1) or more completely enclosed buildings. All activities of a marijuana processor, including all transfers of marihuana, shall be conducted indoors and out of public view.

#### E. Marijuana Retailers/Provisioning Centers.

Marijuana Retailers/Provisioning Centers shall be subject to the following standards:

1. **Hours of Operation.** A retailer/provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the retailer between the hours of 8:00 am and 8:00 pm or less, or as required by the State of Michigan.
2. **Indoor Activities.** All activities of a retailer/provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A retailer/provisioning center may have a walk-up or drive-in window.
3. **Other Activities.** Marijuana, alcohol, or tobacco products shall not be smoked, ingested, or otherwise be consumed in the building space occupied by the retailer/provisioning center.
4. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area. The exterior shall be maintained to prevent blight, deterioration, substantial diminishment, or impairment of property values within the immediate area.
5. **Buffer Zones.** A retailer/provisioning center shall not be located within three hundred (300) feet of an educational institution or school, church or house of worship, or licensed childcare facility or preschool with minimum distances between uses measured horizontally between the building corner of the permitted premises building corner of the principal building used by the school, church, house of worship, childcare facility, or preschool.

#### F. Marijuana Secure Transport Facilities.

Marijuana Secure Transport Facilities shall be subject to the following standards:

1. No vehicle may be used for the ongoing or continuous storage of marijuana, but may only be used incidental to, and in furtherance of, the transportation of marijuana.
2. Vehicles used for the transport of marijuana must be stored indoors when not in use.

#### G. Additional Conditions.

The Baldwin Township Planning Commission may impose such reasonable terms and conditions on a Commercial Marijuana Facility special use as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

H. In addition to the items to be provided for a Special Use Permit according to [Section 6.4](#), the applicant shall also provide a business operations plan that includes the following:

1. A description of the type of facility proposed and the anticipated or actual number of employees.
2. A security plan meeting the requirements of this ordinance and the State of Michigan.
3. A description by category of all products to be sold.
4. Material Safety Data Sheets for all nutrients, pesticides, and other chemicals to be used in the facility.
5. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside the proposed facility.
6. A plan for disposal of marijuana and related byproducts that will be used at the proposed facility.

## Section 7.12 Medical Marijuana Primary Caregivers

### A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the [Michigan Medical Marihuana Act \(hereinafter referred to as the "MMMA"\)](#), [Initiated Law 1 of 2008](#), MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.

### B. Regulations for Primary Caregivers.

A primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the [Michigan Department of Licensing and Regulatory Affairs](#) or any successor agency under the provisions of the [MMMA](#).
2. Except when being transported as provided in [subsection 8](#) below, all marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marihuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marihuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent roads or public ways.



4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marihuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marihuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.
9. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
  - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and

b. A notice that no dispensing or consumption of marihuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.

11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.

12. The portion of the primary caregiver facility, including any room or area utilized to grow marihuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

### C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

## Section 7.13 Wireless (Except Small Cell Wireless)

All wireless support structures and antennas, regardless of whether or not they are exempt from the Section, require a zoning permit.

### 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 Baldwin 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 property 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. A zoning permit is required.

#### 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. A 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 4.11](#) 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).

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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 5.4](#) as well as the following:
  - a. An applicant for the installation of a Wireless Communications Facility shall provide the Township with a statement explaining the necessity for such a proposed Wireless Communications Facility.
  - b. 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 9.5: Performance Guarantee](#)).
    - (4) 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:
      - a. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
      - b. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
2. 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.
3. If, before the expiration of the fourteen (14) day period under subsection D.2, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection D.2 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.

4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to [Section 9.6](#).
5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in [Section 5.8](#), Special Use standards in [Section 6.5](#), 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.
6. **Certificate of Insurance.** The owner of any Wireless Communications Facility installed in the Township shall provide a Certificate of Insurance listing Baldwin Township as an additional insured party.

#### E. Standards.

In considering authorization of such Wireless Communications Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) Planning Commission shall apply the following specific standards:

1. **Ownership.** The applicant (owner/operator/agent) shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the Wireless Communications Facility. The applicant, agents, or successors shall report to the Planning Commission any changes in the legal ownership of the Wireless Communications Facility within thirty (30) days of the effective date of the change.
2. **Visual Impact.** The application for Special Use for the Wireless Communications Facility shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the Wireless Communications Facility from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Commission during its first consideration of the application for Special Use before the public hearing. The Planning Commission may require screening of the site consisting of a vegetative buffer, fence/wall, berm, or some combination thereof.
3. **Co-Location.**
  - a. **Feasibility of Co-Location on Existing Structures.** The applicant shall provide documentation of whether or not it is feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.
  - b. **Future Co-Location.** All support structures shall be designed to accommodate the co-location of antennas by additional users.

4. **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.
5. **Setbacks.**
  - a. **Wireless Communications Facilities with Support Structures (Towers).**
    - (1) The tower shall be setback at least a distance at least equal to the height of the tower measured from the base of the tower to the outermost lot line of all participating lots.
    - (2) The tower and any supporting or appurtenant structures shall be no closer to any dwelling than at least the distance equal to two (2) times the height of the tower measured from its base at grade to its highest point.
    - (3) The tower may be guyed or free-standing. Guy cables and anchors shall comply with applicable zoning district setback requirements.
  - 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 property.
  - c. **Other Buildings.** Ancillary building or buildings housing equipment needed for the operation of the Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, shall meet district setbacks, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
6. **Lighting.** No lighting of any kind shall be allowed on or to illuminate a tower or its appurtenant structures except that required by [FAA](#) requirements. The applicant shall provide documentation of any lighting to be installed on the Wireless Communications Facility. If lighting is required or proposed, the Wireless Communications Facility may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area. If lighting is not required by the [FAA](#), then towers shall not be lit at night. Radar-activated obstruction lighting is required if permitted by the [FAA](#).
7. **Color.** Towers shall be of galvanized steel or be painted to blend with the surrounding environment.
8. **Signs.** No signs other than signs required pursuant to federal, state, or local law or ordinance shall be allowed on an antenna, tower, or site.



9. **Landscaping and Fence.** Plantings and fencing are required to screen a tower and its appurtenant structures from public view as much as possible. Native trees and other vegetation shall be retained on site and landscaping installed to achieve this objective. A fence not less than six (6) feet in height with anti-climb features shall be constructed around the base of the tower.
10. **Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission**, **Federal Aviation Administration**, and **Michigan Aeronautics Commission** regulations.
11. **Abandonment.**
  - a. 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 grounds for the Township to remove the wireless communications facility at the owner's expense. The Planning Commission may grant an extension to this one hundred eighty (180) day period.
  - b. In addition to removing the wireless communications facility, the owner shall restore the site of the wireless communications facility to its original condition prior to 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. The Planning Commission may require that vegetative screening be removed to provide access to the site.

## Section 7.14 Small Cell Wireless

### 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 by the Zoning Administrator 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 their review of the request on the standards contained in [Section 5.8](#) and [Section 6.5](#) 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 Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
  - d. The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
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 Solar Energy – Accessory

### 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.
- 3. Accessory solar panels which provide power on-site but which cover one (1) acre or more of land shall fall under **Section 7.16: Solar Energy – Utility Scale**.

### B. Submittal Requirements.

Applicants shall submit drawings that show the location of the system on the property, height, tilt features (if applicable), the principal building, 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. Ground-mounted accessory solar energy panels shall not exceed twenty (20) feet above grade. When panels are oriented at maximum tilt, height is measured from the ground to the top of the system.
- 2. Building-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.

### D. Setbacks/Location.

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1. Ground-mounted accessory solar energy panels.
  - a. Ground-mounted accessory solar energy panels shall not be located in the front yard.
  - b. Ground-mounted accessory solar energy panels shall be setback the required district for accessory buildings in the district ([Section 3.6](#)). On corner lots where the street side lot line is a continuation of the front lot line of the lot to the rear, solar energy panels shall be subject to a setback equal to the front setback along the street side lot line.
  - c. Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt.
  - d. Ground-mounted accessory solar energy panels shall not count toward any lot coverage limits or accessory building limits in the Zoning Ordinance.
  - e. Ground-mounted accessory solar panels shall not be permitted in the Lakeshore Residential District unless the Planning Commission approves a Special Use Permit for such. In reviewing the application for a Special Use Permit, the Planning Commission shall consider line of sight issues that the solar panels may cause to adjacent property.
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.**

Panels shall not result in glare onto adjoining properties or public rights of way.

**F. 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.

## Section 7.16 Solar Energy – 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. Solar Energy Facilities may contain Battery Energy Storage Systems pursuant to [Section 7.19](#).

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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 property 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 primarily 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 proposal solar panels which will cover one (1) acre or more.

**C. Standards.**

1. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least one hundred (100) 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.** The total height for all solar collection devices shall not exceed twenty-five (25) feet when oriented at maximum tilt.
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 may 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 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 placed outside the perimeter fence. 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. **Wiring.** Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities 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 nearest outer wall of the nearest dwelling located on a participating lot. 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 nearest lot line located on 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 property shall be retained on site.
10. **Access Drives.**

- a. Access drives shall be designed in consultation with local emergency services and shall be maintained to enable year-round emergency vehicle access. 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. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.
  - b. Solar energy facilities shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained for fire and police personnel and equipment, including snow removal at a level acceptable to the local fire department.
11. **Fencing.** Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks. The Planning Commission may 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.

#### D. Emergency Services.

The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. 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.

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**E. 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.

**F. Application for a Solar Energy Facility.**

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 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 5.4](#) shall be required. In addition to those requirements, the site plan shall include following:
  - a. All lot lines, dimensions, and setbacks, including a legal description of each lot comprising the Solar Energy Facility.
  - b. Names of owners of each lot within the Township that is proposed to be within the Solar Energy Facility.
  - c. Vicinity map showing the location of all surrounding land uses.
  - d. The location of all solar arrays, including setbacks.
  - e. The width of arrays.
  - f. The distance between arrays plus total height (and distance to the lowest edge of the array above grade).
  - g. Ancillary structures and electrical equipment.
  - h. Utility connections.
  - i. Dwellings on the property and within five hundred (500) feet of the lot lines (participating and non-participating lots).



- j. Existing and proposed structures as part of the Solar Energy Facility.
  - k. Buried or above-ground wiring.
  - l. Temporary and permanent access drives.
  - m. Fencing detail.
  - n. Screening/landscape detail and berm detail.
  - o. Signs.
  - p. The location of any Battery Energy Storage Systems on-site.
  - q. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
  - r. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
  - s. 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.
  - t. 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.
2. **Emergency Response Plan.** A copy of the approved Emergency Response Plan 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, 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 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.

3. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all property lines and dwellings on non-participating properties within five hundred (500) feet of the property boundary.
4. **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. **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.
5. **Decommissioning Plan.** A decommissioning plan is required at the time of application.
  - 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. If this is required, the Township will select the most appropriate cost estimate.

a. 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.

(4) 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). The Planning Commission shall require the owner of the solar energy to deposit a 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.

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. 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.

#### **G. Requirement Prior to Installation.**

No solar energy facilities shall be installed until written evidence has been submitted to the Township that the electric utility company has been informed of the applicant's intent to install a Solar Energy Facility which will generate electric power for distribution by interconnection to the electric power grid of the electric utility company serving the area in which the Solar Energy Facility is located.

#### **H. Abandoned Solar Energy Facilities.**

a. 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 grounds for the Township to remove the Solar Energy Facility at the owner's expense. The Planning Commission may grant an extension to this one hundred eighty (180) day period.

- b. 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.

#### I. **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.

### Section 7.17 Wind Energy – Accessory

An accessory wind turbine shall comply with the following standards:

- A. The wind turbine shall be designed to primarily serve the needs of the property on which it is located.
- B. **Plot Plan Submittal.** An application for the installation of an accessory wind turbine shall include a plot plan including the following information:
  1. Location of the proposed wind turbine.
  2. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
  3. Distance from other wind turbines on adjacent lots, if applicable.
- C. **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.

#### D. Standards.

1. **Minimum Lot Size.** The minimum lot size for an accessory wind turbine shall be as necessary to meet required setbacks and any other standards of this Ordinance.
2. **Height.** The accessory wind turbine shall have a tower height of one hundred (100) feet or less.
3. **Rotor Clearance.** A minimum fifteen (15) foot clearance from the ground shall be maintained from the vertical blade tip of a Horizontal Axis Wind Turbine and from the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
4. **Setback.** The distance between an accessory wind turbine and the lot lines of adjacent lots shall be at least equal to the height of the turbine including the top of the blade in its vertical position.
5. **Guy Wires.** The use of guy wires shall be prohibited.
6. **Noise.** The wind turbine shall not produce sound levels that because of volume or frequency of occurrence annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivities.
7. **Reception Interference.** Wind turbines shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
8. **Number of Turbines (Horizontal or Vertical).** The number of wind turbines shall be determined by the spacing requirement of the manufacturer. Multiple turbines may be approved by the Planning Commission provided the multiple turbines comply with the spacing requirements of the manufacturer.
9. **Vibration.** Wind turbines shall not cause vibrations through the ground which are perceptible beyond the lot line of the zoning lot on which it is located.
10. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
11. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine shall not cross the lot lines of the zoning lot on which it is located nor impinge on any right-of-way or overhead utility line.
12. **Visual Impact.** All visible components of a wind turbine shall be colored a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
13. **Roof-Mounted Wind Energy Facilities.**

- a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
  - b. Horizontal Axis Wind Turbines shall not be roof-mounted, except for those specifically designed for such installation.
14. **Safety.** An accessory wind turbine shall have an automatic braking system to prevent uncontrolled rotation.
15. **Other Regulations.** Wind turbines shall comply with all applicable state construction and electrical codes, [Federal Aviation Administration](#) requirements, [Michigan Aeronautics Commission](#) requirements, [1959 PA 259, as amended, \(Michigan Tall Structures Act](#), being MCL 259.481 et. seq.) and the [Michigan Public Service Commission](#) and [Federal Energy Regulatory Commission](#) standards.

## Section 7.18 Wind Energy Facilities – Utility-Scale

Utility-Scale Wind Energy Facilities consisting of one (1) or more wind turbines whose primary 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. Wind energy facilities may contain Battery Energy Storage Systems pursuant to [Section 7.19](#).

### A. Principal or Accessory Use.

A Wind Energy Facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same zoning 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.

### B. State or Federal Requirements.

Any proposed wind turbine or anemometer tower 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](#), 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.

### C. Minimum Site Area.

The minimum site area for a Wind Energy Facility or an anemometer tower shall be as necessary to meet required wind energy setbacks and any other standards of this Article.



**D. Setbacks.**

Each proposed wind turbine or anemometer tower shall meet the following applicable setback requirements:

1. **Non-Participating Property Lines.** Each wind turbine shall be set back from the nearest property line of a non-participating lot a minimum of 1.1 times its total height as measured from the base of the wind turbine.
2. **Occupied Building Setback on Non-Participating Lots.** Each wind turbine shall be set back from the nearest dwelling or occupied community building that is located on non-participating lot(s) a minimum of 2.1 times its total height as measured from the base of the wind turbine.
3. **Dwellings and Other Structures on Participating Lots.** Each wind turbine shall be set back from the nearest dwelling or other structure that is located on participating lot(s) a minimum of 1.1 times its total height as measured from the base of the wind turbine.
4. **Public Road Setbacks.** 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.
5. **Overhead Communication and Electric Transmission 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.

**E. 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.

**F. Tower Separation.**

Turbine/tower separation shall be based on industry standards and manufacturer recommendations.

**G. Minimum Ground Clearance.**

The lowest point of the arc created by rotating wind vanes or blades on a wind turbine shall be no less than twenty (20) feet.

**H. Maximum Noise Levels.**

The Wind Energy Facility shall not generate a maximum sound in excess of fifty-five (55) dBA (Leq (1 hour)) at

the nearest outer wall of the nearest dwelling located on a participating lot and at the nearest lot line of a 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.

**I. Maximum Vibrations.**

Any proposed wind turbine shall not produce vibrations through the ground humanly perceptible on non-participating lots.

**J. Potential Ice Throw.**

Wind turbines shall be installed with ice detection, de-icing technology, or a similar application to demonstrate ice throw can be mitigated.

**K. 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.

**L. Access Drives.**

1. Access drives shall be designed in consultation with local emergency services and shall be maintained to enable year-round emergency vehicle access. New access drives within the Wind 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 Wind Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed once the Wind Energy Facility is in operation. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.
2. Wind energy facilities shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained for fire and police personnel and equipment, including snow removal at a level acceptable to the local fire department.

**M. Visual Impact, Lighting, Power Lines.**

1. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the Wind Energy Facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A

certified registered engineer and an authorized factory representative shall certify that the construction and installation of the Wind Energy Facility meets or exceeds the manufacturer's construction and installation standards.

2. The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
3. Wind turbines shall not be artificially lighted, except to the extent required by the **FAA** or the **MAC** or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen shall meet the following standards:
  - a. Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the **FAA**.
  - b. Lighting shall be the intensity required under state or federal regulations.
  - c. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.
  - d. Lighting may be a red top light that does not pulsate or blink.
  - e. All tower lighting required by state or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
  - f. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the Wind Energy Facility.
  - g. 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.

#### N. Shadow Flicker.

1. 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 structures located 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 the wind turbine shadow crosses these structures. The wind turbine operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
2. 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.

#### O. Safety.

1. All collection system wiring shall comply with all applicable safety and stray voltage standards.
2. Wind turbine towers shall not be climbable on the exterior.
3. All access doors to wind turbine towers and electrical equipment shall be lockable.
4. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
5. All wind turbines shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine.
6. **Hazard Planning.** An application for a wind turbine shall be accompanied by a hazard prevention plan. Such plan shall contain:
  - a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose 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 Safety Data Sheets (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. Approved **County Road Commission** routes and bond surety for any perceivable road damage.
  - g. The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. 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.

#### P. Approvals.

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Amendments & Adoption

All required approvals from other local, regional, state, or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.

Q. **Site Plan Required.** A Special Use application for a Utility-Scale Wind Energy Facility shall include an application and a site plan pursuant to [Section 5.4](#). The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission. The following items are required unless waived by the Planning Commission:

1. **Site Plan Drawing.** All applications for a Utility-Scale Wind Energy Facility shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
  - a. Existing property features shall include the following: lot lines, physical dimensions of the property, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the lot lines including dwellings within five hundred (500) feet of the lot lines (participating and non-participating lots).
  - b. Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed Utility-Scale Wind Energy Facility.
  - c. Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.
2. **Site Plan Documentation.** The following documentation shall be included with the site plan:
  - a. The contact information for the Owner(s) and Operator(s) of the 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 number, representative types, and height of each wind turbine to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
- e. Documents shall be submitted by the developer/manufacturer confirming specifications for wind turbine separation.
- f. Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
- g. Engineering data concerning construction of the Utility-Scale Wind Energy Facility and its base or foundation, which may include, but not be limited to, soil boring data.
- h. A certified registered engineer shall certify that the Utility-Scale Wind Energy Facility meets or exceeds the manufacturer's construction and installation standards.
- i. Anticipated construction schedule.
- j. The location of any Battery Energy Storage System on-site.
- k. Laydown yard details.
- l. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the Utility-Scale Wind Energy Facility to conduct maintenance, if applicable.
- m. Documented compliance with applicable local, state, and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The Utility-Scale Wind Energy Facility shall comply with **Federal Aviation Administration (FAA)** requirements, **Michigan Airport Zoning Act**, **Michigan Tall Structures Act**, and any applicable airport overlay zone regulations.
- n. Proof of applicant's liability insurance.
- o. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned turbine and that such connection has been approved.
- p. Other relevant information as may be requested by the Township to ensure compliance with the requirements of this Ordinance.
- q. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
- r. A written description of the anticipated life of each Utility-Scale Wind Energy Facility.

- s. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- t. Signature of Applicant.
- u. In addition to the Site Plan Requirements listed previously, the Utility-Scale Wind Energy Facility shall be subject to the following:
  - (1) 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 Facility. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.
  - (2) 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 Facility.
  - (3) A statement indicating what hazardous materials will be used and stored on the site.
  - (4) A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions.
- 3. **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 Facility. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.
- 4. **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 Facility.
- 5. **Environmental Impact Study.** A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions. The study shall include impacts on migratory birds.
- 6. **Emergency Response Plan (ERP).** A copy of the approved Emergency Response Plan 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. 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 Reponse 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, 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 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.
7. **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.
8. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all property lines and dwellings on non-participating properties within five hundred (500) feet of the property boundary.
9. **Decommissioning Plan Required.** The applicant shall submit a decommissioning plan. The plan shall include:
- a. The anticipated life of the project.
  - b. 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.
  - c. 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. If this is required, the Township will select the most appropriate cost estimate.
  - d. The method of ensuring that funds will be available for decommissioning and restoration.
  - e. County Road Commission approved traffic route for decommissioning and surety bond to ensure no perceived road damage is done.
  - f. The Planning Commission shall require the owner of the wind turbine 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 five (5) 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.

g. 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.

#### **R. 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 or anemometer tower 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 wind turbine or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine or anemometer tower at the owner's expense. The Planning Commission may grant an extension to this one hundred eighty (180) day period.
2. In addition to removing the wind turbine, or anemometer tower, the owner shall restore the site of the wind turbine or anemometer tower to its original condition prior to location of the wind turbine or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

#### **S. Equipment Replacement and Repowering.**

Major components of the wind turbine may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to. 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.

#### **T. 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.

## Section 7.19 Battery Energy Storage Facilities

### A. Purpose.

The purpose of this Section is to provide for the development, installation, and construction of Battery Energy Storage Systems subject to reasonable conditions that will protect the character of the Township and the nearby property owners and ensure the health, safety, and welfare of Township residents.

### B. Scope.

This Section applies to 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. Battery Energy Storage Systems shall comply with this Section, the site plan review standards in [Article 5](#) and the Special Use standards in [Article 6](#).

### C. Setbacks and Height.

1. **Setbacks.** The setbacks of all buildings and components of Battery Energy Storage Systems shall be at least one hundred fifty (150) 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 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 placed outside the perimeter fence. 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 nearest outer wall of the nearest dwelling located on a participating lot and at the nearest lot line of a 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 property 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 property 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 may 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.

#### 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. Emergency Services.

The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. 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.

#### M. 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 5.4](#) 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 property and within one thousand (1,000) 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. Sound modeling study including sound isolines extending from the sound source(s) to the lot lines of adjoining non-participating lots.
  - m. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.
  - n. 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.
  - o. Planned lightning protection measures.



- p. 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.
  - q. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Battery Energy Storage System. Such information of the final system installer shall be submitted prior to the issuance of the zoning permit.
2. **Emergency Response Plan (ERP).** A copy of the approved Emergency Response Plan 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. 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 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 BESS 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 property boundary.

6. **Preliminary Equipment Specification Sheet.** Such sheet documents 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 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 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. 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 (performance guarantee pursuant to [Section 9.5](#)). The Township shall require the owner or operator 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 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:
- 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.
  - 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.
  - 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.

#### N. **Abandonment.**

- If a Battery Energy Storage System owner or operator has an intent to abandon, and, in fact, does abandon a Battery Energy Storage System by not operating it for twelve (12) continuous months, the Battery Energy Storage System shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within one hundred (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred (180) day period, the Township will have the removal and restoration done at the owner/applicant's expense.
- In addition to removing the Battery Energy Storage System, the owner shall restore the site of the Battery Energy Storage System to its original condition prior to location of the Battery Energy Storage System, subject to reasonable wear and tear. Any foundation associated with a Battery Energy Storage System 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 site.

#### O. **Post-Approval Documentation.**

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Amendments & Adoption

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 must be analyzed to determine if changes are necessary to the ERP. 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.

## Section 7.20 Mining

The Planning Commission shall adhere to [Section 125.3205 of 2006 PA 110, Michigan Zoning Enabling Act](#) when reviewing applications for a Special Use for Extraction of Natural Resources.

# Article 8

## Zoning Board of Appeals

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### Section 8.1 Authorization

There is hereby established a Baldwin Township Zoning Board of Appeals, the membership, powers, and duties of which are described in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the said Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety, and welfare assured, and justice served.

### Section 8.2 Membership

#### A. Regular Members.

The Township Zoning Board of Appeals shall consist of five (5) members.

1. One (1) member of the Board of Appeals shall be a member of the Township Planning Commission.
2. One (1) member may be a member of the Township Board.
3. The remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township.
4. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals.

#### B. Alternate Members.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will



be unable to attend two (2) or more consecutive meetings of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve on the Board of Appeals until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

#### **C. Terms.**

Terms of Zoning Board of Appeals members shall be for three (3) years, except for members of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the motion appointing them. A successor shall be appointed not more than one (1) month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

#### **D. Compensation.**

The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.

#### **E. Officers.**

The Chairperson of the Zoning Board of Appeals shall be elected from among its members each year at the first regular meeting held at the beginning of each calendar year. An elected officer of the Township shall not serve as Chairperson.

#### **F. 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.

#### **G. 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.

#### **H. Conflict of Interest.**

A member of the Zoning Board of Appeals shall disqualify oneself from a vote in which the member has a conflict of interest. Failure of a member to disqualify oneself from a vote in which the member has a conflict of interest shall constitute malfeasance in office.

## Section 8.3 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 shall be held at the call of the chairperson, in response to the receipt of a Request for Appeal, and at such other times as the Board in its rules of procedure may specify.
2. Public notice of the date, time, and place of a public meeting of the Zoning Board of Appeals shall be given in the manner prescribed in **Section 9.6**.

### B. Open Meetings.

All decisions and deliberations of the Zoning Board of Appeals shall take place at a meeting open to the public in compliance with the **Open Meetings Act, 1976 PA 267**, as amended.

### C. Quorum.

A simple majority of the membership of the Zoning Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board.

### D. Majority Vote.

The Concurring vote of a majority of the members of the full Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator or Planning Commission, to decide in favor of the applicant any matter upon which the Board is required to pass or to grant any variance of the terms or conditions of this Ordinance.

### E. Rules of Procedure and Records.

1. The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.
2. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members of the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and become public records.
3. The Zoning Administrator shall keep a record of all decisions made by the Zoning Board of Appeals and make such records available to the Township Board, Planning Commission, and the public.

## Section 8.4 Jurisdiction

### A. Exercising Powers.

The Zoning Board of Appeals shall have the power to hear and decide appeals from any review, any order, requirement, interpretation, decision, or determination made by the Zoning Administrator, Planning Commission, or other administrative official in the administration of this Ordinance. The Zoning Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in a particular case, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. Provided, however, 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.

### B. Jurisdiction.

The duties and powers of the Zoning Board of Appeals shall, in general, include the following:

#### 1. Administrative Review.

- a. The Zoning Board of Appeals is authorized to review all decisions made in the administration of this Ordinance. The Board may uphold, reverse, or modify any order, decision, or determination made by the Zoning Administrator, Planning Commission, or any other entity except as otherwise noted in this Ordinance. The appeal or request for administrative review shall be submitted to the Township Clerk with the required fee.
- b. See [Section 5.12](#) for review of site plan review decisions.
- c. The filing of an appeal or request for administrative review shall stay all proceedings in furtherance of the action being reviewed. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

2. **Variances.** The Zoning Board of Appeals is authorized to grant, upon application, variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which is dimensional in nature may be brought before the Zoning Board of Appeals to be considered for a variance.

- a. The Board may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance are carried out. Variances standards are located in [Section 8.6](#).
- b. Any variance that is denied wholly or in part shall not be resubmitted for review for a period of one (1) year from the date that the Board last took action on the request unless substantive new evidence is to be presented or new circumstances arise.

3. **Interpretation & Classification of Uses.** Upon application or petition, the Zoning Board of Appeals shall be authorized to interpret any uncertainty that may occur in the administration of this Ordinance.
  - a. The Board shall determine the precise location of the boundary lines between zoning districts when there is a question about the exact location.
  - b. The Board shall interpret any provision of this Ordinance when the Zoning Administrator is unable to clearly determine its meaning, intent, or purpose.
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 included as a Permitted Use or a Special Use.

## Section 8.5 Procedures

#### A. Request for Appeal.

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 Township. The grounds for appeal shall be stated in writing. Application shall be made to the Township Clerk.
2. **Number of Copies and Timing.** The applicant shall submit seven (7) copies of a completed application, with associated fees, surveys, plans, and data as required, or other information deemed reasonably necessary for making an informed decision on his or her appeal, not less than forty-five (45) days prior to the date of the hearing. An electronic copy of surveys, plans, and data may be required.
3. **Fees.** Fees shall be paid at the time of application. Once an application has been stamped as received by the Township Clerk, no portion of the fee shall be returned to the applicant unless authorized by an action of the Township Board. Once the application is submitted to the Township Clerk and the fee has been paid and processed by the Township Treasurer, the Clerk shall send the application to the Zoning Administrator to review for completeness.

4. **Timing.** All appeals shall be made within ten (10) days from the date of any decision constituting the basis for appeal.
5. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.
6. The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal.

**B. Stay.**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice of the Zoning Administrator, and on due cause shown.

**C. Hearing & 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 9.6](#).
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 witness, 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.

**D. Decision.**

1. In deciding upon matters referred to, or upon which it is required to act under this Ordinance, the Board of Appeals shall, after public notice and hearing, take into consideration the public health, safety, and general welfare, and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance.
2. **Final Decision.** 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 must 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.

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 9.7](#). 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 a decision upon each case within a reasonable amount of time.
5. **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.
6. **Rehearing.** A rehearing may be granted pursuant to [Section 9.10](#).

#### E. Re-Application for Appeal.

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 the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

#### F. Approval Periods.

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and substantial erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

## Section 8.6 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 powers 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:

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography, and is not due to the applicant's personal or economic hardship.
- B. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

- C. 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.
- D. 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.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.



# Article 9

## Administration & Enforcement

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### Section 9.1 Administration of 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.

#### B. Duties and Powers of the Zoning Administrator.

The Zoning Administrator shall enforce this Ordinance, and shall:

1. Approve and issue all zoning permits and certificates of compliance.
2. Approve and issue demolition permits.
3. Conduct inspection of all buildings and structures and the use of all lands subject to the provisions of this Ordinance to determine compliance.

4. 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.
5. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.
6. Review all applications for site plan review, special use review, variances, and zoning amendments addressed to the Township Planning Commission or Zoning Board of Appeals, and report findings to said Commission and Board.
7. Initiate appropriate action for proceedings to prevent, restrain, correct, or abate any illegal act in violation of this Ordinance.

#### C. 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.
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.

#### D. Duties and Powers of the Township Board.

1. On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it an enforceable law of the township government. Likewise, the Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Township Board may also act to waive any fee.

### Section 9.2 Zoning Permit Application Process

Except as otherwise provided, no building or structure of any kind, including signs, shall be erected or any restricted use undertaken until a zoning permit has been issued by the Zoning Administrator.

**1** Authority & Purpose

**2** Definitions

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**5** Plan Review

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

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**10** Amendments & Adoption

**A. Application for Permit.**

1. The requirement for a zoning permit shall not apply to alterations inside a building or structure if no change is made in the foundation or the outside perimeter.
2. All applications for Zoning Permits shall be made to the Township Clerk with the accompanying fee. The fee shall be set by the Township Board. The application shall be comprised of the following:
  - a. **Final Plot Plan or Site Plan Approval Required.** The Township 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). See [Table 5.2](#) for approval authority and type of plan required.
  - b. A statement by the applicant outlining the intended use and purpose for the proposed building, structure, or land in question.
  - c. **Fee.** Fees shall be paid at the time of application. Once an application has been stamped as received by the Township Clerk, no portion of the fee shall be returned to the applicant unless authorized by an action of the Township Board. Once the application is submitted to the Township Clerk and the fee has been paid and processed by the Township Treasurer, the Clerk shall send the application to the Zoning Administrator to review for completeness.
  - d. **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.

**B. Property Inspection.**

No zoning permit shall be issued by the Zoning Administrator, or other official designated by the Township Board, without that official first conducting a site inspection. Every building or structure for which a zoning permit has been issued shall be subject to two (2) inspections:

1. **When Excavation for Foundation is Complete and Building Corners Established.** The applicant is responsible for determining and marking the correct location of lot lines as defined by this Ordinance from which setbacks are measured and for marking building corners.
2. **On Completion of the Enclosed Exterior Construction.** Upon the completion of the enclosed exterior construction, the property owner shall notify the Zoning Administrator in writing when ready for inspection. Following final inspection, the Zoning Administrator shall determine if the building or structure is in conformity with the Ordinance.
3. The Zoning Administrator shall be responsible for the inspection of all conditions imposed and for all improvements required by an approved site plan. All subgrade improvements, such as utilities, subbase,

and base installations for roads, drives, and parking lots, and similar improvements shall be inspected by the Zoning Administrator or other appropriate official or individual and approved before covering. It is the responsibility of the applicant to request such necessary inspections at the appropriate times. The Zoning Administrator shall report periodically to the Commission on the progress of each Permit. He shall notify the Commission in writing of any failure on the part of the applicant to meet the requirements of the site plan and/or Special Use Permit, and report on steps being taken to ensure compliance. The fees established by the Commission may include an amount to cover such inspections.

4. The Zoning Administrator, township officials, and agents shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator, township officials, and agents may exercise this right to inspection by consent of the person having the right to possession of the lot, building, structure, or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction.

### C. Issuance of Zoning Permit.

Within ten (10) days of the receipt of the application for a Zoning Permit or within ten (10) days of approval of the Planning Commission for site plans and special uses, the Zoning Administrator shall issue a Zoning Permit if it is found that the application is complete and that the proposed building, structure, and/or use is in conformance with the requirements of this Ordinance and all required fees are paid. The Zoning Administrator shall keep a record of all permits issued and report these monthly to the Planning Commission and the Township Board.

### D. Denial of Zoning Permit.

1. Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall deny a Zoning Permit if it is found that the proposed building, structure, or use cannot be located in conformance with the requirements of this Ordinance, or the required fees are not paid. If the application is not complete, the Zoning Administrator shall send a detailed list of deficiencies within ten (10) days.
2. Zoning Administrator shall inform the applicant in writing of the reasons for the denial of the permit. The Zoning Administrator shall keep a record of all permits denied and report these monthly to the Planning Commission and the Township Board.

### E. Zoning Permit Expiration/Timeline.

1. **Expiration.** The Zoning Permit shall remain valid for one (1) year from the date of issuance. A Zoning Permit should be obtained prior to the application for a building permit.
  - a. **Plot Plan/Site Plan Expiration.** A plot plan/site plan approval shall be valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant, the site plan approval shall expire. If substantial construction has stopped for a period of one hundred twenty (120) days,

the Zoning Administrator shall send a courtesy letter to the permittee reminding them of the zoning approval time limit for construction.

- b. **Special Use Expiration.** A Special Use Permit issued pursuant to the requirements of the Ordinance shall be valid for a period of one (1) year from the date of issuance of said permit. If construction or use has not commenced and proceeded meaningfully toward completion by the end of this period, the Special Use Permit shall be null and void. See [Section 6.7](#) for full text on the expiration of a Special Use Permit.
2. **Exterior Completion.** The exterior of a structure, including final sheathing and/or other finishes, should be completed within one (1) year of commencing construction.
  3. **Extensions.**
    - a. **Plan Approval Extension.** The approving authority may grant one (1) extension of the site plan approval for a one (1) year period upon submittal in writing by the applicant of a request for an extension. The approving authority shall grant such an extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction on the project is likely to proceed within one (1) year.
    - b. **Special Use Approval Extension.** Upon acceptable justification by the permit holder, a Special Use Permit may be extended by the Planning Commission for a period of time not to exceed one (1) year.

#### F. Failure to Obtain a Zoning Permit.

1. Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary zoning permit prior to beginning new construction or a new use shall be subject to [Section 9.9](#) 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, but this permit will be considered a permit after-the-fact. An after-the-fact permit form 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 does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

#### G. Revocation of Zoning Permit.

**1** Authority & Purpose

**2** Definitions

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The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with provisions of this Ordinance or any false statement or misrepresentation made in the application. The revocation or cancelation of the Zoning Permit shall be made in writing and all construction, uses, or other activities allowed by the permit shall cease.

#### H. Appeals of The Decision of the Zoning Administrator or the Planning Commission.

Any decision of the Zoning Administrator or the Planning Commission concerning the enforcement or interpretation of this Ordinance may be appealed to the Zoning Board of Appeals. The appeal, along with the appropriate fee, shall be filed with the Township Clerk within ten (10) days of the decision of the Zoning Administrator. The Zoning Board of Appeals shall review the available evidence and make a decision to uphold or reverse the decision of the Zoning Administrator.

#### I. Stop Work Order.

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 9.9](#).

### Section 9.3 Conflicting Provisions

#### 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 other law or ordinance shall govern.

#### C. Conflicts within this Ordinance.

**1** Authority & Purpose

**2** Definitions

**3** General Provisions

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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. In the event of a conflict between the regulations in [Section 4.11](#) and the use regulations contained in [Sections 4.4](#) through [4.9](#), then [Section 4.11](#) shall control.

## Section 9.4 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 Township Treasurer 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. 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. The Township Board may vote to refund fees to the applicant.
- 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 certificate or prior to the final decision on an appeal.

## Section 9.5 Performance Guarantee

If a performance guarantee is required, the Zoning Administrator shall not issue a zoning permit until the required performance guarantee is received and verified by the Township Clerk.

- A. 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.
  1. Public improvements mean, by way of example and not limitation, roads, widening strips, parking lots, sidewalks, drainage, 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.
  2. Site improvements mean, by way of example and not limitation, landscaping, buffering, lighting, utilities, fences, berms, reclamation/site clean up, and the completion of conditions imposed by the Planning Commission which are located within the development, and site restoration.
  3. 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.

4. An approved site plan or Special Use shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of issuance of the permit.
- B. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the zoning 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.
- C. **Completion of Improvements.** The performance guarantee shall ensure the completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development of each phase of a multi-phase development in the following manner:
1. In the event the performance guarantee deposited is a cash deposit or certified check and the improvement for which the guarantee is provided will be done over an extended period of time, the Commission shall rebate to the applicant fifty (50) percent of the deposited funds when fifty (50) percent of the required improvements are completed as confirmed by the Commission, and the remaining fifty (50) percent of the deposited funds when one hundred (100) percent of the required improvements are completed as confirmed by the Commission.
  2. Upon the satisfactory completion of the improvements for which the performance guarantee was required, the Commission shall return to the applicant the performance guarantee deposited and any interest earned thereon.
  3. Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements.

#### D. Third Party Contractors.

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.

#### E. Improvements Not Completed.

In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period as agreed to in the site plan, the Commission shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvement through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. Should the Commission use the performance guarantee or a portion thereof to complete the required improvements, any amount remaining after said completion shall be applied first to the Commission's administrative costs in completing the improvements, with any balance remaining being refunded to the

applicant. If the performance guarantee is not sufficient to allow the Commission to complete the improvements for which it was posted, the applicant shall be required to pay the Commission the amounts by which the costs of completing the improvement exceed the amount of the performance guarantee deposited. The costs shall be billed to the permit holder and a lien placed against the subject property. If unpaid, the costs shall be collected in the same manner as delinquent taxes or as allowed by law.

## Section 9.6 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 must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and 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 must provide the Zoning Administrator information to ensure notification can be made.

## Section 9.7 Conditions

### A. Conditions – General.

1. 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.
2. The approval shall also include the period of time within which the conditions shall be completed.

### B. Performance Guarantee for Required Conditions.

1. Site Plans and Special Uses may be approved subject to the performance of certain conditions, including the provision of required improvements as the Commission shall deem to be reasonable and necessary, or advisable under the circumstances, so that the objectives of the Zoning Ordinance, the Master Plan, and any other Township policies and regulations shall be achieved. A site plan or Special Use may be approved conditionally upon necessary or required approvals by other local, county, state, or federal agencies.
2. **Performance Guarantee for Required Conditions.** Security may be required to ensure the performance of required conditions. The applicant may be required to furnish security pursuant to [Section 9.5](#), in the amount fixed by the Planning Commission. If security is required, the Zoning

Administrator shall not issue a zoning permit until the required performance guarantee is received and verified by the Township Clerk.

- a. **Provisions of Required Improvements.** Whenever a site plan or Special Use approval is granted or modified subject to the conditions that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the Zoning Administrator.
- b. **Non-Performance of Required Conditions.** In the event the applicant defaults in making the improvements for which the performance guarantee was required, the Township Board shall have the right to enforce a letter of credit or to use the monies being held as security to complete improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to cover the costs incurred by the Township to complete the improvements, including attorney fees and court costs, if any, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeded the amount of the performance guarantee. These costs shall be collected in the same manner as delinquent taxes or as allowed by law.
- c. **Condition Declared Void.** Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of conditions of a development or Special Use review approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said site plan or Special Use approval shall cease to be valid and all rights or privileges granted thereby shall end.
- d. **Violation of Required Condition or Conditions.** Whenever a site plan or Special Use is approved or modified by the Planning Commission subject to a condition or conditions, the use or enjoyment of the site plan or Special Use in violation of, or without observance of, any such condition shall constitute a violation of the Zoning Ordinance, and site plan approval may be revoked.

## Section 9.8 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 9.9 Violations

- 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

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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.

## 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 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 must 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 must 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 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:

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

**Table 9.11: 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, accessory dwelling units, parking lots, food trucks, fences, signs - §5.2	Applicant	ZA	No	-----	-----	ZBA
Multiple-Family, Commercial, Industrial, Utility & Institutional Structures/Uses - §5.2	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' notice)	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). Rezoning (map 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						

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

# Article 10

## Amendments & Adoption

Sec	Name	Pg
10.1	<a href="#">Amendment to this Ordinance</a>	10-1
10.2	<a href="#">Amendment Procedures</a>	10-1
10.3	<a href="#">Rezoning Review</a>	10-3
10.4	<a href="#">Conditional Rezoning</a>	10-4
10.5	<a href="#">Severability</a>	10-7
10.6	<a href="#">Rights &amp; Remedies</a>	10-8
10.7	<a href="#">Vested Right</a>	10-8
10.8	<a href="#">Repeal of Previous Ordinance</a>	10-8
10.9	<a href="#">Saving Clause</a>	10-8
10.10	<a href="#">Adoption &amp; Effective Dates</a>	10-8

### Section 10.1 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, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment, or any person or persons having an interest.
- D. For the purposes of this Article and other applicable Sections of this Ordinance, the term "rezoning" shall be considered an amendment to the [Zoning District Map](#). The procedure for rezoning shall follow the procedure set forth in this Article for Amendments.

### Section 10.2 Amendment Procedures

#### A. Filing of Amendment Application.

Each petition, by one (1) or more persons or their agents, for an amendment shall be submitted by application on a standard form to the Zoning Administrator. A fee as established by the Township Board shall be paid at the

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time of application. No part of such fee shall be returnable to a petitioner if the public hearing is held. Petitions shall be submitted at least forty-five (45) days prior to the meeting date at which the public hearing will be held. All amendments shall be referred to the Township Planning Commission for study, recommendation, and public hearing. The Zoning Administrator shall transmit the application and other information to the Planning Commission for its consideration and recommendations.

#### **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 9.6](#).

#### **C. Planning Commission Action.**

1. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as set forth in the Township Master Plan, as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition.
2. **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 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 for review.
3. **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.**

Upon receipt of the County Planning Commission's recommendation or expiration of thirty (30) days, the Township Board shall review both the County's and the Planning Commission's recommendations.

1. **Optional Public Hearing.** The Township Board may hold additional public hearings if they decide it is necessary. The Township 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. The Planning Commission, or its designated representative, may be requested to attend the hearing. Notice of the hearing shall be published in a newspaper of general circulation within the Township. Said notice shall be given as required by [Section 9.6](#).

2. **Township Board Decision.** The Township Board shall consider and vote upon the adoption of the amendment. Amendments may be adopted by majority vote of the Township Board. The Township Board may refer the amendment back to the Planning Commission for further review and a report within thirty (30) days.
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 (8<sup>th</sup>) 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 where and time when a copy of the Zoning Ordinance amendment may be purchased or inspected.

#### E. Resubmittal.

No petition 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 10.3 Rezoning Review

The Planning Commission shall review and apply the following factors in the consideration of any rezoning request.

- 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. 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)?
- G. Is the site served by adequate public facilities or is the petitioner able to provide them?

## Section 10.4 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 any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

**C. Planning Commission Review.**

The Planning Commission, after a public hearing as set forth in [Section 9.6](#) of this Ordinance and consideration of the factors set forth in [Section 10.3](#) (except [10.3.F](#)) 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 Iosco County as specified in [Section 10.2.C.2](#) 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 must be commenced upon the land and substantial construction shall be shown within two (2) years 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. 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 10.5 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 10.6 Rights & Remedies

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

### Section 10.7 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 10.8 Repeal of Previous Ordinance

This Ordinance repeals and replaces any previous Baldwin Township Zoning Ordinance in its entirety.

### Section 10.9 Saving Clause

The repeal of the prior Baldwin Township Zoning Ordinance as provided in this Ordinance, shall not affect the approval under that prior zoning ordinance of any land use permit, site plan, special use permit, or variance, regardless of whether substantial construction has begun on the approved development. In addition, the repeal of the prior Baldwin Township Zoning Ordinance shall not affect the fines, penalties, forfeitures, or liabilities incurred under that prior zoning ordinance or actions involving any of the provisions of that prior zoning ordinance. The prior zoning ordinance repealed by this Ordinance is hereby continued in full force and effect after the enactment and publication of this Ordinance for the sole purpose of recognizing such rights, fines, penalties, forfeitures, liabilities, and actions under the prior zoning ordinance.

### Section 10.10 Adoption & Effective Dates

- A. This Ordinance was adopted on \_\_\_\_\_, by the Baldwin Township Board of Trustees and will be effective \_\_\_\_\_. The foregoing Zoning Ordinance and **Zoning Map** were presented at a public hearing before the Planning Commission on \_\_\_\_\_.
- 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 Baldwin Township Board at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Township Clerk

Published:

Effective Date:

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