

BENTON TOWNSHIP INTERIM ZONING ORDINANCE

Ordinance No. ____

Adopted November 26, 2019

BENTON TOWNSHIP, EATON COUNTY, MICHIGAN

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BENTON TOWNSHIP ZONING ORDINANCE

BENTON TOWNSHIP ORDINANCE NUMBER ____

Effective _____, 2019

The Township Board of Benton Township, Eaton County, Michigan, pursuant to the authority vested in it by Act 110 of Public Acts of the State of Michigan of 2006, as amended, hereby adopts the following interim zoning ordinance, to be known as the “Benton Township Interim Zoning Ordinance,” applicable throughout Benton Township.

THE TOWNSHIP OF BENTON, EATON COUNTY, MICHIGAN, ORDAINS:

Preamble

An interim ordinance to establish zoning districts and regulations governing the development and use of land within the zoning jurisdiction of the Township of Benton, Eaton County, Michigan, in accordance with Act 110 of Public Acts of the State of Michigan of 2006, as amended; to provide for the establishment of Zoning Districts to encourage and regulate the use of land and location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, remedies for violation, and amendment of this Ordinance; to further the goals and objectives set forth in the Benton Township Development Plan; and to provide regulations regarding conflicts with other ordinances or regulations.

ARTICLE 1. TITLE AND PURPOSE

Section 1.01 — Title: This Ordinance shall be known, cited and referred to as the “Benton Township Interim Zoning Ordinance.”

Section 1.02 — Purpose: The provisions of this Ordinance shall be the minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

Section 1.03 — Conflicts: Where this Ordinance imposes greater restrictions upon the use of land, buildings or other structures, or requires larger yards or other open spaces than are imposed or required by other provisions of law or ordinance, the provisions of this Ordinance shall prevail.

ARTICLE 2. DEFINITIONS

Section 2.01 — Rules Applying to the Text: The following rules of construction shall apply to the text of this Ordinance:

1. Except with respect to the headings contained in Section 2.02, the headings that title a chapter, article, section, or 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.
2. 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.
3. The words “shall,” “must,” and “will” are always mandatory and not discretionary. The word “may” is permissive and discretionary.
4. A “building” or “structure” includes any part thereof unless specifically excluded. The word “building” includes the word “structure,” and “dwelling” includes “residence.”
5. The terms “person” or “entity” 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.
6. 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.
7. The words “erected” or “erection” as applied to any building or structure, shall be construed to include the words “built,” “constructed,” “reconstructed,” “moved upon,” or any physical operation or work on the land on which the building or structure is to be erected, built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
8. The particular shall control over the general.
9. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms “and,” “or,” and “either or” shall be interpreted as follows:
 - A. “And” denotes that all the connected items, conditions, provisions, or events apply in combination.
 - B. “Or” and “either or,” indicates that the connected items, conditions, provisions, or events may apply singly or in combination.

10. Terms not herein defined shall have common, customary meanings.
11. The word “Township” shall refer to Benton Township.
12. The word “Ordinance” shall refer to the Benton Township Interim Zoning Ordinance, unless the context clearly indicates otherwise.
13. The Benton Township Zoning Board of Appeals shall have the jurisdiction to provide any necessary interpretation of this Ordinance.

Section 2.02 — Definitions: For the purposes of this Ordinance, the following words have the definitions indicated:

ABANDONED. The relinquishment of land or cessation of a use of the land by the owner or lessee without any intention of transferring rights to the land or of resuming that use of the land or building.

ABANDONED SOLAR ENERGY SYSTEM. Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of six months.

ABUT. Having a common border with, or being separated from such a common border by, a right-of-way, service drive, or easement.

ACCESS DRIVE. An easement or right-of-way that provides motor vehicles access to one or more lots, parcels, or condominium sites.

ACCESSORY BUILDING or STRUCTURE: A subordinate building or structure on the same lot or parcel of land as the principal building or structure that is devoted exclusively to an accessory use as defined in this Ordinance.

ACCESSORY USE: A use specified in a zoning district that is clearly incidental to, customarily found in conjunction with, subordinate to, on, and located in the same zoning lot as the principal use. No accessory use shall be carried on any lot or parcel of land, unless there exists a principal use on such lot or parcel. Tents, trailers, mobile homes, tractor trailers, or similar structures or vehicles shall not be considered accessory structures.

ADJACENT LOT: A lot that shares all or part of a common lot line with another lot.

ADULT BUSINESS. An adult business includes the following:

- A. Adult bookstore:** An establishment having, as a substantial portion of its stock in trade, books, magazines and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.

- B. Adult cabaret:** A building or portion of a building regularly featuring dancing or other live entertainment that is distinguished or characterized by an emphasis on the exhibition of "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons.
- C. Adult mini motion picture theatre:** An enclosure with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons therein.
- D. Adult motion picture theatre:** An enclosure with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons herein.
- E. Adult smoking or sexual paraphernalia store:** An establishment having, as a substantial portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting, or inhaling marihuana, narcotics, or other stimulating or hallucinogenic drugs, or related substances.
- F. Specified sexual activities:** Acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touch of human genitals, pubic regions, buttocks or female breasts, and/or human genitals in a state of sexual stimulation or arousal.
- G. Specified anatomical areas:** Less than completely and opaquely covered human genitals, pubic regions, buttocks, or female breasts below a point immediately above the top of the areola; and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

AGRICULTURE: The use of land for tilling of the soil, the raising of tree and field crops, animal husbandry, and other agriculturally related uses.

AIRPORT: That term as defined in Section 102 of the Michigan Zoning Enabling Act, MCL 125.3102, as amended.

ALTERED: Any change in previous conditions, including but not limited to changes in usage, location, square footage, or height of a building.

BASEMENT: That portion of a building that is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story unless over fifty (50) percent of its height is above the level from which the building is measured.

BUILDING: An independent structure having a roof supported by columns or walls resting on its own foundation.

BUILDING LINE, MINIMUM SETBACK: The minimum distance that any building must be located from a right-of-way, property line, or high water line.

BUILDING LINE, FRONT: The line that coincides with the face of the building nearest the front line of the lot. This face includes decks and porches, but does not include steps or the eave of the roof. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

BUILDING LINE, REAR: The line that coincides with the face of the building nearest the rear line of the lot. This face includes decks and porches, but does not include steps or the eave of the roof. Said line shall be parallel to the rear lot line and measured as a straight line between the intersecting points with the side yard.

BUILDING LINE, SIDE: The line that coincides with the face of the building nearest either side yard line. This face includes decks and porches, but does not include steps or the eave of the roof.

CAMPGROUND: Any parcel or tract of land, under the control of any person where 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.

CANOPY: A movable structure, constructed of tubular steel and canvas, plastic tarp, or sheet metal covers, or similar materials, typically used to cover vehicles or boats. Canopies shall be considered accessory structures.

CHILD CARE CENTER OR DAY CARE CENTER: A facility, other than a private residence, that provides care for seven (7) or more preschool or school age children, as defined by Michigan Public Act 116 of the Public Acts of 1973, as amended, that pertains to the regulation of Child Care Organizations, and as regulated by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

CHURCH: See **PLACE OF WORSHIP**.

COMMERCIAL BUSINESS: A purposeful business that is engaged in the exchange of or buying and selling of goods and/or services as a means of livelihood.

COMMERCIAL VEHICLE: Any vehicle the manufacturer rates as having more than a 3/4 ton load capacity, excluding recreational or farm vehicles.

DWELLING OR DWELLING UNIT: Any structure erected on site, a mobile home, or a pre-manufactured or pre-cut structure, designed or used exclusively for residential purposes that has sleeping, living, cooking and sanitary facilities and can accommodate one (1) family, either permanently or transiently, and complying with the standards set forth in this ordinance:

A. It contains a minimum area of 1,000 square feet of habitable floor area or such greater area as may be required in the district where it is located.

B. It complies in all respects with the Michigan Construction Code, as amended, including minimum height 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 or regulations for construction are different than those imposed by the Michigan Construction Code, then applicable Federal or State standards or regulations shall govern.

C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan Construction Code and shall have a foundation 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.

D. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set up instructions; shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission; shall be installed with the wheels, axle, and towing mechanism removed; shall have no exposed undercarriage or chassis; and shall have a perimeter wall as required above.

E. It is connected to a public or private sewer and water supply, provided that private systems or facilities are approved by the local Health Department.

F. It has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said door areas where a difference in elevation requires the same.

G. It contains no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure and in compliance with the Michigan Construction Code, including permanent attachment to the principal structure and construction of a perimeter foundation as required herein.

H. It complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home, shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

I. It shall have a minimum width and length along its front, sides and rear of twenty (20) feet.

J. It contains storage area(s) either in a basement located under said dwelling, in an attic area, in a closet area or in a separate fully enclosed structure on the site equal to not less than fifteen (15%) percent of the interior living area of the dwelling.

K. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required herein.

L. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable provisions and requirements of the Township. Acceptable used mobile home units must comply with Eaton County Department of Construction.

M. In no case shall travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling or dwelling unit.

N. Only one (1) dwelling shall be permitted per parcel and the joining of two (2) or more separate mobile homes to form one (1) dwelling unit shall not be permitted.

In the case of buildings that are occupied for residential purposes in part, the portion occupied shall be considered a dwelling or dwelling unit, provided it is in conformance with the criteria for dwellings.

DWELLING, SINGLE-FAMILY: A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

DWELLING, TWO-FAMILY: A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all respects to the standards set forth in Dwelling Unit.

DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

EASEMENT: The right, privilege, or interest that one (1) party has in the land of another. For the purpose of front, side, and rear yard setbacks, an easement will be considered the same as right-of-way.

EFFICIENCY UNIT: A dwelling unit for one (1) individual or small family consisting of one (1) room exclusive of bathroom, hallway, closets, and the like.

ESSENTIAL SERVICES: The term “Essential Services” shall include gas, electric, steam, or water transmission or distribution systems, collection, and communication, supply, or disposal systems reasonably necessary for the public health, safety, or general welfare.

FAMILY: A group of two or more persons related by blood, marriage or adoption, including foster children, and not more than one additional person not so related, living together as or single housekeeping unit in a dwelling unit.

FAMILY CHILD CARE HOME OR FAMILY DAY CARE HOME: A private home in which one (1) to six (6) minor children receive care and supervision, as defined by Michigan Public Act 116 of 1973, as amended, that pertains to the regulation of Child Care Organizations, and as regulated by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

FARM: Any parcel of land that is used for gain in the production of field and tree crops, livestock, poultry, and dairy products. Includes both general and specialized farming and similar agricultural enterprises, such as nurseries and greenhouses and secondary agricultural uses such as fruit orchards, tree farms, and pastures.

FARM ANIMAL: Non-domesticated animals, including but not limited to, cows, pigs, sheep, goats, horses, llamas, alpacas, buffalo, and poultry. Domestic animals, including but not limited to dogs, cats and fish, are not considered farm animals.

FENCING: A permanent or temporary partition, structure, or gate erected as a dividing marker and not part of a structure.

FLOOR AREA: Area of all living space determined by outside wall dimensions of a dwelling. Garage and unfinished basement areas are excluded.

FRATERNAL LODGES OR CLUBS: A private group organized for some mutual aim or pursuit that meets regularly and whose activities are mainly confined within a meeting.

GARAGE, PRIVATE: A private garage is a building or structure that is typically used for the parking or storage of vehicles by the property owner(s). A private garage may be attached or unattached to a principal structure. This shall also include a carport.

GREENBELT: A greenbelt shall be a buffer area consisting of space that shall be level or a berm and landscaped with trees, shrubs, vines, and ground covers that will provide a continuous year round obscuring screen.

GROUP DAY CARE HOME: A private home in which seven (7) to twelve (12) minor children receive care and supervision, as defined by Michigan Act 116 of the Public Acts of 1973, as amended, that pertains to the regulation of Child Care Organizations, and as regulated by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

HOME OCCUPATION: An occupation for gain or support conducted by members of a family residing on the premises and conducted entirely on the premises in the dwelling and/or garage.

INTERCONNECTED WECS: A WECS that is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

JUNK YARD: A place, structure, or parcel of land where junk, discarded waste, salvaged or similar materials, such as scrap iron or other metal, wood, lumber, glass, paper, rags, cloth, bagging, motor vehicle parts, machine parts, cordage, barrels, containers, etc., are bought, sold, exchanged, maintained, baled, packed, disassembled, stored, including but not limited to, auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment.

KENNEL: A parcel upon which the building(s) or lands are designed or arranged to house three (3) or more dogs, cats, fowl or other domestic animals four (4) months or older, used for the sale, breeding, grooming, training, or care of animals for profit, but shall not include farm animals.

LOT: A parcel of land, separate from other parcels, that is part of a recorded subdivision, plat, or described by metes and bounds in any survey, conveyance or deed, whether or not recorded.

LOT, AREA: The total horizontal area within the lot lines of the lot.

LOT, CORNER: A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of (2) two streets is 135 degrees or less; a lot abutting on a curved street or streets is tangent to the curve at the two points where the lot lines meet the curve forming an interior angle of less than 135 degrees.

LOT, INTERIOR: An interior lot is a lot other than a corner lot.

LOT LINE, FRONT: The front lot line is a line dividing the lot from the road right-of-way, or a line designated on a plat as the front lot line. On a corner lot, the shorter lot line shall be considered the front lot line unless otherwise designated in the plat (see Figure 1).

LOT LINE, SIDE: Any lot line not a front or rear lot line (see Figure 1).

LOT LINE, REAR: The rear lot line is the lot line opposite the front lot line (see Figure 1).

LOT, RECORDED: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by county and community officials and that actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT, WIDTH OF: Width of the lot at particular points as designated in this Ordinance.

MANUFACTURED HOME: Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., §§ 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974) as amended; is transportable in more than one section, is built on a permanent chassis; and does not have hitch, axles, or wheels permanently attached to the body frame. This term shall include those structures commonly referred to as “double-wides.”

MINING SITE: Premises from which any rock, gravel, sand, topsoil, or earth in excess of one-thousand (1,000) cubic yards in any one calendar year is excavated or removed for the purpose of disposition away from the premises, except excavation in connection with the construction of a building on the mining site or construction within public highway right-of-way together with necessary buildings, apparatus, or appurtenances incidental thereto.

MOBILE HOME: Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., §§ 5401 to 5426 (National Manufactured Home Construction and Safety Standards

Act of 1974), as amended; is transportable in one section; is built on a permanent chassis; and does not have hitch, axles, or wheels permanently attached to the body frame. This term shall include those structures commonly referred to as “single-wides.”

MOBILE HOME PARK: A parcel of land that has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use, as defined by Act 419 of Public Acts of the State of Michigan of 1976, as amended

MOTEL: A series of attached semi-attached, or detached rental units providing overnight lodging transients that is open to the traveling public for compensation. The term “motel” shall include tourist cabins and motor cabins or courts. A motel shall not be considered or construed to be a dwelling unit or multiple dwellings.

NONCONFORMING: A use, building or structure, or parcel or tract of land lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. Non-conformity may also be defined as provided by relevant statute and/or other law.

OPEN SPACE: Open fields and open areas in natural undeveloped states.

OUTBUILDING: A secondary building or structure on a parcel, which may include a pole barn, garage, or an accessory building or structure.

PARKING SPACE: A minimum of 200 contiguous square feet exclusive of drives, entrances, and exits shall comprise one (1) automobile parking space.

PERSON: Any individual, corporation, partnership, limited liability company, association, or other legal entity.

PHOTOVOLTAIC DEVICE: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

PLACE OF WORSHIP: A building wherein people regularly assemble for religious worship and that is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

PLANNED UNIT DEVELOPMENT (PUD): A form of land development comprehensively planned under a unitary site plan that permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and nonresidential uses. PUDs are regulated and governed principally under Article 12 of this Ordinance.

POLE BARN: A structure supported by posts or poles, including post or pole construction, post and beam construction, platform framing and/or balloon framing. It is a structure in addition to the dwelling unit and garage. Pole barns include, but are not limited to: the parking or storage of

vehicles, farm machinery, boats, trailers or recreational vehicles, household goods, or home workshop or hobby center.

POLLUTION: Unnatural additions to land, air, or water rendering undesirable the uses for which they are intended.

PRINCIPAL USE: The principal purpose for which land, building or structure is arranged, designed, or intended, or for which land or a building or structure is or may be occupied.

PRIVATE DRIVEWAY: The route, way, ingress, egress, etc., that is used to provide vehicular access from a public or private street, road, highway, boulevard, or avenue to a structure. A private, driveway is not generally open to the public.

PUBLIC PARK: Parks for public use that may have such improvements as ball fields, swings, picnic facilities, tennis courts, and camping sites.

PUBLIC UTILITIES: Any person, firm or corporation, municipal department, board or commission duly authorized under federal, state, or municipal regulations to furnish the public with gas, steam, electricity, sewage, disposal, communication, telegraph, television, transportation or water.

RIGHT-OF-WAY LINE: Shall be the established deeded or platted right-of-way line that separates the public right-of-way from an adjacent lot, or in the event there is no established right-of-way line for a road, the said right-of-way line shall be deemed to be 33 feet from the center of the road.

ROAD OR STREET: A public or private thoroughfare that affords the principal means of vehicle access to abutting property and that has a right-of-way of not less than 66 feet in width for any road created hereafter. A “Hard Surface Road” is a road consisting of concrete or bituminous asphalt. A “Primary Road” is a county hard-surfaced road. A “Private Road” is a road built and maintained by private organizations or individuals. A “Secondary Road” is county hard surface, dirt, or gravel road that is not a Primary Road.

ROOMING OR BOARDING HOUSE: A building other than a motel where for more than twenty (20) days a year lodging, meals, or both are offered to more than three (3) but less than twenty-one (21) persons at a time for compensation.

SERVICE STATIONS: A building or structure designed or used for the retail sale or supply of fuel, lubricants, air, water, tires, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities on or in such vehicles, including repairs.

SHADOW FLICKER: The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

SINGLE WECS FOR ON-SITE SERVICE ONLY. A single WECS placed upon a lot or parcel with the intent to service the energy needs of or supplement other energy sources for only that lot or parcel upon which the single WECS is placed.

SITE PLAN. The documents, drawings, and related materials required by this Ordinance necessary to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

SKIRTING: A colored aluminum, vinyl, fiberglass, decorative wood or metal material designed specifically for siding, soffit, or skirting, extending from the ground to dwelling floor, encompassing the entire perimeter of the dwelling.

SOLAR ARRAY. Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

SOLAR ENERGY SYSTEM, LARGE. A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user, and typically the power output of that system is equal to or greater than 1 megawatt.

SOLAR ENERGY SYSTEM, SMALL. A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located.

SPECIAL USE: A use specified in a zoning district only allowed under this Ordinance following issuance of a special use permit.

STORY: That portion of a building included between the surface of any floor and the ceiling next above it.

STORY, ONE-HALF: A story under the gable, hip, or gambrel roof, the wall top plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

STRUCTURE: Anything attached to or upon the ground, the use of which requires more or less permanent location on the ground or attachment to something having more or less permanent location on the ground.

TEMPORARY BUILDING OR STRUCTURE: A building or structure permitted to exist during periods of construction of the main building or structure or for special events, for six (6) months or less. A temporary dwelling shall comply with all required setbacks for the district in which it is located.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and

television transmission towers, microwave towers, alternative tower structures, and the like. The term includes the structure and any support thereof.

TOURIST HOME (INCLUDING BED AND BREAKFAST): A dwelling in which overnight accommodations for compensation are provided or offered for transient guests.

VARIANCE: A modification of the specific regulations of this Ordinance granted by the Zoning Board of Appeals in accordance with the terms of this Ordinance and Act 110 of the State Public Act of 2006, as amended.

WELL HOUSE: An enclosure for covering a well. A well house shall be no greater than 48 square feet in area and 6 feet in height.

WIND ENERGY CONVERSION SYSTEM (WECS): Also commonly referred to as a wind generating tower, windmill, or wind-powered generator. It shall mean a combination of:

1. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and
2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

A WECS can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

WIND ENERGY CONVERSION SYSTEM (WECS) Height: The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position)..

WIND ENERGY CONVERSION (WECS) Testing Facility or Testing Facility: A structure and equipment used to determine the potential for the placement of a WECS.

WIND FARM: Clusters of 2 or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.

WIRELESS COMMUNICATION FACILITY: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers, cellular phone and paging devices, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial radio-service facilities.

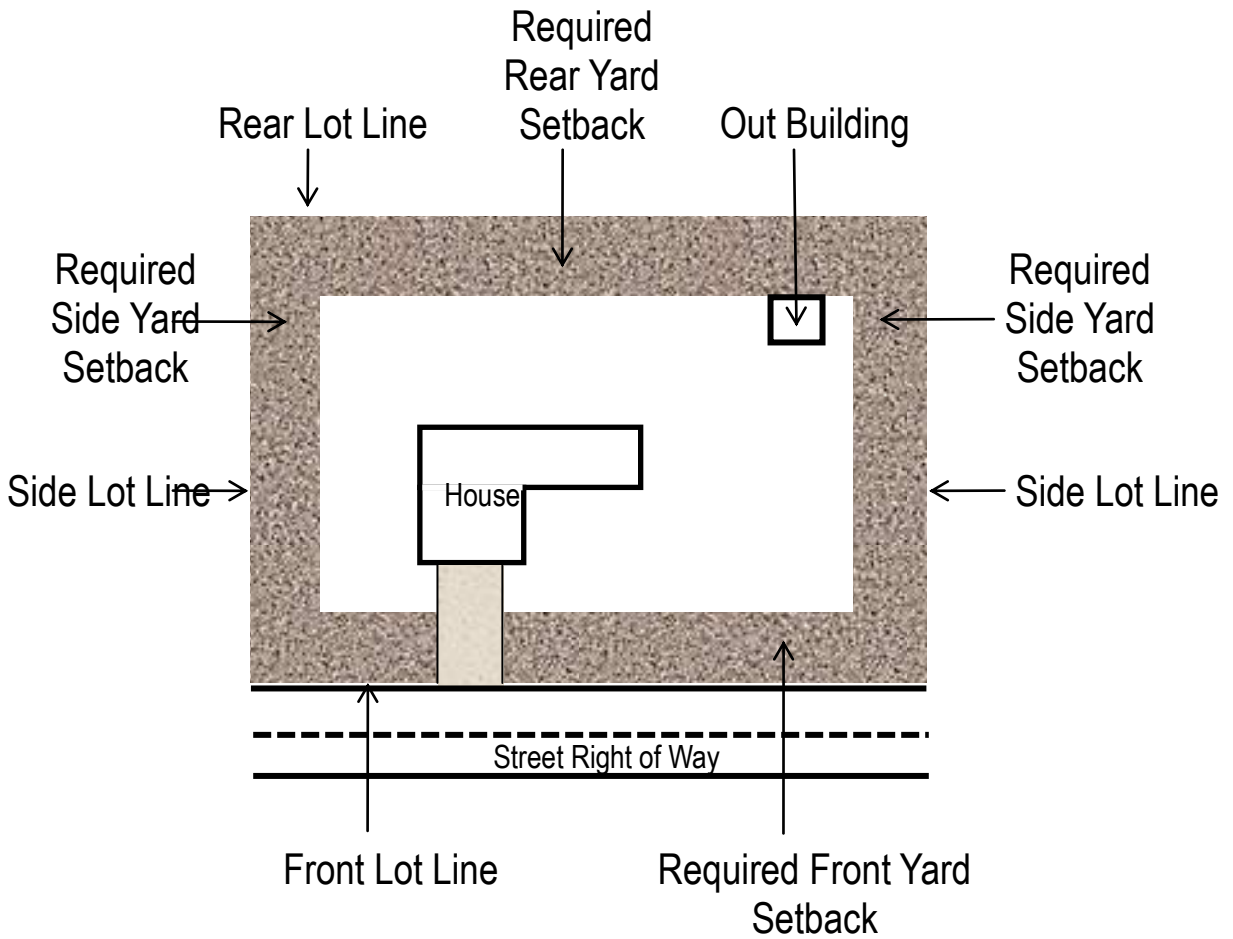
WIRELESS COMMUNICATION SUPPORT STRUCTURE: Any structure used to support attached wireless communication facilities or other antenna or facilities, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof mounted pole, monopole, or other similar structures that support wireless communication facilities.

YARD, FRONT: An open, unoccupied space on the same lot with the main building, extending the full width between the side lot lines and situated between the public or private road right-of-way and the front building line. (See Figure 1)

YARD, REAR: An open, unoccupied space on the same lot with the main building, extending the full width between the side lot lines and situated between the rear line of the lot and the rear building line and shall be measured between the rear line of the lot or the center line of the alley, if there is an alley, and the rear building line. (See Figure 1)

YARD, SIDE: An open, unoccupied space on the same lot with the main building, situated between the side building line and the adjacent sideline of the lot, extending from the front lot line to the rear lot lines. If no front yard, the front boundary of the side yard shall be the front of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear lot line. (See Figure 1)

Figure 1. LOT LINES AND REQUIRED YARDS



ARTICLE 3. ESTABLISHMENT OF DISTRICTS AND ZONING MAP

Section 3.01 — Districts: For the purpose of this Ordinance, all of the unincorporated areas in the Township of Benton are hereby divided into the following types of districts, to be known as, and having the following symbols:

DISTRICT R-1	RESIDENTIAL
DISTRICT R-2	MULTI-FAMILY RESIDENTIAL
DISTRICT A	AGRICULTURAL
DISTRICT C	COMMERCIAL
DISTRICT I	INDUSTRIAL

Section 3.02 — Zoning Map: Said districts, per written descriptions, as shown on a map entitled “Benton Township, Eaton County, Michigan District Interim Zoning Map” is hereby made a part of this Ordinance.

Section 3.03 — Location of District Boundaries: The first priority in determining District Boundaries shall be on the Interim Zoning Map.

Section 3.04 — Site Development Requirements (See Table 1): All uses shall comply with the site development requirements in Table 1, unless specifically authorized otherwise, and shall also comply with all other applicable provisions of this Ordinance. In addition:

1. The depth of a lot shall not exceed four times its width.
2. For a corner lot, the minimum side yard setback of the side yard along the road shall equal the minimum front yard setback for the lot.
3. The minimum setback shall be increased to 50 feet where the yard abuts a Residential District.
4. Irrespective of any other requirements of this Ordinance pertaining to setbacks, under no conditions shall buildings housing animals, feed or manure be closer than one hundred (100) feet to any lot line.

Section 3.04 –Table 1. Site Development Requirements

	District R-1 Residential	District R-2 Multi-Family	District A Agricultural	District C Commercial	District I Industrial
Minimum Lot Area (sq. ft)	43,560 sq. ft.	43,560 sq. ft.	2 acres	43,560 sq. ft.	43,560 sq. ft.
Minimum Lot Width (feet)	125 ft.	125 ft.	150 ft.	125 ft	125 ft
Minimum Front Yard Setback (feet)	50 ft.	50 ft.	50 ft.	25 ft	25 ft
Minimum Back Yard Setback (feet)	20 ft.	10 ft.	20 ft.	20 ft	20 ft
Minimum Side Yard Setback (feet)	20 ft.	10 ft.	20 ft.	20 ft	20 ft
Maximum Lot Coverage	20%	20%	<i>None</i>	<i>None</i>	<i>None</i>
Minimum Floor Area (sq. ft)	720 (ground floor)	720 (ground floor)	720 (ground floor)	<i>None</i>	<i>None</i>

ARTICLE 4. DISTRICT R-1 - RESIDENTIAL

Section 4.01 — Intent and Purpose: The purpose of this district is to reserve areas principally for single-family and two-family residential uses and to maintain safe and desirable conditions for year-round family living.

Section 4.02 — Permitted Uses and Structures: Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Family Day Care Home.
 - D. Home Occupations.
2. Uses Permitted by Special Use Permit
 - A. Child Care Center.
 - B. Golf Course or Country Club.
 - C. Government Buildings.
 - D. Group Day Care Home.
 - E. Places of worship.
 - F. Pond.
 - G. Planned Unit Development (PUD).
 - H. Public and private schools and other educational institutions.
 - I. Public utility substations and buildings.
 - J. Single WECS for on-site service only.
 - K. Solar Energy System, Small.

Section 4.03 — Accessory Uses, Buildings, and Structures: Accessory uses, buildings, and structures customarily incidental to the principal use or special permit use are permitted.

Section 4.04 — Area and Dimensional Requirements: No dwelling in this district shall be erected or altered that provides less than 1,200 square feet of floor area, with a minimum dwelling width, throughout its length, of 24 feet.

Section 4.05 — Size of Building Lot: Every parcel of land upon which a dwelling is hereafter erected or altered shall not be less than 43,560 square feet in area nor less than 125 feet in width at the building line. Every parcel of land shall have a minimum 60 feet of frontage upon a road or street as defined herein. The 43,560 square foot minimum lot area and 125 foot lot width at the building site shall exclude any public, private road or street rights-of-way. No segment of any property line shall be less than 30 feet in length.

ARTICLE 5. DISTRICT R-2 - MULTI-FAMILY RESIDENTIAL

Section 5.01 — Intent and Purpose: The purpose of this district is to reserve areas principally for multiple family and higher density residential uses and to maintain safe and desirable conditions for year-round family living.

Section 5.02 — Permitted Uses and Structures: Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Duplex Dwellings
 - D. Family Day Care Home.
 - E. Home Occupations.
2. Uses Permitted by Special Use Permit
 - A. Child Care Center
 - B. Community and publicly owned and operated buildings and facilities.
 - C. Community Service Facility
 - D. Condominiums
 - E. Government Building
 - F. Multiple Family Dwellings
 - G. Mobile Home Park
 - H. Places of worship.
 - I. Pond.
 - J. Planned Unit Development (PUD).
 - K. Public and private schools and other educational institutions.
 - L. Recreation Establishment.
 - M. Single WECS for on-site service only.
 - N. Solar Energy System, Small.
 - O. Storage Units.

Section 5.03 — Accessory Uses, Buildings, and Structures: Accessory uses, buildings, and structures customarily incidental to the principal use or special permit use are permitted.

Section 5.04 — Area and Dimensional Requirements: No dwelling in this district shall be erected or altered that provides less than 1,200 square feet of floor area, with a minimum dwelling width, throughout its length, of 24 feet, unless the dwelling qualifies as a mobile home.

Section 5.05 — Size of Building Lot: Every parcel of land upon which a dwelling is hereafter erected or altered shall not be less than 43,560 square feet in area nor less than 125 feet in width at the building line. Every parcel of land shall have a minimum 60 feet of frontage upon a road or street as defined herein. The 43,560 square foot minimum lot area and 125 foot lot width at the

building site shall exclude any public, private road or street rights-of-way. No segment of any property line shall be less than 30 feet in length.

ARTICLE 6. DISTRICT A - AGRICULTURAL

Section 6.01 — Intent and Purpose: The predominant land use in this district is agricultural. It is the intent and purpose of this district to conserve and promote the continuation of agricultural use within the Township. This District further preserves the Township's use of land for raising of field or tree crops, land as a resource in animal husbandry farms, prime agricultural land, and ancillary agricultural uses, while recognizing the gradual extension of residential and other compatible uses into the district.

Section 6.02 — Permitted Uses and Structures: Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Community owned and operated buildings and facilities.
 - D. Family Day Care Home.
 - E. Farms.
 - F. Home Occupation.
 - G. Places of Worship.
2. Uses Permitted by Special Use Permit:
 - A. Agricultural Businesses.
 - B. Small Private Landing Strips or Public Airports and Heliports.
 - C. Campground.
 - D. Cemetery.
 - E. Child Care Center.
 - F. Group Day Care Home.
 - G. Government Buildings.
 - H. Grain and Seed Elevators.
 - I. Hospital.
 - J. Kennel.
 - K. Mining and Extraction Operations.
 - L. Nursery and Greenhouse.
 - M. Parks and Recreational Establishments.
 - N. Ponds.
 - O. Public utility substations and buildings.
 - P. Shooting Range.
 - Q. Veterinary Hospital or Clinic.
 - R. WECS.
 - S. Wireless communication facilities and support structures.

Section 6.03 — Accessory Uses, Buildings, and Structures: Accessory uses, buildings, and structures customarily incidental to the principal use or special permit use are permitted.

Section 6.04 — Area and Dimensional Requirements: No segment of any property line shall be less than 30 feet in length.

Section 6.05 — Farms and Keeping of Animals; GAAMPs: Farms and keeping of animals must be operated and maintained in accordance with the recommendations set forth in the applicable Generally Accepted Agricultural and Management Practices (GAAMPs) as adopted by the Michigan Agricultural Commission, as may be amended from time-to-time and in accordance with such additional rules, regulations, and guidelines, as from time-to-time be may established by the Michigan Agricultural Commission or other appropriate state agency pursuant to the Michigan Zoning Enabling Act as amended, the Right to Farm Act, Public Act 93 of 1981, as amended, and Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended.

ARTICLE 7. DISTRICT C - COMMERCIAL

Section 7.01 — Intent and Purpose: The Commercial District is intended to provide for a variety of commercial uses in the Township. Commercial areas should be free of incompatible uses and be designed to prevent harm to adjacent conforming uses and to conserve commercial uses in the interest of the Township's economic growth and development while providing adequate land for expansion.

Section 7.02 — Permitted Uses and Structures: Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures
 - A. Convenience Stores
 - B. Financial Institution
 - C. Funeral Home and Mortuary
 - D. General Retail Sales Establishment
 - E. Government Building
 - F. Office Building
 - G. Places of Worship
 - H. Restaurants
 - I. Veterinary Hospital or Clinic
2. Uses Permitted by Special Use Permit
 - A. Airports and Heliports
 - B. Automobile Service Stations
 - C. Automobile Repair Facility
 - D. Ballrooms
 - E. Drive-In Theater
 - F. Kennel
 - G. New and Used Vehicle, Boat, or Farm Implement Dealer
 - H. Off Premise Signs and Billboards
 - I. Parks and Recreational Establishments
 - J. Planned Unit Development
 - K. Pond
 - L. Research and development establishment
 - M. Shopping Center and Shopping Mall
 - N. Storage Units
 - O. WECS

Section 7.03 — Accessory Uses, Buildings, and Structures: Accessory uses, buildings, and structures customarily incidental to the principal use or special permit use are permitted.

Section 7.04 — Area and Dimensional Requirements: No segment of any property line shall be less than 30 feet in length.

ARTICLE 8. INDUSTRIAL DISTRICT

Section 8.01 — Intent and Purpose: The Industrial District's intent is to encourage attractive industrial development that is in keeping with the Township's character; to permit manufacturing, processing, assembling, packaging, or treatment of products when these activities take place only inside a building; to permit compatible sales or service uses; and to prohibit residential or intensive retail uses in industrial locations.

Section 8.02 — Permitted Uses and Structures: Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures
 - A. Equipment Sales and Service
 - B. Funeral Home and Mortuary
 - C. Government Building
 - D. Grain and Seed Elevators
 - E. Light Industrial Facility
 - F. Meat or Poultry Processing Plant
 - G. Rental Storage Buildings
 - H. Solar Energy System, Small
 - I. Veterinary Hospital or Clinic
 - J. Water Treatment and Storage Facilities
 - K. Wastewater Treatment and Disposal Facilities
2. Uses Permitted by Special Use Permit
 - A. Adult Business
 - B. Airports and Heliports
 - C. Automobile Repair Facility
 - D. Automobile Service Stations
 - E. Drive-In Theater
 - F. Heavy Manufacturing
 - G. Junk Yard
 - H. Landfills or Incinerators
 - I. Off Premise Signs and Billboards
 - J. Parking Garage or Commercial Garage
 - K. Planned Unit Development
 - L. Pond
 - M. Racetracks
 - N. Research and development establishment
 - O. Sewage Treatment or Disposal Facility
 - P. Solar Energy Systems, Large
 - Q. Telecommunication Towers
 - R. WECS

Section 8.03 — Accessory Uses, Buildings, and Structures: Accessory uses, buildings, and structures customarily incidental to the principal use or special permit use are permitted.

Section 8.04 — District Requirements:

1. Ingress and egress drives shall be kept to a minimum. Service drives and flares or turning lanes at highway entries may be required.
2. Parking shall be accomplished in the least conspicuous manner possible, which will ordinarily consist of locating parking in the rear of a structure, and complete enclosing all parking areas in an opaque fence or landscape barrier.
3. Lighting shall not be visible beyond property lines, nor shall it adversely affect neighboring uses or property. All lighting shall be directed downward and shall be properly shielded in order to prevent entry onto any nearby properties.
4. Storage, refuse containers, utility boxes, air handling units, or similar appurtenances shall be landscaped and screened from public view. Storage shall include trucks of one-ton or greater capacity. Trailers and transit containers must be housed within the principal structure or within an approved permanent accessory structure.
5. Buffer areas and proper storm drainage devices shall be provided to ensure protection of Township creeks, streams, and lakes.

ARTICLE 9. PLANNED UNIT DEVELOPMENT (PUD)

Section 9.01 — Intent and Purpose: It is the intent of this Article to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; encourage useful open spaces; achieve economy and efficiency in the use of lands, natural resources, energy and the provisions of public services and utilities; and to provide housing, employment, and shopping opportunities that conform to the Township's Development Plan, regulations, or guidelines, while departing from strict application of use, setbacks, height and minimum lot size requirements of zoning districts in order to: permit valuable and beneficial land development; enhance the appearance of the neighborhood through the preservation of natural features, the provision of utilities and the provision of recreational areas and planned open space; and provide for efficient use of land that will be compatible with surrounding land uses and character.

Section 9.02 — Uses Permitted: PUD development may be permitted in any zoning district allowing such use and in accordance with this Article.

Section 9.03 — Application/Processing:

1. Application: The owner of the property upon which the PUD is sought, or his/her duly authorized agent, may submit an application for a PUD permit.
2. Pre-Application Conference: The applicant/property owner must attend a pre-application conference to be coordinated by the Township. This meeting must include at a minimum two of the following individuals: Township Supervisor, Chairperson of the Planning Commission, Zoning administrator, consultants hired by the Township or other officials to discuss the project. The Township may require the applicant to make an escrow deposit to cover the Township's anticipated costs incurred for such a meeting and review of materials submitted.
3. Application: An application for a PUD permit and ten (10) copies shall be filed with the Township Clerk by the owner of the property (or his/her duly authorized agent) upon which the PUD is intended. The Township Clerk shall date stamp all materials received, retain the original documents, and distribute the copies appropriately.
4. Application Information: The application shall provide the following information:
 - A. A legal description of the property, including the street address, tax code number, and zoning district.
 - B. The name, address and telephone number of the applicant.
 - C. Applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.

- D. Identification of the zoning district in which the subject parcel is located and the PUD requested.
 - E. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
 - F. A description of the business and services provided; hours of operation; number of employees; number of customers; estimate of peak traffic flow; description of equipment and vehicles; description of stored materials; and related information.
 - G. Further information as requested by the Township, consultants hired by the Township or Planning Commission that is relevant to the site and standards set forth in this Ordinance.
- 5. Site Plan Review. All PUD applications require the submission of a site plan for review in accordance with Article 15.
 - 6. Right of Entry: The filing of the application shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.
 - 7. Application Fee: The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.
 - 8. Initial Review: The Planning Commission Chair shall review the application(s) for completeness and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or designee shall coordinate public notices.
 - 9. Escrow Deposit: The Planning Commission Chair shall establish an amount to be deposited by the applicant with the Township Clerk to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).
 - 10. Notice: Notice shall be provided in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
 - 11. Public Hearing: The Planning Commission shall hold a public hearing on the application(s). The hearing shall proceed as follows: Open public hearing; acknowledge receipt of written comments; receive comments from applicant/owner and other persons attending the hearing; close public hearing.

12. Administrative Report: Following the public hearing the Planning Commission may request that the Zoning administrator and/or other persons retained by the Township present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.
13. Standards and Burden: In deciding a request for a PUD, the Planning Commission and Township Board shall be governed by the following principles and standards:
- A. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
 - B. In considering an application for a PUD the following factors shall be considered:
 - i. Whether all required information has been provided and fees paid.
 - ii. Whether the purpose of this Article would be served by the proposed uses.
 - iii. Whether the PUD is consistent with the objectives and goals of the Master Plan.
 - iv. Whether the proposed PUD will adversely affect neighboring lands.
 - v. Whether the proposed PUD is compatible with and will not adversely affect the natural environment.
 - vi. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by the PUD.
14. Conditions: The Planning Commission may recommend imposing and the Township may impose reasonable conditions including duration and review periods in granting a PUD. Conditions imposed shall meet all of the following requirements:
- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed PUD and the community as a whole.
 - B. Ensure that public services and facilities affected by a proposed PUD will be capable of accommodating increased service and facility loads caused by PUD.
 - C. Promote the use of land in a socially and economically desirable manner.
 - D. Be related to the valid exercise of the police power and purposes that are affected by the proposed PUD.
 - E. Be necessary to ensure compliance with the standards set forth in this Article.

- F. The conditions shall remain unchanged except upon the mutual consent of the Township Board and the titleholder of the subject property.
15. PUD Decision: The Planning Commission shall recommend approval, approval with conditions, or deny the PUD permit to the Township Board. The recommendation shall set forth the facts relied upon, provide an analysis of the facts and standards, and state the conclusion and conditions imposed, if applicable. The Township Board shall then consider the Planning Commission's recommendation and approve, approve with conditions, or deny the PUD permit. The Township Board's decision shall be recorded in the minutes or in writing.
 16. Appeals: The Zoning Board of Appeals shall not have authority to hear an appeal taken by an aggrieved person from a decision of the Planning Commission or the Township Board on an application for a PUD.
 17. Runs with The Land: Unless otherwise specified in the conditions, a PUD runs with the land.
 18. Recording: If a PUD is granted, with or without conditions, the Township, at the expense of the applicant, may cause notice of the PUD to be recorded with the Eaton County Register of Deeds.
 19. Reapplication: An application for a PUD that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.
 20. Revocation of PUD: The Township Board, upon notice and hearing to the property owner and occupants of the property and upon a showing of good cause, may revoke a PUD in the case of a false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this Ordinance, or in case of lack of compliance with the approved site plan and/or any conditions of the PUD permit.

ARTICLE 10. WIRELESS COMMUNICATION TOWERS AND FACILITIES

Section 10.01 — Intent and Purpose: It is the intent of this Article to set forth the provisions that will regulate the location, design, and operation of wireless communication facilities, including but not limited to communication towers and accessory structures, in order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community. These regulations are necessary in order to:

1. Facilitate the provision of wireless communication services to residents and businesses.
2. Minimize adverse visual effects of towers through careful design and sighting standards.
3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless communication antennas in order to reduce the number of towers needed to serve the community.

Towers supporting private, not-for-profit communication antennas and personal communication devices shall be exempt from this Ordinance if less than 85 feet.

Section 10.02 — Location Requirements:

1. All wireless communication towers erected, constructed, or located within the Township shall comply with the following requirements:
 - A. A proposal for a new commercial wireless communication service tower shall be considered for approval only if the communication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved towers and buildings within the Township cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified a licensed professional engineer.
 - iv. Other unforeseen reasons that make it not feasible to locate the planned communications equipment upon an existing or approved tower or building.

- B. Any proposed commercial wireless communication service tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is 60 to 100 feet in heights. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Tower owners are required to allow additional antennas on their towers for competitors and tenants as outlined above.
- C. The owner of any existing and/or Township approved and constructed commercial wireless communication tower, shall be required to make said tower available, at a reasonable and pro rata cost relative to construction and maintenance, to any other wireless communications company and/or competitor seeking the approval or use of a similar tower in the Township, provided said tower still has the capacity to accommodate the needs of the wireless communications company and/or competitor seeking tower approval in the Township.

Section 10.03 — Towers and Antenna Design Requirements: Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by the federal or state authorities such as the Federal Aviation Administration.
2. Commercial wireless communication service towers shall be of monopole design, unless it is determined that an alternative design would better blend in with the surrounding environment.

Section 10.04 — Tower Height: The height of the tower shall be determined by measuring vertically down from the tower's highest point to the ground. When a tower is attached to a structure or dwelling, the height of the tower shall be determined by measuring vertically down from the tower's highest point to the ground upon which the structure or dwelling stands.

Section 10.05 — Tower Setbacks: Towers shall conform to each of the following minimum setback requirements:

1. Towers may encroach into the rear setback area, provided that the rear property line abuts an industrially zoned property and the tower does not encroach upon any easements.
2. Towers shall not be located between a principal structure and a public street, except that on sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

3. A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure such as places of worship, light standard, power line support device, or similar structure.
4. Towers shall be set back from all adjacent property lines at least a distance equal to the height of the tower unless the design of the tower is such that it collapses upon itself in which case the setback from all adjacent property lines must be at least a distance equal to half the height of the tower.

Section 10.06 — Accessory Utility Buildings:

1. Only buildings accessory to the communication towers shall be allowed on site.
2. All utility buildings and structure accessories to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
3. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. Isolated towers shall be fenced against easy access.

Section 10.07 — Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower. Such lighting shall be designed and arranged so that it does not glare onto adjacent property or roadways.

Section 10.08 — Signs and Advertising: The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Section 10.09 — Abandonment of Unused Towers or Portions of Towers: Abandoned or unused towers or portions of towers shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Planning Commission.
2. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
3. The applicant will submit (in accordance with Section 8.13 of this Ordinance) a copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site a letter of credit, performance

bond, and/or other security acceptable to the Township to cover the costs of the antenna or tower's removal.

Section 10.10 — Antennas and Wireless Communication Facilities Mounted on Existing Roofs, Walls, and Towers: The placement of antennas and wireless communication facilities on roofs, walls, and towers requires approval by the Planning Commission, provided the antennas and wireless communication facilities meet the requirements of this Ordinance, and the following are submitted:

1. A site plan.
2. A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna.

Section 10.11 — Interference with Public Safety Communications: No new or existing wireless communications service shall interfere with public safety communications. All applications for new wireless communication service shall be accompanied by an inter-modulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

Section 10.12 — Inspections: All towers shall be inspected at regular intervals by the owner and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition.

Section 10.13 — Application Requirements: In addition to Site Plan Review and the general or requirements of this Ordinance, applications for towers shall include the following supplemental information from a qualified and licensed professional engineer that:

1. Describes the tower height and design including the cross section and elevation.
2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas.
3. Describes the tower's capacity, including the number and type of antennas that it can accommodate and the number of spaces that are to be utilized by the tower owner.
4. Provides documentation stating that the equipment shall not interfere with the established public safety communications.
5. Includes a qualified and licensed professional engineer's stamp and registration number.
6. Includes a tower removal agreement, letter of credit, performance bond and/or other security with the application.
7. Includes other information necessary to evaluate the application as may be requested by the Township.

Section 10.14 — Priority of Users: Priority for wireless communication antennas, facilities, and towers shall be given to the following entities in descending order:

1. Tower owner.
2. Eaton County Emergency Services Director.
3. Other governmental agencies, for uses unrelated to public safety.
4. Entities providing licensed commercial wireless communication services including cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

Section 10.15 — Antennas and Wireless Communication on Township Property: The placement of wireless communication antennas or towers on Township property must comply with the following requirements:

1. The antennas or towers will not interfere with the purpose for which Benton Township property is intended.
2. The antennas or towers will not have an adverse impact on surrounding private property.
3. The applicant must obtain adequate liability insurance and commit to a lease agreement that includes equitable compensation for the use of the land, other necessary provisions and safeguards and requires the applicant to hold harmless and indemnify Benton Township for any and all liability claims arising out of the construction, operation, use or maintenance of the wireless communications tower or facility.
4. The applicant will submit a letter of credit, performance bond, or other security acceptable to Benton Township to cover the costs of the antenna or tower's removal.
5. The antennas or towers will not interfere with other users who have a higher priority as defined in this Article at the time of installation.
6. Upon reasonable notice, the antennas or towers may be required to be removed at the users' expense.
7. The applicant must reimburse Township for any costs that it incurs because of the presence of the applicant's antennas or towers.
8. The applicant must obtain all necessary land use approvals and construction permits.

Notwithstanding the above, Benton Township reserves the right to deny, for any reason, the use of any or all Township owned property by any or all applicants for antennas or towers under this Article.

ARTICLE 11. SUPPLEMENTARY REGULATIONS

The provisions of this Ordinance shall be subject to such modifications, additions, exceptions, or limitations as herein provided by the following regulations:

Section 11.01 — Intent and Purpose: The intent and purpose of this Article is to identify modifications, additions, exceptions and/or limitations to the requirements set forth in the other sections of this Ordinance.

Section 11.02 — Height Limitations; Exemptions: Maximum height will be measured from the natural grade to the highest point of the structure.

1. No building or structure shall be erected or altered to a height exceeding 2 1/2 stories or 35 feet.
2. Exemptions: Height limitations of this Ordinance shall not apply to the following uses or features that shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other governmental regulations and approval of the Planning Commission.
 - A. buildings used for agricultural purposes.
 - B. places of worship.
 - C. belfries.
 - D. cupolas.
 - E. penthouses and domes not used for human occupancy.
 - F. chimneys.
 - G. ventilators.
 - H. skylights.
 - I. water tanks.
 - J. bulkheads, similar features, and necessary mechanical appurtenances usually carried above roof level.

Section 11.03 — Corner Lots: Structures on corner lots shall comply with front yard setback requirements along both abutting rights-of-way.

Section 11.04 — Yard Requirements: Every lot on which a building or structure is erected shall have a front yard not less than fifty (50) feet in depth from the right-of-way and side yards of not less than then (10) feet in width and a rear yard of no less than twenty-five (25) feet. When a parcel fronts on a body of water, the dwelling shall be not less than fifty (50) feet from the normal high-water mark at the point where the water line is nearest to the dwelling.

Section 11.05 — Skirting: All structures without a continuous perimeter foundation shall be skirted with a suitable building material before electrical service is approved for connection.

Section 11.06 — Compliance with Land Division Ordinance: No building permit will be issued if the parcel involved is in violation of a Land Division Ordinance adopted by the

Township. If compliance with the Land Division Ordinance is questioned, the landowner must supply proof to the Township Zoning administrator that his/her property is in compliance.

Section 11.07 — Roads and Streets: Public and private streets and roads shall comply with all the following:

1. A road or street shall have at least sixty-six (66) feet of right-of-way width.
2. Each road or street shall be provided with one (1) safe exit and one (1) safe entrance from a public thoroughfare. Such exit and entrance may be combined or provided separately. Approval for location of such exit and entrance shall be obtained from the Eaton County Road Commission or MDOT, which shall also approve the design and construction thereof in the interest of safety, adequate drainage, and other public requirements.
3. A road or street shall be centered in the rights-of-way.
4. The travelled portion of a road or street shall be a minimum twenty (20) feet in width, with a minimum twelve (12) feet overhead clearance to allow access for emergency vehicles.
5. All public and private roads and streets must be reviewed by the Township Fire and Rescue Department to ensure that the Township's equipment can readily traverse the road and or street at least to a point within 100 feet of the structure served by the roadway.

Section 11.08 — Accessory Buildings and Structures:

1. No building or structure of any kind, shall be hereafter constructed, erected, or moved into space within the required front yard setback.
2. Pole Barns or similar structures shall be set back a minimum of 50 feet from the front lot line.
3. Structures alone or in combination greater than 200 square feet require a building permit.
4. Accessory structures shall be constructed with commercially available building materials and the exterior finished with building materials made for that purpose. Plastic sheets, tarps, pallets, and similar materials do not satisfy this requirement.

Section 11.09 — Fences:

1. Fences may be constructed of wood, masonry, woven wire, and/or chain link.
2. Fence composition shall be of uniform design and material. No fence shall be constructed of material that impairs the character of the neighborhood.
3. Fences constructed within 25 feet of the road right of way must be open fencing that provides a clear view and shall not exceed four (4) feet in height.

4. On lots adjacent to waterways, fences constructed in the space between the water's edge and the dwelling must be open fencing that provides a clear view and shall not exceed four (4) feet in height.

Section 11.10 — Storage:

1. Vehicles. No vehicles shall be parked on public right-of-way or public property for more than three consecutive days in any calendar year. No vehicle parts shall be placed on public right-of-way or public property. Permitted vehicles, trailers, travel trailers and motor homes that are parked on private property shall be duly licensed vehicles and/or registered and operable with substantially all main component parts attached. Duly licensed vehicles that are temporarily inoperable because of minor mechanical failure can be placed outside of a fully enclosed building for a period not exceeding 30 days in any calendar year. No limit is placed on vehicles or parts stored inside a completely enclosed building.
2. Public Right-of-Way. Private property shall not be stored on public rights-of-way.
3. Boat. No boats shall be parked on a public right-of-way or public property for more than three consecutive days in any calendar year. No boat parts shall be stored on public-right-of-way or public property. Boats maintained on their owners' private property shall be duly licensed and/or registered boats and operable with substantially all main component parts attached. Duly licensed and/or registered boats that are temporarily inoperable because of minor mechanical failure may be placed outside of a fully enclosed building for no more than 30 days during any calendar year. No limit is placed on boats or parts stored inside a completely enclosed building.
4. Manufactured Home (mobile home). The storage of mobile homes is not allowed.
5. Outdoors. No outdoor storage shall be permitted unless it is part of an approved site plan.

Section 11.11 — Lighting: The purpose of this section is to reduce unwanted light pollution.

1. Unnatural lighting sources shall be installed so as to contain the light on the property upon which it is installed, except that waterfront dwelling units are allowed to spill lighting onto the water in front of the owner's property only.
2. Spill lighting onto adjacent properties shall not exceed 0.2-foot candles at the property line of adjacent properties.
3. No lighting sources shall shine upon or illuminate the windows or doors of adjacent dwellings.

Section 11.12 — Water Supply and Sanitary Sewage Facilities: Required water supply and sanitary sewage facilities shall conform to the standards, regulations and requirements of the Eaton County Health Department.

Section 11.13 — Unsafe Structures: Buildings and structures shall not be allowed to degenerate to the point where they constitute a public nuisance or endanger the public health, safety, or welfare.

Section 11.14 — Screening: Dust collectors, trash receptacles, and similar equipment shall be screened from view from any abutting residential zoning district.

Section 11.15 — Home Occupations: A home occupation may be permitted in a single-family dwelling within any zoning district where such dwelling is permitted, subject to the following conditions:

1. At least one member of the family residing on the premises shall be engaged in such home occupation. A maximum of two non-family members are allowed to work there.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The total floor area used by the home occupation shall not exceed twenty (20) percent of the floor area of the dwelling unit.
3. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation and there shall be no external or internal alterations not customary in residential areas.
4. No article shall be sold on the premises except that which is prepared within the dwelling or is provided as incidental to the service or profession conducted therein.
5. Traffic generated by a home occupation shall not be greater in volume than that normally generated by a residence.
6. Off-street parking spaces shall not be located in the required front yard.
7. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation is prohibited.
8. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to adjacent or neighboring properties. Any electrical equipment or processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.
9. Hazard of fire, explosion, or radioactivity shall not be significantly greater than similar structures in the Township.

ARTICLE 12. NONCONFORMING USES

Section 12.01 — Nonconforming Lots of Record:

1. In any district, principal structures and accessory buildings may be erected on any nonconforming lot that was a lot of record at the time of adoption of this Ordinance, provided that permits for construction of a well and septic system are granted by the Eaton County Health Department, and variances to yard requirements any other applicable regulations are obtained through approval of the Zoning Board of Appeals.
2. If any nonconforming lot or lots are of continuous frontage with other lots under the same ownership, the owner shall be required to combine such lots to provide parcels that shall meet at least the minimum requirements for the district in which they are located.

Section 12.02 — Nonconforming Building:

1. Whenever the use of a building shall become nonconforming through a change in the zoning regulations or in the district boundaries, such use may be continued and if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification; provided that no such nonconforming building shall be enlarged or extended.
2. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
3. Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of 180 days, such nonconforming use shall be deemed to be abandoned, and any future use of such building or portion thereof, shall be in conformity with the regulations of the district in which such building is located.

Section 12.03 — Nonconforming Uses of Land: A nonconforming use of land existing at the effective date of this Ordinance may be continued; provided, however, that no such nonconforming use of land shall be in any way expanded or extended, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of 180 days, such discontinuation shall be presumed to be an abandonment of the nonconforming use, and any future use of such land shall be in conformity with the provisions of this Ordinance.

Section 12.04 — Alterations, Changes, and Extensions:

1. A nonconforming use shall not be enlarged or extended except by specific approval of the Zoning Board of Appeals.
2. Where the nonconforming use is a residential structure, and nonconforming due to setbacks only, the Zoning administrator can approve enlargement of the structure,

providing the enlargement meets all requirements of the zone in which the structure is located.

3. Nonconforming use of any parcel of land, building, or structure shall not be changed to any other nonconforming use after such use has been changed to a conforming use.

Section 12.05 — Repair, Alteration, and Rehabilitation of Damaged Nonconforming Buildings and Structures: A nonconforming building that has been damaged to the extent of more than 50 percent of its assessed value at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than 50 percent of its assessed value, a nonconforming building may be repaired or reconstructed and used as before the time of damages provided such repairs or reconstruction are completed within one (1) year from the date of such damage.

Section 12.06 — Abandonment and Discontinuance: If the nonconforming use of any building, structure, land, or premises or part thereof is discontinued or abandoned through vacancy, lack of operation, destruction by fire, wind, collapse, explosion, act of God, public enemy, or otherwise damaged to an extent of 50% its assessed valuation for a continuous period of 180 days, then any further use of said building, structure, land, or premises shall conform in its entirety to the provisions of this Ordinance; provided, however, the Zoning Board of Appeals may, upon application within thirty (30) days of termination of said period, permit the resumption of such nonconforming use; provided that, (a) such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use or; (b) that circumstances are such that the land previously occupied by such nonconforming use cannot then be advantageously used for a use permitted in the zone.

Section 12.07 — Questionable Cases: Any questionable case involving whether certain buildings, accessories, or structures do or do not conform to the provisions of this Ordinance shall be determined by the Township Zoning administrator and, if necessary, appealed to the Zoning Board of Appeals.

ARTICLE 13: SIGNS

Section 13.01 — Purpose and Intent: The purpose of this Article is to make Benton Township attractive to residents, visitors, and commercial, industrial and professional businesses while maintaining a sustainable economy through an appropriate signage program. The elements of this program will:

1. Protect the general public health, safety and welfare of the community and enhance its economy and its businesses through the regulation of sign sizes, numbers, locations, design, and illumination.
2. Reduce possible traffic and safety hazards.
3. Direct persons to various activities and uses, in order to provide for maximum public convenience.
4. Encourage a desirable community character with a minimum of clutter.
5. Provide a reasonable system of sign regulations to ensure the development of a high-quality aesthetic environment by encouraging signs which are well designed and pleasing in appearance and providing latitude for variety and good design in relation to the business or use it serves.

Section 13.02 — Permit Requirements and Review Procedures: An application for a sign permit shall be made on forms provided by the Township Zoning Administrator and shall be accompanied by any fees as required by the Township. Fees for sign permits shall be set by resolution by the Township Board. Failure to obtain a sign permit shall be a violation of this Ordinance.

Section 13.03 — Administration:

1. A permit shall be issued or denied within thirty (30) days of the submission of a complete application and the required fees to the Zoning Administrator.
2. If a permit is issued on the basis of misstatement of material fact or fraud, the Zoning Administrator shall, in writing, suspend or revoke the permit with the reasons for denial.
3. When the Zoning Administrator denies a sign permit, such denial shall be in writing, with the reasons for denial.
4. The sign permit becomes null and void if installation does not commence within one hundred and eighty (180) days of permit date. If work is suspended or abandoned for ninety (90) days, a new permit and application fee shall be required.
5. Signs that are illegally posted within public rights of way or on publicly owned property may be removed by, or at the direction of, the Zoning Administrator. Any signs removed will be held in the Benton Township Hall for thirty (30) days before being destroyed and can be recovered by the owner upon payment of a ten-dollar (\$10.00) recovery fee per sign. Benton Township and the individual or entity removing such signs shall not be held responsible for any damage done to such signs.
6. At the discretion of the Zoning Administrator, any sign request may be referred to the Planning Commission for its review and recommendation, with a final determination to be made by the Township Board.

7. The Zoning Administrator's or Township Board's decision may be appealed to the Zoning Board of Appeals. Such appeal shall be made on the forms provided by the Township and fees paid in accordance with the Township fee schedule. The submission of the completed application and fees shall constitute the filing of the appeal.
8. Notwithstanding anything in this Ordinance to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
9. Signs required by law, or related to the performance of a public function and placed by a government entity, are not subject to the restrictions of this Article.

Section 13.04 — Permitted Signs by District: The following signs are permitted by zoning district, upon securing a sign permit from the Zoning Administrator.

1. Residential Districts:
 - A. For dwelling units, one (1) non-illuminated wall sign not exceeding six (6) square feet in area.
 - B. For structures other than dwelling units, one (1) non-illuminated wall sign not to exceed six (6) square feet in area.
 - C. For multi-family dwellings or neighborhoods, one externally-illuminated freestanding identification sign not exceeding twenty-four (24) square feet in area shall be permitted at each point of ingress and egress, provided that the same is setback at least one hundred (100) feet from any residence.
2. Commercial and Agricultural Districts:
 - A. One wall sign of any size.
 - B. One freestanding sign not to exceed thirty-two (32) square feet in area is permitted in the required front yard, provided that the same is setback one hundred (100) feet from any residential use.
 - C. External or internal illumination is permitted, provided that the glare is shielded from any nearby residential use or roadway.
 - D. For businesses with frontage on two (2) or more public roads, one (1) additional wall sign and one (1) additional freestanding sign will be permitted for each public road, so long as there are no more than one (1) wall sign or freestanding sign per public road.
 - E. For all uses and structures, one (1) flag not to exceed twenty-four (24) square feet in area may be displayed from a flag bracket or flag stanchion. Up to two (2) additional flags not exceeding twenty-four (24) square feet in area each may be displayed from a flagpole located on the parcel, provided that the flagpole does not exceed fifty (50) feet in height.
3. Industrial District:
 - A. One wall sign of any size.

- B. One freestanding identification sign not to exceed thirty-two (32) square feet in area is permitted in the required front yard, provided that the same is setback two hundred (200) feet from any residential use.
 - C. One sign located on the roof of the principal structure not to exceed sixty (60) square feet in area.
 - D. External or internal illumination is permitted, provided that the glare is shielded from any nearby residential use or roadway.
 - E. For businesses with frontage on two (2) or more public roads, one (1) additional wall sign and one (1) additional freestanding sign will be permitted for each public road, so long as there are no more than one (1) wall sign or freestanding sign per public road.
 - F. For all uses and structures, one (1) flag not to exceed twenty-four (24) square feet in area may be displayed from a flag bracket or flag stanchion. Up to two (2) additional flags not exceeding twenty-four (24) square feet in area each may be displayed from a flagpole located on the parcel, provided that the flagpole does not exceed fifty (50) feet in height.
4. Planned Unit Development:
- A. For a single development, one (1) freestanding sign not to exceed fifty (50) square feet in area shall be permitted at each point of ingress and egress, for up to two (2) signs per development. Any such sign shall be setback at least fifty (50) feet from the interior boundary of the development.
 - B. For any structure, one (1) wall sign not exceeding twenty (20) square feet.
 - C. No roof signs, flags, or internally illuminated signs shall be permitted.
 - D. Any sign within a Planned Unit Development should be aesthetically harmonious with the character of other signs, buildings and landscaping within the development.
 - E. Additional signs may be authorized at the Township's discretion, if properly identified as part of conceptual site plan review and otherwise consistent with the development as a whole.
5. All Districts
- A. One wall sign of not more than thirty-two (32) square feet is permitted in a business center for each individual business.
 - B. Each business occupancy other than the ground floor shall be entitled to one additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
 - C. Parcels with greater than four hundred (400) lineal feet of frontage may be granted additional signage pursuant to a submitted and approved site plan.
 - D. Any electronic message board change cycle shall be not less than ten (10) seconds per message, symbol, or picture.

Section 13.05 — Billboards: Billboards shall be permitted in the Commercial and Industrial Districts when located along a state highway, provided the following requirements are met:

1. The billboard is set back at least one thousand and five hundred (1,500) feet from any other billboard abutting either side of the same highway.
2. Not more than three (3) billboards may be located per linear mile of highway, regardless of the fact that such billboards may be located on different sides of the highway.
3. The billboard does not exceed a height of thirty (30) feet, measured from grade.
4. The billboard does not exceed an area of three hundred (300) square feet per sign face.
5. The billboard does not have more than two (2) sign faces.
6. The billboard is setback at least three hundred (300) feet from any residential zoning district, existing residence, church or school. If the billboard is illuminated, this required distance shall be five hundred (500) feet.
7. The billboard is setback at least seventy-five (75) feet from a property line adjoining a public right of way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
8. The billboard may be illuminated, provided that such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
9. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
10. The billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. The billboard must be maintained so as to assure proper alignment of the structure, continued structural soundness and continued readability of the message.

Section 13.06 — Exempt Signs; Prohibited Signs; Construction and Maintenance:

1. Exempt signs. A sign permit is required for any erection, construction, enlargement, or movement of any sign in Benton Township, except for those signs described below:
 - A. Temporary signage painted on the window or constructed of paper, cloth, or similar expendable material affixed on the window, wall, or building surface, provided that all of the following are met:
 - i. The total area of such signs shall not exceed the greater of 25% of the window area or twelve (12) square feet per business frontage is permitted.
 - ii. Such signs shall be affixed to the surface for no more than fourteen (14) continuous calendar days but for no more than thirty (30) days each calendar year.
 - B. Other temporary signage, not exceeding four (4) square feet in area or five (5) feet in height, provided that it is unlit and is removed within thirty (30) days of installation, unless a longer period is permitted by law.
 - C. Any sign authorized by law, or by regulation or administrative rule of a governmental entity, having appropriate jurisdiction.
 - D. House numbers, addresses, name plates, memorial signs, erection dates and building names when cut into, inlaid or mounted against a building surface.
 - E. Traffic control devices.

- F. Any sign, other than a window sign, located entirely inside the premises of a building or an enclosed space.
 - G. For all uses and structures, one (1) flag not to exceed twenty-four (24) square feet in area may be displayed from a flag bracket or flag stanchion. Up to two (2) additional flags not exceeding twenty-four (24) square feet in area each may be displayed from a flagpole located on the parcel, provided that the flagpole does not exceed fifty (50) feet in height.
2. Prohibited signs. All signs not expressly permitted are prohibited in all zones, including but not limited to the following:
- A. Revolving or rotating signs.
 - B. Signs within the public right-of-way (except those required by a governmental agency). No sign shall be so placed, erected or constructed on a utility pole, traffic device, traffic sign, or warning sign or so as to impede access to any public improvement, or to obstruct the vision of any such signs, except as expressly permitted by this Article.
 - C. Signs located on public property except as expressly permitted by this Article.
 - D. Signs blocking doors or fire escapes.
 - E. Wall signs that project beyond or overhang the wall upon which they are mounted.
 - F. Roof signs that project above or beyond the highest point of the roof.
 - G. Any sign that by reason of size, location, movement, content, coloring or illumination would be confused with a traffic control sign, signal or device or lights of emergency and road control vehicles.
 - H. Signs containing statements or pictures of an obscene or pornographic nature.
 - I. Signs that emit or project audible sound or visible matter.
 - J. Animated signs.
 - K. Signs displayed without the consent of the legal owner of the property on which the sign is mounted or displayed.
3. Construction and maintenance
- A. Every sign and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and Township regulations.
 - B. Every sign and all parts, portions, and materials shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted and free from rust and corrosion. Any cracked or broken surfaces and malfunctioning or damaged portions of a sign shall be repaired or replaced within thirty (30) calendar days following notification by the Zoning Administrator. Any maintenance which does not involve a structural change is permitted.
 - C. All sign installers shall comply with any necessary licenses, certifications and all applicable codes, laws and ordinances.
 - D. No sign shall be erected, constructed or altered until a sign permit has been issued by the Zoning Administrator, unless otherwise exempted from permitting requirements by this Ordinance.

Section 13.07 — Design Standards: Each sign shall be designed to complement the buildings and the surroundings of its intended location. To the extent possible, a sign located on a commercial site in a predominantly residential area shall take into consideration compatibility with the residential area.

1. Landscaping. Each freestanding sign shall be located, wherever possible, in a planted landscaped area which is of a shape, design and size that will provide a compatible setting and ground definition to the sign. The planted landscaped area shall be maintained in a neat, healthy, and thriving condition. Plantings must be no higher than three (3) feet.
2. Illumination and motion. Signs shall be nonmoving, stationary structures (in all components), and illumination, if any, shall be maintained by an artificial light source that is stationary and constant in intensity and color at all times (non-flashing), which shall not exceed three thousand (3000) lumens.
3. Relationship to streets. Signs shall be designed so as not to obstruct any pedestrian, bicyclist, or driver's view of right-of-way. Signs shall comply with a ten (10) foot setback from any right of way, or with a greater setback if such is deemed necessary for the safety or convenience of motorist, pedestrians, or neighboring properties.
4. Nuisance. Notwithstanding any other provision of this Article, no sign shall be installed, maintained, or operated in manner that creates a nuisance.

Section 13.08 — Nonconforming Signs:

1. It is the intent of this Section to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this Article is as important as the prohibition of new signs that would violate these regulations.
2. General requirements.
 - A. A nonconforming sign may not be:
 - i. Changed to another nonconforming sign.
 - ii. Structurally altered to extend its useful life, except for ordinary maintenance.
 - iii. Expanded, moved or relocated.
 - iv. Reestablished after damage or destruction of more than 50% of the sign's state equalized value.
 - v. In poor repair.
3. Signs which have historical significance to the community but do not conform to the provisions of this Article may be issued a permit to remain, provided that the Planning Commission makes the following findings:
 - A. The sign has a bona fide historical significance for the community;
 - B. The sign does not constitute a traffic hazard;
 - C. The sign does not diminish the character of the community;
 - D. The sign is properly maintained and structurally sound; and
 - E. The sign does not adversely affect adjacent properties.

Any sign that is associated with a business that has not been operational for a period of six (6) months shall be deemed to be abandoned. All such signs shall be removed by the current property owner, and no land use, construction, or restoration of an existing use may occur unless the sign is removed, replaced, or brought up-to-date with the standards of this Section.

ARTICLE 14. SPECIAL USE PERMITS

Section 14.01 — Authority: The Planning Commission, as hereinafter provided, shall have the authority to recommend Special Use Permits subject to such conditions of design and operation, safeguards and time limitations as it may recommend for special uses in any district. The Township Board shall have final authority to accept, reject, or modify the recommendation of the Planning Commission and to issue Special Use Permits subject to such conditions of design and operation, safeguards and time limitations as it may determine for special uses in any district. Application for any Special Use Permit permissible under the provisions of this Ordinance shall be subject to a fee as may be set by the Township Board from time-to-time.

Section 14.02 — Purpose: Uses requiring Special Use Permits are those that are essentially compatible with the uses permitted in a zoning district, but possess characteristics or location qualities that require individual review and the placement of restrictions, in order to avoid incompatibility with the character of the surrounding area and adjacent land uses. The purpose of this Article is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish special land uses.

Special uses may be permitted only in those districts where they are designated by this Ordinance and are permitted only when specifically approved by the Planning Commission in accordance with the provisions of this Ordinance.

Prior to approval of a Special Use Permit, the Planning Commission shall ensure that all standards specified in this Article, as well as all standards established elsewhere in this Ordinance, shall be satisfied.

Section 14.03 — Application: An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- A. An application and site plan, filled out in triplicate, shall be submitted to the Planning Commission. An application shall be accompanied by a fee in accordance with the township schedule of fees established by the Township Board.
- B. In addition to any established application fee, the Planning Commission Chair shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit. The escrow deposit shall defray anticipated costs to be incurred by the Township for attorneys, planners, engineers, or other experts in the review of the application. The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application(s) shall be returned to the applicant(s).
- C. The Planning Commission may impose conditions with permit approval that it deems necessary to ensure compliance with the standards contained in this Ordinance. Said conditions shall be considered an integral part of the Special Use Permit and shall be enforced by the Zoning administrator.

- D.** Any additions to or expansions of an existing establishment or land use listed under Special Uses, shall also require a Special Use Permit issued by the Planning Commission.

Section 14.04 — Public Hearing: If properly requested by the applicant, the Planning Commission shall hold a public hearing, or hearings, within 90 days of the receipt of the application for a Special Use Permit. Such hearing(s) and the notice(s) of hearing shall comply with the Michigan Zoning Enabling Act (Act 110 of 2006).

Section 14.05 — Standards: In deciding a request for a Special Use Permit, the Planning Commission and Township Board shall be governed by the following principles and standards:

- A.** The applicant(s) shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
- B.** In considering an application for a Special Use Permit, the following shall be considered:
1. Whether all required information has been provided and fees paid.
 2. Whether the proposed use is specifically provided as a use by special permit in the district in which the property is zoned.
 3. Whether the proposed use at the location is consistent with the objectives and goals of the Development Plan and this Ordinance.
 4. Whether the proposed use will adversely affect neighboring lands, including whether the proposed use will produce, create, or result in more traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than permitted uses in the district or increase hazards to the subject property or neighboring lands.
 5. Whether the proposed use will change the essential character of the surrounding area, disrupt the orderly and proper development of the District as a whole, or conflict with or discourage the permitted uses of the adjacent lands or buildings.
 6. Whether the proposed use is compatible with and will not adversely affect the natural environment.
 7. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety, and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 8. The special use shall comply with soil erosion and sedimentation control requirements and groundwater protection management provisions of local, state, and federal laws.

9. The proposed use shall comply with all relevant provisions of this Ordinance, including supplementary provisions for buildings, structures, uses, lots, yards, and premises, as well as those specific requirements in the district in which the property is zoned.

Section 14.06 — Conditions: The Planning Commission may recommend imposing reasonable conditions including duration and review periods in granting a special permit. The Township Board may enter into a development agreement to meet the purposes of this Article. Conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
- C. Promote the use of land in a socially and economically desirable manner;
- D. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity;
- E. Be necessary to ensure compliance with the standards set forth in this Article.
- F. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.

Section 14.07 — Decision: After the hearing, the Planning Commission shall recommend, and the Township Board shall have final authority to:

- A. Approve the special use permit application; or
- B. Grant the special use permit application subject to conditions that are imposed in order to ensure the special land use complies with standards stated in this Ordinance; or
- C. Deny the special use permit application.

All decisions shall be accompanied with a concluding statement citing the reasons for decision under Section 14.05 or other applicable requirements and any condition imposed under Section 14.06.

Section 14.08 — Issuance; Compliance and Violation: Upon approval, the Township shall issue a Special Use Permit to the applicant. It shall be the responsibility of the Zoning

Administrator to monitor compliance with the terms, conditions, and restrictions of any Special Use Permit and take any enforcement action necessary in the event of violation of the Special Use Permit.

Special Use Permits shall be reviewed annually by the Zoning administrator to ensure compliance with this Ordinance. Any violation of the Special Use Permit or the conditions placed upon the Special Use Permit shall automatically void the entire permit. Violation of the Special Use Permit or conditions placed thereon is a violation of this Ordinance.

Section 14.09 — Appeals: The decision of the Township Board may be appealed to the Eaton County Circuit Court as permitted by law.

Section 14.10 — Regulations Associated with Specific Uses

A. ADULT BUSINESSES

1. Purpose and Intent: The purpose and intent of this Section pertaining to the regulation of adult 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 that 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 or 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 that are prohibited by Township ordinance, 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 that 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.

2. Standards and Additional Requirements

- a.** Distance. In order to prevent undesirable concentration of such uses, the following uses and activities shall not be located within 1,500 feet of any

other such use, nor within 1,000 feet of a church or school, nor within 1,000 feet of any residentially zoned district or property being used as a residence in other zoned districts, as measured along a line forming the shortest distance between any portion of the respective properties of the following:

- i. Adult related businesses;
- ii. Adult book store;
- iii. Adult mini motion picture theatre;
- iv. Adult motion picture theatre;
- v. Adult smoking or sexual paraphernalia store;
- vi. Exotic Cabarets; and
- vii. Taxi Dance Halls.

b. Operational Requirements. No sexually explicit activity or material shall be visible from any public way or any property not registered as an adult use.

3. Waiver of Requirements. The Planning Commission may waive the foregoing spacing requirements if it finds the following conditions exist:

- a.** The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location;
- b.** The proposed use will not enhance or promote a deleterious effect upon adjacent areas by causing or encouraging blight, a chilling effect upon other businesses and occupants, or a disruption in neighborhood development;
- c.** The establishment of the additional use will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;
- d.** All other applicable regulations within this Ordinance or other pertinent township ordinances will be observed.

B. AUTOMOBILE SERVICE STATIONS. Automobile service stations shall be subject to the following requirements:

- 1.** Ingress and egress shall be setback at least twenty-five (25) feet from any intersection or residential district.
- 2.** All lighting shall be shielded from residential districts.

3. The fencing and screening requirements of this Ordinance must be satisfied. Minimum lot area shall be ten thousand (10,000) square feet.
4. Minimum lot frontage shall be one hundred (100) feet.
5. Must provide adequate off-street stacking space for vehicles waiting in line. No vehicle shall be permitted to wait within the right-of-way.
6. Gasoline pumps, air and water hose stands, and other appurtenances shall be setback at least fifteen (15) feet from any right-of-way.

C. AUTOMOBILE REPAIR FACILITY. Automobile repair facilities are subject to the following requirements:

1. No more than two driveways onto a roadway. No driveway may be over thirty-five (35) feet wide at the point it meets a roadway. A driveway may not be located within thirty-five (35) feet of a property zoned for residential uses.
2. The site may not be located within two hundred (200) feet of any place of public assembly, including but not limited to, hospitals, schools, and churches.
3. All buildings and accessory structures must be located at least forty (40) feet from all lot lines, seventy (70) feet from all road rights-of-ways and one hundred (100) feet from a residential district.
4. The entire area used for vehicle service must be paved and adequately drained.
5. Hydraulic hoists, service pits, and repair equipment and operations must be completely enclosed.
6. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, are limited to a period of not more than ten (10) days for the sole purpose of temporary storage pending transfer to another facility. Such storage may only occur in the rear yard, must comply with required rear yard setbacks, and must be screened by an opaque wall or fence of not less than six (6) feet in height.

D. CAMPGROUNDS. Recreational vehicle parks and campgrounds shall be subject to the following requirements:

1. Each campsite shall be set back from any right-of-way or lot line at least seventy-five (75) feet and all principal and accessory buildings shall be setback a minimum distance of two hundred (200) feet from all right-of-way and lot lines.
2. At least fifteen percent (15%) of the site, not including the greenbelt and set back, shall be devoted to shared open space uses, including, but not limited to,

playgrounds, picnic areas, court or field sports, or natural areas. This shall not include parking and vehicle circulation areas

3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
4. At least one public telephone shall be provided for every forty (40) sites.
5. Spaces may be used by motorhomes, travel trailers, campers, tents, or other short-term housing or shelter arrangements.
6. No more than one permanent dwelling shall be allowed in a campground. That dwelling shall only be occupied by the owner of the campground, or the manager of the same. Each campground shall be directly supervised by a resident manager, who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented. The manager's residence may include the business office for the park, in which case the structure shall include at least one thousand (1000) square feet of living area for the manager's family.
7. Each campsite shall have an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, a metal trash contained with lid an volume of at least two cubic feet, which shall be emptied daily by park personnel to the solid waste facility, and a grave or hard surfaced parking area of at least four hundred (400) square feet.
8. All campgrounds shall be licensed by the Michigan Department of Health and Human Services, or its successor, and maintain compliance with all regulations set forth by the Eaton County Health Department the Michigan Department of Natural Resources.
9. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable local, state, and federal laws.
10. Each park shall have waste pump-out facilities for recreational vehicles which shall have an approved connection to a municipal sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility. Each park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) large enough to accommodate a three-day accumulation of solid waste with all sites in the park occupied. Said service shall provide pick up of waste weekly when the park is operating and frequently enough to insure that said container(s) are never overloaded.

11. No commercial enterprises shall be permitted to operate on the campground parcel, except that a convenience goods shopping building may be provided on a lot containing more than forty (40) camp sites.
12. Each campsite made available as a travel trailer space shall contain at least two-thousand (2,000) square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
13. Each park shall be served by not more than one (1) point of access to each abutting street or road. All entrance and exit lanes within a campground shall be illuminated. Clear vision areas shall be maintained for drivers, extending one hundred fifty feet (150) in each direction on any abutting road and for twenty-five feet (25) on the park entrance road. Roadways within the park shall be hard surfaced, dust free, and at least twenty-four feet (24) wide for two way traffic or twelve feet (12) wide for one way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.
14. The minimum lot area of a campground shall be five (5) acres and the maximum lot area shall not exceed twenty (20) acres.
15. No person shall occupy any recreational vehicle park or campsite for more than sixty (60) days.
16. All campsites must be screened from public streets and thoroughfares. Each RV park or campground shall be enclosed by a fence at least four (4) feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15) feet wide around the entire site. Said greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20) feet apart and at least two rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6) feet planted not more than six (6) feet apart.

E. CONDOMINIUMS

1. **Purpose and Intent.** The intent of this subsection is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality and design to property divided and developed by other methods.
2. **Review Requirements.** In order to ensure compliance with this Ordinance, all condominium developments shall go through the site plan review process, including developments consisting solely of single family or duplex residences that may otherwise not be required to prepare a site plan. In addition to the

information required for site plan review generally, all applicants for condominium site plan review shall submit the following information:

- a. A copy of the proposed condominium master deed, which must clearly state the responsibility of the owner and co-owners and that all amendments to the master deed must conform with applicable Township, county, and state laws and regulations. The master deed must also include any variances granted by Township, county, or state authorities and must include a hold harmless clause. All provisions of the condominium subdivision plan which are approved by the Planning Commission will be incorporated in the master deed for the condominium subdivision.
- b. A copy of the proposed condominium subdivision plan, which may replace the site plan normally required for site plan review.
- c. A copy of the proposed condominium association bylaws.

3. Zoning Ordinance Standards

- a. **Lot Size.** In conventional condominium developments, the entire site must meet the minimum lot size requirements for the zoning district the parcel is located in. For site condominiums developments, each condominium unit and its associated limited common area are considered equivalent to a “lot” and must meet the minimum lot size requirements for the zoning district the parcel is located in.
- b. **Setbacks.** In conventional condominium developments, the buildings must be setback from the site’s boundaries as required in the zoning district where the parcel is located, while the setback from other buildings must meet the building setback requirements applicable to multiple-family residences.
- c. **Roads.** All roads within condominium developments must be paved and built to the standards of the Eaton County Road Commission or otherwise satisfy the requirements for private roads under this Ordinance.

F. DRIVE-IN THEATER: Drive-in Theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

G. DRIVE-THROUGH BUSINESSES: Drive-through businesses shall be subject to the following requirements:

- 1. Must be setback at least sixty (60) feet from any right-of-way.

2. Ingress and egress shall be setback at least seventy-five (75) feet from any intersection.
3. Must provide adequate off-street stacking space for vehicles waiting in line, which shall accommodate a minimum of five (5) vehicles. No vehicle shall be permitted to wait within the right-of-way.
4. All lighting shall be shielded from residential districts.
5. The fencing and screening requirements of this Ordinance must be satisfied.

H. GOLF COURSES: Golf courses shall be subject to the following requirements:

1. All principal or accessory buildings and parking areas shall not be less than two hundred (200) feet from any side or rear lot line, or one hundred (100) feet from a right-of-way.
2. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
3. Accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Other accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may be located in separate structures.
4. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact on adjoining properties. Additional buffering conditions may be required where necessary to minimize the impact of the driving range upon neighboring parcels.
5. Water quality protective measures are required as follows, except to the extent a stricter standard is required by other law or regulation:
6. Erosion control barriers shall be maintained during construction.
7. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
8. All chemical applications associated with herbicides, insecticides, fungicides, or rodenticides must be by an applicator licensed by the Michigan Department of Agriculture or successor agency. Chemicals shall meet the requirements of the

Federal Insecticide, Fungicide and Rodenticide Act, the Environmental Protection Agency, and all appropriate state laws and regulations.

9. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses, and wetlands shall be maintained. The buffer zone must contain natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.
 10. All parking areas shall be surfaced or treated so as to prevent any dust nuisance.
 11. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
 12. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
 13. Whenever included, swimming pools shall be provided with a with a protective fence which meets the minimum height requirements of the building code and entry shall be provided by means of a controlled gate or turnstile.
- I. GROUP DAY CHILD CARE HOMES:** Group day care homes and commercial day care facilities shall be subject to the following requirements:
1. It is setback at least one thousand five hundred (1,500) feet from any of the following:
 - a. Another group day care home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - d. A community correction center, resident home, halfway home or another similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 2. The site is surrounded by a fence or wall as specified in this Ordinance.
 3. The property must be maintained in a manner consistent with the visible characteristics of the neighborhood.

4. Hours of operation are limited to sixteen (16) hours during a 24-hour period. Group child care homes shall not operate, at minimum, between the hours of 12:00AM and 4:00AM.
5. The group child care home complies with the provisions of this Ordinance relating to signs and off-street parking.

J. HOME OCCUPATIONS: Home occupations shall be subject to the following requirements:

1. Not more than two paid assistants shall be employed, one of whom must be an occupant of the dwelling.
2. The area devoted to a home occupation may not occupy an area greater than 30 percent of the total floor area of the dwelling or accessory building.
3. One (1) non-illuminated wall sign not to exceed four (4) feet in area is permitted.
4. No commodity other than that produced or processed on the premises shall be sold thereon, and in no case shall the primary function of the premises be other than for residential purposes.
5. Home occupations shall not exceed forty percent (40%) of the living area.
6. A home occupation may operate in an accessory structure, provided that the accessory structure shall be no larger than five hundred (500) square feet if located in the R-1 District, or one thousand two hundred (1,200) square feet if located in the Rural Residential or Agricultural Districts. Only one accessory structure may be used for home occupation operations.
7. The occupation shall not necessitate the use of a vehicle requiring a commercial license.
8. Off-street parking shall be provided.
9. The home occupation shall be reviewed annually to determine compliance with the special use permit.

K. JUNK YARD

1. A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
2. All activities shall be confined within the fenced-in area.

3. There shall be no stacking or material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height.
4. No equipment, material, sign, or lighting shall be used or stored outside the fenced-in area.

L. KENNELS

1. Must be located on a minimum of five (5) acres. Ten (10) dogs are permitted for the first five (5) acres, and one (1) additional dog is permitted for each additional 1/2 acre, up to a maximum of twenty (20) dogs.
2. Buildings and runs for the housing of dogs shall be a minimum of one hundred (100) feet from any lot line, right-of-way, or easement line.
3. Outside runs must be individually fenced and shall have paved surfaces suitable for cleaning by high-pressure hose water or steam and shall be provided with a drainage and septic system that prevents pollution of adjacent and neighboring properties or water courses or bodies of water.
4. Outdoor runs and breeding areas shall be enclosed on all sides by a wall or fence not less than five (5) feet high.
5. Sight and sound barriers shall be provided around all outdoor facilities and use areas.
6. Dogs must be housed within an enclosed building between the hours of 9:00 p.m. and 7:00 a.m. each day.
7. Retention and storage of animal waste is not allowed. Waste must be disposed of in a sanitary manner on a daily basis in accordance with Michigan Department of Health requirements.
8. Kennels shall be operated in conformance with all applicable county, township, state or federal regulations, and with industry standards.
9. The premises must be kept in a clean and sanitary condition to prevent the excessive accumulation of flies, the spread of disease, and offensive odors.

M. LANDFILLS OR INCINERATORS

1. Must be located over 1000 (one thousand) feet from any dwelling.
2. Berms and fences shall be constructed around any landfill or incinerator as required by any and all state law regulations and requirements. The berms and

fences shall be placed on the interior of the vegetated buffers, which shall be no less than one hundred (100) feet in width and may be natural vegetation or planted evergreens if the existing cover is destroyed. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.

3. Grading or reseeding upon completion of operations in a portion of a landfill site is required.

N. MANUFACTURED HOMES OR MOBILE HOMES

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, MCL 125.2301 *et seq*, a preliminary plan must be submitted to the Township for review by the Planning Commission. The preliminary plan must include the location, layout, general design, and general description of the project. The preliminary plan does not require detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission must follow the procedures and requirements in this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in the Mobile Home Commission Act, as amended, or the Mobile Home Commission Rules. Pursuant to the Mobile Home Commission Act, as amended, the Planning Commission must take action on the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with the Mobile Home Commission Act, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in that Act. The construction of a mobile home park cannot be initiated, nor can a mobile home park be inhabited or operated, until all necessary permits have been acquired from all applicable local and state agencies.
3. No more than eight (8) mobile homes may occupy a space of one (1) acre.
4. No mobile home or other structure shall be located within fifteen (15) feet of one another, within five (5) feet of a driveway or parking space, within forty (40) feet of a public right-of-way, or within twenty-five (25) of any park boundaries.
5. For purpose of this section, additions to a mobile home, other than those constructed of cloth, shall meet the area and yard requirements of this section.
6. Utility wires, pipes, and tanks shall be underground, unless those structures are used as part of a central distribution system, in which case they may be maintained above the ground if fully screened from view by an opaque fence, wall, or vegetation.

7. Each mobile home park shall contain one or more outdoor recreation areas totaling at least three hundred (300) square feet per mobile home site. No mobile home shall be more than five hundred (500) feet from a recreation area. Rights-of-way, driveways, parking areas, and buildings are not to be included when calculating the size of a recreation area under this Section.
8. A tree buffer should be developed around the park in the required yard areas.
9. All roads within a mobile home park shall be bounded on at least one side by a sidewalk at least three (3) feet in width.
10. If the parking of recreational vehicles or motor homes is allowed, such parking shall be restricted to areas surrounded by an opaque fence or wall at least six (6) feet in height.
11. Each mobile home park shall provide refuse containers having a capacity of no less than one cubic yard for every four mobile homes. Mobile homes shall be located to be no more than one hundred fifty (150) feet from such a container. These containers shall be surrounded on three (3) sides by an opaque fence or wall at least six (6) feet in height.
12. All roadways within a Mobile Home Park shall be developed to the standards required by the Eaton County Road Commission for residential subdivision streets.

O. MEAT OR POULTRY PROCESSING PLANT: A meat or poultry processing plant shall be located at least one thousand (1000) feet from any dwelling.

P. MINING AND EXTRACTION OPERATIONS

1. **Application Requirements.** Each application shall be accompanied by plans, drawings, and information, depicting, at a minimum:
 - a. Name and address of the person, firm or corporation who will be conducting the actual mining and extraction operations, if different than the applicant.
 - b. Location, size, and legal description of the total site area to be excavated.
 - c. Location and width of all easements or rights-of-way on or abutting the area subject to extraction.

- d.** A statement from the applicant identifying all federal, state, and local permits required, if any. Provisions for landscaping and screening consistent with the requirements of this Ordinance.
- e.** A master plan for the extraction of minerals on the site, including:
 - i.** Type of materials or resources to be mined, stockpiled, or hauled away.
 - ii.** Proposed method of removal and general haul route.
 - iii.** General description of types of equipment to be used.
 - iv.** The area and amount of material to be excavated in cubic yards.
 - v.** Proposed side slopes and depths for all portions of the excavated area, with elevations noted in five (5) foot intervals.
 - vi.** Proposed drainage systems, settling ponds, and retention ponds, as appropriate, including the projected water level.
 - vii.** The time, duration, phasing, and proposed work schedule of the total project.
 - viii.** The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
 - ix.** Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
- f.** The proposed location of access points to the site and proposed haul routes for transport of excavated material.
- g.** Proposed plans for fencing and signage.
- h.** Depth to groundwater.
- i.** Vertical aerial photograph, enlarged to a scale equal to one (1) inch equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
- j.** A detailed reclamation plan that identifies, at a minimum, the following:
 - i.** Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.

- ii. Depiction of finished and stabilized side slopes, including methods and plant materials proposed for use.
- iii. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
- iv. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
- v. The restoration of vegetation at the site, including appropriate seeding of grasses and the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
- vi. The restoration of the site topography so that no gradients in the disturbed area are steeper than a slope of 1:3.
- vii. The placement of a three (3) inch layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
- viii. Identification of all backfill and grading materials to be used, and a certification that none of those materials are noxious, flammable, or toxic.
- ix. Identification of fill and soils to be used. Fill and soils must be of sufficient quality to be well-drained and non-swelling and cannot be overly compacted. To the extent the reclamation plan involves the construction or development of buildings, fill and soils must be of proper bearing capacity to support foundations and waste disposal systems.
- x. Identification of all temporary structures, which must be removed from the premises upon completion of the extraction activity. Temporary structures may be permitted to remain when they are of sound construction and are compatible with reclamation goals.

2. Site, Development, and Operational Requirements. The following site and development requirements shall apply:

- a. The minimum lot area shall be twenty (20) acres. The maximum lot area shall not exceed forty (40) acres.

- b.** All extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distances:
 - i.** One hundred (100) feet from the right-of-way of any public road, private road, or highway.
 - ii.** Two hundred (200) feet from abutting property. This requirement does not apply if the abutting property owner(s) and resident(s) (if different) voluntarily waive this requirement in writing.
- c.** All permitted buildings, structures, and stationary equipment associated with extraction activities shall be located a minimum of one hundred and fifty (150) feet from all lot lines. This requirement does not apply if the abutting property owner(s) and resident(s) (if different) voluntarily waive this requirement in writing.
- d.** There shall be not more than one (1) entrance from a public road for each six hundred sixty (660) feet of frontage.
- e.** All sites shall have direct access to a County road having a minimum width of sixty-six (66) feet. When the permitted operation results in the mined material, overburden and/or similar material being deposited or spilled upon the public roadway, it shall be the responsibility of the applicant to remove such material immediately.
- f.** All roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be constructed to limit the nuisance caused by wind-borne dust on adjoining lots and rights-of-way. The Planning Commission may require a specific surfacing material for these areas, such as bituminous asphalt, properly-treated gravel, hard-packed earth, or another material the Planning Commission concludes appropriately satisfies the intent of this subsection.
- g.** The entire area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site is not in use, or when an attendant is not present. Warning signs shall be posted at two hundred (200) foot intervals along the perimeter.
- h.** A berm and/or suitable screen is required when extraction activities will occur within five hundred (500) feet of any residential lot line. The berm or screen required by this subsection shall be a minimum of fifty (50) feet in width.

- i.** All extraction operations must comply with the soil erosion and sedimentation control requirements of the County Drain Commissioner and Michigan Department of Environment, Great Lakes, and Energy.
- j.** All topsoil must be stockpiled on site, and no topsoil may be removed from the extraction site. At the conclusion of extraction activities, all disturbed areas must be restored with a minimum of three (3) inches of top soil.
- k.** The extraction site shall be graded to avoid the accumulation of water in stagnant pools.
- l.** Sites of ecological significance, such as wetlands, should be avoided.
- m.** Potential nuisances such as air pollution, noise, and vibration shall be minimized. Where appropriate, the Planning Commission may require appropriate screening, soundproofing, or similar efforts to mitigate potential nuisances.
- n.** To the greatest extent feasibly, truck or other heavy vehicle traffic must use major thoroughfares for access to the site.
- o.** All public streets within one thousand (1,000) feet of the exit from an extraction site must be kept reasonably clear of mud, dirt, and debris from vehicles exiting the site.
- p.** Maximum hours of operation of the mining operation shall be 7:00 a.m. to 8:00 p.m., Monday through Friday. No hours of operation shall be permitted on weekends or legal holidays. In emergencies, this time period may be modified by the Zoning Administrator, provided such emergency order shall not be effective for more than seventy-two (72) hours.
- q.** Reclamation activities must be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities should be undertaken unless the reclamation activities would interfere with, or be damaged by, ongoing extraction. Excavated areas must be reclaimed pursuant to a reclamation plan approved by the Township Board and, where the excavation site impacts a recreational or wildlife facility, by the Michigan Department of Natural Resources.
- r.** A performance bond or other financial guarantee may be required in an amount sufficient to complete reclamation activities of the entire site. No extraction activities may occur until the Township, through approval of the Township Board, has received a satisfactory bond or financial guarantee.

- s. In addition to the reclamation bond described above, the applicant must deposit funds into an escrow account sufficient to cover all costs of reviewing the application and monitoring the site. This escrow deposit must be maintained until the Planning Commission certifies that all reclamation activities have been completed. These funds may be used for the costs of professional application review, monitoring of site conditions, legal costs associated with the extraction operation, or similar costs incurred by the Township in connection with an extraction operation. No extraction activities may occur before the escrow deposit required by this subsection has been received, nor may extraction activities occur at any time the Planning Commission deems the remaining escrowed funds are inadequate.
- t. Extraction activities must not cause surface or subsurface water pollution. It is the applicant's responsibility to present sufficient evidence that no pollution will occur, and to take appropriate measures to prevent pollution.
- u. Extraction activities may not cause or threaten erosion of any land, or the movement of earth materials, outside the parcel on which those activities are occurring. Extraction activities may not alter the drainage patterns of surface or sub-surface waters on adjacent property. The applicant has a continuing responsibility to ensure that its extraction operations cause no erosion or alteration of drainage patterns, including after cessation of those operations.

3. Additional Conditions

- a. Extraction operations are subject to inspections as determined by the Planning Commission. As a condition of obtaining a special use permit, the applicant is deemed to have authorized these inspections, and to cooperate fully in making the extraction operations available for inspection.
- b. If extraction operations cease for more than one (1) year, the operation is deemed abandoned. No extraction operations may resume on an abandoned site unless and until a new permit is issued under this section.
- c. The maximum duration of a permit issued under this Section is five (5) years. A permit may be renewed for up to one (1) additional five (5) year term, at the discretion of the Township Board. Any additional extraction activities must obtain a new permit satisfying the requirements of this Section.
- d. The time limits described by this Section do not continue to run on an appeal of the decision to issue a special use permit. Any time limits tolled by an appeal shall resume as of the date that appeal is resolved.

Q. RECREATION ESTABLISHMENTS: Recreation establishments shall be subject to the following requirements:

1. All appropriate federal, state, county, and local permits must be obtained.
 2. The minimum front, side, and rear yard setbacks for principal and accessory structures shall be seventy-five (75) feet, except that no temporary sanitary facility or trash receptacle, or spectator seating facility or area, shall be located within one hundred (100) feet of a lot in an Agricultural or Residential district. The first fifty (50) feet of all yards shall be kept free of off-street parking and shall be landscaped.
 3. Facilities shall provide off-street parking and passenger loading areas appropriate for the type of use. Off-street parking areas be provided and shall be fenced on all sides by a four and one half (4.5) foot wall or fence where adjacent to the outdoor recreation establishment. Adequate stacking areas shall be provided.
 4. Facilities with a participant capacity greater than five hundred (500) people must provide letters of review from the County Sheriff and County Road Commission.
 5. All lighting shall be shielded from adjacent property.
 6. Operating hours of the use will be based upon the nature of the use and the potential for a nuisance to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 A.M. to 11:00 P.M.
 7. Appropriate fencing shall be provided as established in this Ordinance.
 8. No loudspeaker or public-address system shall be used except by the written consent of the Township Board.
- R. RACETRACKS:** Racetracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, therefore they shall be subject to the following requirements:
1. Racetracks shall be located only on major thoroughfares within the Agricultural District.
 2. The parking and access requirements of this Ordinance must be satisfied.
 3. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot tall green belt planting and fence or wall so as to obscure from view all activities within the development.
 4. No motorized vehicle, loudspeaker or public-address system shall be operated between the hours of 11:00 p.m. and 8:00 a.m., except by the written consent of the Township Board.

5. Except as otherwise provided in this Section, Racetracks must also comply with all requirements applicable to recreation establishments.

S. SEWAGE TREATMENT OR DISPOSAL FACILITY: All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.

T. SHOOTING RANGES: Shooting Ranges shall comply with the following:

1. The design and operation of shooting ranges shall be consistent with the specifications and best practices recommended by the National Rifle Association; and shall conform to the generally accepted operation practices adopted pursuant to the Michigan Sport Shooting Ranges Act, Public Act 269 of 1989. The design of the shooting range shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued.
2. The minimum lot area for outdoor shooting activities shall be forty (40) acres. The maximum lot area for outdoor shooting activities shall not exceed eighty (80) acres. Additional acreage may be approved where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant such additional acreage.
3. The minimum yard setbacks for outdoor shooting clubs/ranges shall be two hundred fifty (250) feet.
4. Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 8:00AM and after dusk, except for facilities operated by law enforcement agencies. The Township Board may apply more restrictive hours where protection for adjoining residents is necessary.
5. Shooting clubs/ranges shall not be located within one thousand (1000) feet of any dwelling.
6. All parking shall be off-street and shall comply with this Ordinance.

U. SOLAR ENERGY SYSTEMS, GENERAL REGULATIONS

1. Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy System is located, whichever are more stringent.
2. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the

proposed location and an elevation drawing showing the proposed height and foundation details.

3. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
4. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.
5. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
6. No Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.
7. All Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
8. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
9. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of solid fencing consistent, or the installation of a wall, hedge, or other vegetation not less than four (4) feet and no more than eight (8) feet in height.
10. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground. The Township Board may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
11. Any Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris,

that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.

12. An Abandoned Solar Energy System shall be removed by the property owner within six (6) months.

V. SOLAR ENERGY, LARGE SYSTEMS

1. **Purpose and Intent:** The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems as a special use.
2. **Site Plan Drawing and Supporting Materials:** All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required by Article 14:
 - a. A site plan.
 - b. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 - c. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
 - d. Vicinity map showing the location of all surrounding land uses.
 - e. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
 - f. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 - g. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one thousand (1,000) feet of the outside perimeter of the Large Solar Energy System.
 - h. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.

- i.** Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
- j.** Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Eaton County Road Commission or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.
- k.** Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
- l.** A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomical or an Abandoned Solar Energy System.
- m.** A copy of the manufacturer's safety measures.
- n.** Planned lighting protection measures.
- o.** The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - i.** Impact on area water resources;
 - ii.** Impact on air quality;
 - iii.** Noise impacts caused by the Solar Energy System;
 - iv.** Impact on utilities and infrastructure;
 - v.** Protection of neighboring property owners and children;
 - vi.** Impact on wildlife;
 - vii.** Effects on floodplains and wetlands;

- viii. Unique farmlands or soils;
 - ix. Areas of aesthetic or historical importance;
 - x. Archeological or cultural concerns; and
 - xi. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.
- p. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Eaton County Drain Commission.
 - q. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
 - r. Additional detail(s) and information as required by the special use requirements of the Zoning Ordinance, or as required by the Township.
3. **Compliance with the State Building Code and the National Electric Safety Code:** Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as a condition of any special use permit under this section.
 4. **Certified Solar Array Components:** Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.
 5. **Height:** Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as

structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.

6. **Lot Size:** A Large Solar Energy System shall be located on one (1) or more parcels with an aggregate area of ten (10) acres or greater.
7. **Setbacks:** A minimum setback distance of one-hundred (100) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
8. **Lot Coverage:** A Large Solar Energy System is exempt from maximum lot coverage limitations.
9. **Screening/Security:** A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 8 feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by buffer areas whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
 - a. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the special use permit.
 - b. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at the time of planting shall be a minimum of four (4) feet in height, with shrubs being at least two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than even (7) feet apart on center. All unhealthy (60 percent dead or greater) and dead material shall be replaced by the applicant within six (6)

months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special use permit previously granted.

- c. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or guarantee for an amount equal to one and one half (1.5) times the cost of any planting deficiencies, and the Township shall hold that security. After all plantings have occurred, the Township shall return the financial guarantee.
- 10. Signage:** No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the special use permit or other applicable law.
- 11. Noise:** No component of any Large Solar Energy System shall emit noise exceeding fifty (50) dBA averaged over a one (1) hour period as measured at the outside perimeter of the project.
- 12. Lighting:** All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be arranged so as to not adversely affect driver visibility on adjacent public roads.
- 13. Glare:** All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- 14. Distribution, Transmission and Interconnection:** All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.

- 15. Abandonment and Decommissioning:** Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review prior to issuance of the special use permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan. The ground must be restored to its original condition within one hundred eighty (180) days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- 16. General Standards:** The Township Board may not approve any Large Solar Energy System special use permit unless it finds that all of the applicable standards for special use permit contained in this Ordinance are met.
- 17. Safety:** The Township Board shall not approve any Large Solar Energy System special use permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
- 18. Conditions and Modifications:** Any conditions and modifications approved by the Township Board shall be recorded in the Township Board's meeting minutes. The Township Board may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.
- 19. Inspection:** The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- 20. Maintenance and Repair:** Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance or the special use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant, its successors or assigns; the current owner; or current operator shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been

corrected. Applicant, its successors or assigns; the current owner; or current operator shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant, its successors or assigns; the current owner; or current operator shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

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

22. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:

a. Continuing Restoration Security: If a special use permit is approved pursuant to this section, the Township shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Treasurer after a special use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require

the purchasing party to provide the Township with the security described by this section, along with relevant contact information.

- b. Continuing Compliance and Enforcement Escrow Deposit:** A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the special use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
- c. Continuing Obligations:** Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the special use permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the special use permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.

23. Conditions: In addition to the requirements of this Section, the Township Board may impose additional reasonable conditions on the approval of a Large Solar Energy System as a special use.

24. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a special use permit is granted, and must be completed within a period of three (3) consecutive years from the date a special use permit is granted. The Township Board may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the special land use approval. Failure to complete construction within the permitted time period shall result in the approved special use permit being rendered null and void.

25. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.

26. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

W. STORAGE UNITS: Storage units are subject to the following requirements:

1. Minimum lot size of two (2) acres.
2. Owners and lessees of storage units may not conduct business activities within their storage unit.
3. The property must be enclosed by a minimum six (6) foot high fence, which may be chain-link if it does not abut residential uses.
4. Storage units must be within enclosed buildings.
5. The exterior of storage unit buildings must be of finished quality.
6. Storage units may not store hazardous, toxic, or explosive materials. A sign describing this prohibition must be posted on the property.

X. TELECOMMUNICATION TOWERS AND ANTENNAS

1. **Purpose.** The purpose of this Section is to establish guidelines for the siting of telecommunications towers and antennas. The goals of this Section are as follows:
 - a. To protect the residents and lands of the Township from the adverse effects of towers and antennas and to avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of tower structures;

- b. To require users of towers and antennas to locate them, to the extent possible, in areas where the adverse effects upon the community are minimal;
- c. To require users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through design, siting, landscape screening, and camouflage techniques;
- d. To minimize the required number of towers throughout the community by a rationalized method of siting;
- a. To require the joint use of new and existing towers sites as the standard rather than the construction of single-use towers; and
- b. To enhance the ability of the providers of telecommunication services to provide such services to the community effectively and efficiently.

2. Applicability

- a. New towers and antennas. All new towers or antennas, or modifications of existing towers or antennas, in the Township shall be subject to these regulations, except as provided below.
- b. AM array. An AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurement for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array.
- c. Receive-Only Antennas and Related Structures. The following requirements shall apply to any tower, antenna, or other structures similar in size, shape and function, which is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operation or that is used exclusively for receiving signals.
 - i. Antennas, satellite dishes, and similar structures shall be located no closer than the height of the tower to any lot line, and in no instances shall such structures maintain a setback of less than six (6) feet from any side or rear lot lines.
 - ii. Towers, satellite dishes, antennas, and similar structures shall not be placed or constructed in any required front yard.
 - iii. Satellite dishes may be placed or mounted on poles; however, they shall be subject to accessory building height limitations.

3. General Requirements

- a. **Principal or accessory use.** Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. **Lot size.** For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- c. **Tower height.** No tower shall be higher than one hundred seventy-five (175) feet unless an applicant can demonstrate that such a restriction is commercially unreasonable based upon the industry standard height.
- d. **Inventory of existing sites.** Each applicant for an antenna and/or tower shall provide an inventory of any existing towers, antennas, or sites approved for towers or antennas, that are either within the Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
- e. **Aesthetics.** Towers and antennas shall meet the following requirements:
- f. **Finish and color of towers.** At the discretion of the Township, towers shall either be painted a neutral color so as to reduce visual obtrusiveness or maintain a galvanized steel finish, subject to any applicable standards of the FAA.
- g. **Blend with setting.** At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend with the natural setting and surrounding buildings.
- h. **Color of antenna.** If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- i. **Lighting.** Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- j. **Landscaping.** Trees, shrubs, and other plants shall be installed to screen the tower and its appurtenant structures and equipment from public view.

Plantings shall be done at the borders of a tower site, along its frontage, and in any direction existing vegetation does not screen the tower structure, guys, anchor structures, or equipment enclosures. Existing mature trees and shrubbery and the natural landscape shall be preserved to the maximum extent possible and may be used to achieve this standard.

- k. State or federal requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- l. Building codes and safety standards.** To guarantee the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring a tower into compliance within 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense. Buildings and support equipment associated with antennas or towers shall comply with the requirements of this Section.
- m. Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdictional boundaries.
- n. Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- o. Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

- p. Public Notice.** For purposes of this Section, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners as required by the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*
 - q. Signs.** No signs shall be allowed on an antenna or tower except as may be required by law or governmental regulation.
- 4. Permitted uses.** Antennas located on a previously approved tower may be authorized by the Zoning Administrator and need not be submitted to the Planning Commission for approval upon submission of structural calculations certified and sealed by a licensed structural engineer certifying that the previously approved tower can support the additional antenna(s).
- 5. Administratively approved uses**

 - a. Approval by Zoning Administrator.** The Zoning Administrator may administratively approve the uses listed in this Subsection.
 - b. Application and fee.** Each applicant for administrative approval shall apply to the Zoning Administrator, providing the information set forth in Subsection 3 of this section and a nonrefundable fee as established from time to time by the resolution of the Township Board to reimburse the Township for the costs of reviewing the application. In addition, the Township may collect estimated charges for review of the application by an expert retained by the Township for this purpose. Any unused portion shall be returned to the applicant; any costs in addition shall be paid by the applicant to the Township before a permit may be issued.
 - c. Review by the Zoning Administrator.** The Zoning Administrator, and the Township expert if deemed appropriate, shall review the application for administrative approval and determine if the proposed use complies with Subsections 2(d) and 3 of this section.
 - d. Reconstruction of an existing tower.** In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
 - e. Applications Following Administrative Denials.** If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Subsection 4 of this Section prior to filing any other appeal that may be available under this Ordinance.

- f. List of administratively approved uses.** The uses listed below may be approved by the Zoning Administrator after conducting an administrative review.
- i. Antennas on existing structures.** Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, manufacturing, professional, institutional, or multifamily structure of eight or more dwelling units, provided that the antenna:
- a)** Does not extend more than thirty (30) feet above the highest point of the structure;
 - b)** Complies with all applicable FCC and FAA regulations;
 - c)** Complies with all applicable building codes; and
 - d)** Meets all other conditions of this section.
- ii. Antennas on existing towers.** Any antenna which is attached to an existing tower may be approved by the Zoning Administrator, and to minimize adverse visual and physical impacts associated with the proliferation of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided that such collocation is accomplished in a manner consistent with the following:
- a)** A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type and trim as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
 - b)** Existing towers may be modified to accommodate collocation of an additional antenna. Such a modification may include construction to increase an existing tower's height by up to 30 feet, but not beyond a maximum height of one hundred ninety-nine (199) feet. Such construction may occur only once per tower without a special use permit. The tower's pre-modification height shall continue to be used to calculate such distance separations.
 - c)** A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within 50 feet of its existing location. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

- d)** A relocated on-site tower shall continue to be measured from the original tower location for purpose of calculating separation distances between towers.
- e)** No relocated tower shall be placed within the separation distance to residential units or residentially zoned lands.

6. Special Use Permits, General. The following provisions shall govern the issuance of special use permits for towers or antennas:

- a.** If the tower or antenna is not a permitted use under Subsection 2(e) of this Section or permitted to be approved administratively pursuant to Subsection (2)(f), then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
- b.** Applications for special use permits shall include a site plan as required by this Ordinance.
- c.** Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- d.** An applicant for a special use permit shall submit the information described in Subsection 3(a)(v)(1) and a nonrefundable fee as established by resolution of the Township Board to reimburse the Township for the costs of reviewing the application.
- e.** In addition to any information required for applications for special use permits generally, applicants for a special use permit for a tower shall submit the following information:
 - i.** A scaled site plan clearly indicating:
 - a)** The location, type and height of the proposed tower;
 - b)** Master Plan classification of the site, adjoining sites, and all properties within the applicable separation distances set forth in Subsection 3;
 - c)** Adjacent roadways and rights-of-way, including the proposed means of accessing the site;
 - d)** Setbacks from property lines;
 - e)** Elevation drawings of the proposed tower and any other proposed structures;

- f)** Site topography;
 - g)** Parking, both temporary and permanent;
 - h)** Any other information deemed by the Zoning Administrator, Planning Commission, or the Township Board to be necessary to assess compliance with this section.
- ii.** The setback distance between the proposed tower and residentially-zoned properties and the nearest residential unit.
 - iii.** The separation distance from other towers described in the inventory of existing sites submitted pursuant to Subsection 2(d) shall be shown on the site plan. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - iv.** A landscape plan showing existing site vegetation to be preserved, along with a detailed landscape plan indicating vegetation to be added and which specifies species, height, size, and planting methods.
 - v.** Method of fencing, tower finish color and, if applicable, the method of camouflage and illumination.
 - vi.** A description of compliance with Subsections 2(d) and 3 and all applicable federal, state or local laws.
 - vii.** A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - viii.** Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - ix.** A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the service to be provided through the use of the proposed new tower.
 - x.** A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

- 7. Considerations in granting a special use permit.** In addition to any standards for consideration of special use permit applications generally, the Township Board, upon recommendation by the Planning Commission, may waive or reduce the requirements of one or more of these criteria if the Planning Commission concludes that the goals of this section are better served thereby.
- a.** Height of the proposed tower;
 - b.** Proximity of the tower to residential structures and residential district boundaries;
 - c.** Nature of uses of adjacent and nearby properties;
 - d.** Surrounding topography;
 - e.** Surrounding tree coverage and foliage;
 - f.** Design of the tower, with particular reference to those characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g.** Proposed ingress and egress to the tower location; and
 - h.** Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed below.
 - i.** Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna(s). An applicant shall submit information requested by the Planning Commission relevant to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna shall consist of any of the following:
 - j.** No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - k.** Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - l.** Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

- m. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - n. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - o. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - p. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- 8. Setbacks.** The following setback requirements shall apply to all towers for which a special use permit is required. The Planning Commission may reduce the standard setback requirement if the goals of this Section would be better served thereby.
- a. All towers must be set back a distance equal to the height of the tower from any adjoining lot line.
 - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- 9. Separation.** The separation requirements set forth shall apply to all towers and antennas for which a special use permit is required; however, the Planning Commission may reduce the standard separation requirements if the goals of this Section would be better served thereby.
- a. Separation from off-site uses and designated areas.
 - b. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

Table 1	
Any residential structure	500 feet or 300% height of tower, whichever is greater
Residentially-zoned districts	1,500 feet.
Any nonresidential structure not associated with the operation of the tower	Height of tower plus 10%
Non-residentially zoned lands	None; only setbacks apply

- c. Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to the site plan of the proposed tower. The separations distances shall be as shown in Table 2.

Table 2				
	Lattice (feet)	Guyed (feet)	Monopole Greater than 75 feet in Height	Monopole Less than 75 feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole Greater than 75 feet in Height	1,500	1,500	1,500	750
Monopole Less than 75 feet in Height	750	750	750	750

10. Security fencing. Towers and guy anchor areas shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.

11. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required.

- a. Tower facilities shall be landscaped with a buffer area of plant materials that effectively screens the view of the tower compound from property used for

residences. The standard buffer area shall consist of a landscaped strip at least four (4) feet wide around the perimeter of the compound, but any effective method may be proposed.

- b. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide a sufficient buffer area and no additional landscaping would be required.

12. Bond for removal. The Township may require a bond equivalent to the cost of removing an antenna or tower to ensure removal of any abandoned or unused tower or antenna.

13. Building and other equipment storage.

- a. **Antennas mounted on structures on rooftops.** The equipment cabinet or structure used in association with antennas shall comply with the following:

- i. The cabinet or structure shall not contain more than two hundred (200) square feet of gross floor area or be more than thirteen (13) feet in height. If the related unmanned equipment structure is over two hundred (200) square feet of gross floor area or thirteen (13) feet in height, it shall be located on the ground and shall not be located on the roof of the structure.
- ii. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than twenty-five percent (25%) of the roof area.
- iii. Equipment storage buildings or cabinets shall comply with all applicable building codes.

- b. **Antennas mounted on utility poles or light poles/towers.** The equipment cabinet or structure used in association with antennas shall be located according to the regulations below for residential districts.

- c. **Similar Appearance.** Equipment structures shall be constructed of, and be appear similar in appearance to, buildings in the surrounding neighborhood.

14. Residential districts. In residential districts, the equipment cabinet or structure may be located:

- a. In a front or side yard, provided that the cabinet or structure is no greater than thirteen (13) feet in height or two hundred (200) square feet in gross floor area and the cabinet/structure is located a minimum of twenty-five (25) feet from

all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-eight (48) inches and a planted height of at least thirty-six (36) inches, planted no more than four (4) feet on center.

- b. In a rear yard, provided that the cabinet or structure is no greater than thirteen (13) feet in height or five hundred (500) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least eight (8) feet and a planted height of at least thirty-six (36) inches and installed no more than four (4) feet on center.

15. Commercial or Industrial District. In the Commercial and Industrial Districts, the equipment cabinet or structure shall be no greater than twenty (20) feet in height or five hundred (500) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least thirty-six (36) inches. In all instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches and shall be constructed of similar materials as buildings in the neighborhood. All plantings shall be planted no more than 4 feet on center.

16. Modification of building size requirements. The requirements of this Subsection may be modified to encourage collocation by the Zoning Administrator in the case of administratively approved uses or by the Township Board in the case of uses permitted by special use.

17. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of notice from the Township. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds for the Township to remove the tower or antenna at the owner's expense.

18. Nonconforming uses

- a. **Expansion of nonconforming use.** Towers that are changed or antennas that are installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- b. **Preexisting towers.** Preexisting towers shall be allowed to continue their present usage. Routine maintenance, including replacement with a new tower of like construction and height, shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.

- c. **Rebuilding damaged or destroyed nonconforming towers or antennas.** Nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit, but the type, height, and location of the tower on site shall be of the same type and trim as the original structure's approval unless an allowed change is authorized by the Zoning Administrator or the Planning Commission as appropriate. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified above.

Y. WIND ENERGY CONVERSION SYSTEM (WECS)

1. **Purpose.** The purpose of this Section is to establish standards for the siting, installation, operation, and removal or repair of Wind Parks within the Township as a special use.
2. **Application Materials**
 - a. **Application; Signatures:** The application for special use for a Wind Park shall be submitted on a form prepared for that purpose by the Township, and shall demonstrate the support in writing of each and every legal and equitable owner of each lot or parcel within the Township that is located in whole or in part within the Wind Park. If any owners of property within the Township that is proposed to be within the Wind Park do not support the application, the application shall identify those owners by name, address and telephone number, and a copy of the last offer the applicant made to that owner. If no offer was made to the owner, a copy of any and all communications between the applicant and the owner shall be submitted to the Planning Commission. The Planning Commission shall investigate the basis for each owner's objections. The record of the investigation shall be made a part of the record in the consideration of the special use proceedings and the Planning Commission shall give due consideration to the basis for the objections in determining whether to permit any properties to be excluded from the Wind Park.
 - b. **Submission Requirements:** The applicant shall submit twelve (12) copies of the application and all supporting materials to the Township Zoning Administrator. The Zoning Administrator will cause the application to be placed on the Planning Commission's next regular meeting agenda.
 - c. **Site Plan Drawing and Supporting Materials:** All applications for a Wind Park special use must be accompanied by a detailed Site Plan, drawn to scale and dimensioned, and certified by a registered engineer licensed in the State of Michigan, displaying the following information.

- i.* All requirements for a site plan contained in this Ordinance.
- ii.* Parcel Number, Existing Use and Acreage of the Site Parcel.
- iii.* All lot lines and dimensions, including a legal description of each lot or parcel within the Wind Park.
- iv.* Names of owners of each lot or parcel within the Township that is proposed to be within the Wind Park, and within three hundred (300) feet of any of those parcels and the existing use of those parcels.
- v.* Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and all above ground structures associated with each WECS.
- vi.* Location and height of all buildings, structures, and above ground utilities located or proposed within the Wind Park.
- vii.* Specific distances to all onsite buildings, structures, and utilities.
- viii.* Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Wind Park, as well as within one thousand (1,000) feet of the outside perimeter of the Wind Park.
- ix.* Proposed setbacks between each WECS and from each WECS to all existing and proposed structures within the Wind Park.
- x.* Land elevations at each proposed WECS location and its relationship to the land elevations of all existing and proposed structures within the Wind Park.
- xi.* Access driveways to each WECS, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Eaton County Road Commission approval, and the use of the drives shall be planned so as to minimize the use of lands for that purpose.
- xii.* The location of all farmland within the Wind Park that is designated for preservation, a written description of the plan for preservation of farmland within the Wind Park, and copies of all easements, restrictive covenants and other documents proposed to be used to achieve that plan.
- xiii.* Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers, during the construction, operation, removal, remodeling or repair of the WECS.

- xiv.** A written description of the maintenance program to be used to maintain each WECS, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS become obsolete or abandoned.
- xv.** A copy of the manufacturer's safety measures to prevent uncontrolled rotation or over speeding.
- xvi.** Planned lighting protection measures.
- xvii.** Additional detail(s) and information as required by the special use requirements of the Zoning Ordinance, or as requested by the Planning Commission or Township Board.

3. Construction Codes, Towers & Interconnection Standards: Each WECS shall comply with all applicable state construction codes, as well as Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. The tower shaft shall not be illuminated unless required by the FAA. Each WECS shall comply with the applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.

4. Preservation: Property located within the Wind Park that is not designated as an immediate location of any WECS and WECS accessory structures is encouraged to be preserved for its existing uses and purposes through the execution and recording of appropriate easements, restrictive covenants, or other documents approved by the Planning Commission. Although such preservation measures are not required, they will be favorably considered by the Planning Commission and Township Board in the review of a special use application under this Section.

5. Design Standards:

- a. Height:** The permitted maximum total height of each WECS (i.e., WECS height) shall be five hundred (500) feet including the blade in vertical position.
 - i.** State and federal regulations may require a lesser height.
 - ii.** As a condition of approval, the Township may require a lesser height for WECS if it is determined that it is reasonably necessary.
 - iii.** Each WECS shall be constructed with a tubular tower, not a lattice tower.
 - iv.** The Township Board may approve a WECS height greater than five hundred (500) feet if the applicant clearly demonstrates that such greater

height would be in the interest of persons and properties surrounding the Wind Park.

- b. Setbacks:** No part of a WECS (including guy wire anchors) shall be located closer than 150% of the WECS height to any habitable structure and no closer than 100% of the WECS height to any road or utility.
- c. Rotor or Blade Clearance:** Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least seventy-five (75) feet.
- d. Rotor or Blade Safety:** Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
- e. Tower Access:** To prevent unauthorized climbing, WECS must comply with at least one of the following provisions:
 - i.* External tower climbing apparatus shall not be located within eight (8) feet of the ground.
 - ii.* A locked anti-climb device shall be installed and maintained.
 - iii.* A tower capable of being climbed externally shall be enclosed by a locked protective fence at least ten (10) feet high with barbed wire.
- f. Signs:** Each WECS shall have one sign, not to exceed ten (10) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
 - i.* Warning: High Voltage.
 - ii.* Warning: Falling Ice.
 - iii.* Manufacturer's name.
 - iv.* Emergency numbers (list more than one number).
 - v.* FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over the Township.
 - vi.* If fenced, place signs on the fence.

- g. Lighting:** A lighting plan for each WECS shall be approved by the Planning Commission. Such plans must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include without limitation the planned number and location of lights, light color and whether any lights will be flashing. All tower lighting will comply with FAA regulations and guidance and shall be consistent with the USFWS/MDNR guidelines.
- h. Electromagnetic Interference:** Each WECS shall be designed; constructed and operated so far as possible so as not to cause radio, television and other wireless signal interference. If electromagnetic interference is experienced by properties outside the Wind Park, and the WECS is determined to cause radio, television or other wireless signal reception to be degraded from the conditions prior to the installation of the Wind Park through the proper utilization by an expert of relevant facts, data and reliable scientific principles and methods, the WECS owner shall provide alternate service to each individual resident or property owner affected. If a property owner or resident is successful in demonstrating degradation of their radio, television or other wireless signal reception caused by a WECS, then the WECS owner shall also reimburse the property owner or resident for their reasonable costs and fees incurred to prove the existence and cause of the degradation.
- i. Noise Emissions:** All WECS shall be manufactured and constructed with the best available noise reduction technology available at the time of their construction. Noise emissions from the operation of one or more WECS operating within a Wind Park shall not in any case exceed fifty-five (55) decibels on the dBA scale as measured at any point on the boundary between land within the Wind Park and land outside the Wind Park and not more than fifty-five (55) decibels on the dBA scale as measured at residences outside the Wind Park. A state-of-the-art baseline noise emission study of the proposed site and impact of estimated operating noise levels upon all areas within one (1) mile radius of each proposed WECS location shall be performed (at the applicant's cost) and submitted to the Township with the application for special use. Duration of sound will be measured by observing the sound level meter and recording the average sound level measured at intervals of time not to exceed five (5) minutes for a minimum period of one (1) hour. The level of noise may exceed fifty-five (55) decibels on the dBA scale during short term events such as power outages and severe wind storms.
- j. Distribution; Transmission and Interconnection:** All collection lines and interconnections from the WECS to the electrical substation shall be located and maintained underground inside the Wind Park. The Township Board may waive this requirement if the Township Board determines that it would be impractical or unreasonably expensive to install, place, or maintain such collection lines and interconnections underground.

- 6. Approved Standards:** In addition to the other requirements and standards contained in this section, a special use permit shall not issue for any Wind Park unless the Township Board finds that all of the following standards are met:
- a.** The general special use standards contained in this Ordinance; and
 - b.** The Wind Park will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
- 7. Conditions and Modifications:** Any conditions or modifications approved by the Township Board shall be recorded in the minutes of the meeting. The Township Board may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the district in which the WECS is located.
- 8. Completion; Testing:** The applicant shall complete the Wind Park construction within twelve (12) months after commencement of construction. Within twelve (12) months of completion and commencement of operation, the applicant shall be required to present a report prepared by a third-party qualified professional, demonstrating that the Wind Park while in operation meets the requirements of this Ordinance and the permit for special use with respect to noise emissions and electromagnetic interference, and shadow flicker effect.
- 9. Inspection:** The Township shall have the right to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at the applicant's reasonable cost.
- 10. Maintenance and Repair:** Each WECS must be kept and maintained in good repair and condition at all times. If the Zoning Administrator determines that a WECS fails at any time to meet the requirements of this Ordinance, or that it poses a potential safety hazard, the applicant shall shut down the WECS within forty-eight (48) hours after notice by the Zoning Administrator and not start the WECS until the condition has been corrected. The applicant shall keep a maintenance log on each WECS, which shall be available for the Township's review on a monthly basis. The applicant shall keep all sites within the Wind Park neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- 11. Roads:** Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the County in

an amount necessary to assure repair of any damage to the public roads caused by construction of the Wind Park or any of its elements.

12. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents and property owners concerning the construction and operation of the Wind Park. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the Township from acting on a complaint. During construction and operation the applicant shall maintain a telephone number during business hours where nearby residents and landowners can reach a project representative.

13. Abandonment: Any WECS that is not used for the production of energy equal to twenty percent (20%) of the energy output described in the site plan for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the applicant receives a written extension of that period from the Zoning Administrator in a case involving an extended repair schedule for good cause. All above and below ground materials (down four (4) feet below the ground) must be removed. The ground must be restored to its original condition within one hundred eighty (180) days of abandonment. The cost of such removal shall be borne solely by the applicant or its successor(s) or assign(s).

14. Continuing Security and Escrow: If any WECS is approved for construction under this Ordinance, the applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the WECS has been finally removed, as provided below:

- a. Continuing Security:** If a special use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, corporate bond or surety bond in a form, amount, time and duration deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Treasurer after a special use has been approved but before construction commences upon a WECS within the Wind Park. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to have each WECS fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special use permit. Such financial security shall be kept in full force and effect during the entire time a WECS exists or is in place, and such financial security shall be irrevocable and

non-cancelable (except by the written consent of both the Township and the then-owner of the WECS).

- b. Continuing Escrow Deposit:** A continuing escrow deposit to be held by the Township shall be funded in cash by the applicant prior to the commencement of construction of any WECS and shall be maintained by the WECS owner until the WECS has been permanently removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the special use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the WECS owner to place additional monies into escrow with the Township.
 - c. Continuing Obligations:** Failure to keep such financial security and escrow deposit in full force and effect at all times while a WECS exists or is in place shall constitute a material and significant violation of a special use and this Ordinance and will subject the WECS owner to all remedies available to the Township, including possible enforcement action and revocation of the special use.
- 15. Liability:** The applicant shall insure each WECS at all times and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than two million dollars (\$2,000,000.00) per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2018 dollars based on CPI). Acceptable proof of coverage may only be demonstrated through a copy of the relevant policy or policies naming the Township as an additional insured; a certificate of insurance cannot satisfy the requirements of provision.
- 16. Color:** A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
- 17. Shadow Flicker Effect:** All reasonable efforts shall be made not to affect any resident with any shadow flicker effect in the operation of any WECS.

- 18. Vibrations or Wind Currents:** Under no circumstances shall a WECS produce vibrations or wind currents humanly perceptible beyond the perimeter of the Wind Park.
- 19. Stray Voltage:** The applicant shall be responsible for compensation for damages due to any stray voltage caused by a WECS in accordance with the rules of the Michigan Public Service Commission.
- 20. Environmental Impact Assessment:** At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, plants, and/or other wildlife) as required by the Township for review of the Wind Park or surrounding areas. Each study or report shall be provided to the Township prior to the time when the Planning Commission makes its recommendation or the Township Board makes its final decision regarding the special use permit.
- 21. Reasonable Conditions:** In addition to the requirements of this section, the Planning Commission may recommend, and the Township Board may approve, additional reasonable conditions on the approval of a Wind Park as a special use.
- 22. Other Requirements:** Each Wind Park and WECS shall also comply with all applicable federal, state, and county requirements, in addition to other Township Ordinances.
- 23. Single WECS for On-Site Service Only.**
- a.** Single WECS applications of wind energy conversion system, including WECS testing facilities, to service the energy needs of only the property where the structure is located may be approved in any zoning district as a special use, provided the property upon which the WECS is located is at least three and one-half (3-1/2) acres in size, and complies with all applicable federal, state, and local laws, rules, and regulations.
 - b.** Single WECS are subject to the special use permit and site plan review and approval procedures and standards/criteria of this Ordinance, as well as the following:
 - i.** The tower shall not exceed one hundred (100) feet.
 - ii.** The blade diameter (tip to tip) shall not exceed one hundred (100) feet.
 - iii.** The height of the overall WECS (with the blade in vertical position) shall not exceed one hundred thirty (130) feet above ground level (at a normal grade).
 - iv.** The distance of the structure from all property lines shall be at least the height of the tower to the top of the rotor.

ARTICLE 15. SITE PLAN REVIEW

Section 15.01 — Intent: It is the intent of this chapter to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development.

Section 15.02 — Uses Subject to Site Plan Review:

1. Either the Planning Commission or Zoning Administrator shall conduct site plan reviews for the following:
 - A. Uses permitted by right in all districts, excluding single-family dwellings in any district.
 - B. Special uses in all districts.
 - C. Subdivisions of land and site condominium developments in all districts.
 - D. Any change in a use subject to site plan review.
2. Site plans not required to be reviewed by the Planning Commission shall be reviewed by the Zoning administrator or Zoning Administrator, who shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission.

Section 15.03 — Site Plan:

1. Applications for site plan approval shall consist of the following:
 - A. An application form supplied by the Township.
 - B. A review fee as determined by resolution of the Township Board based upon the cost of processing the review. Such resolution shall be on file with the Township Clerk for public information.
 - C. Eight copies of a site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
 - i. Dimensions of property, of the total site area, locations of all buildings, driveways, parking areas or other structures on adjacent properties within one hundred (100) feet of the property, including those located across the street from the property.
 - ii. Required and proposed building setbacks.
 - iii. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, including existing right-of-way and pavement widths.

- iv. Location, screening, dimensions, and heights of proposed buildings, structures, such as trash receptacles, utility pads, etc., including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening such equipment, where appropriate.
 - v. Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths.
 - vi. Proposed water supply and wastewater systems locations and sizes.
 - vii. Proposed grades and site drainage patterns, including necessary drainage structures. Where applicable, indicate the location and elevation(s) of 100-year flood plain.
 - viii. Proposed common open spaces and recreational facilities, if applicable.
 - ix. Proposed landscaping, including quantity, size at planting, botanical, and common names of plant materials.
 - x. Signs, including location, height, and sizes.
 - xi. Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic control signs, or devices, and service drives.
 - xii. Exterior lighting showing area of illumination and indicating the type of fixture to be used.
 - xiii. The Planning Commission may request elevation sketches of proposed buildings, along with a general description of materials and colors to be used.
2. Development plans for residential projects, such as multiple family developments, mobile home subdivisions, and mobile home parks. The plans shall include the following additional information:
- A. Minimum floor area of the dwelling units.
 - B. Total number of units proposed.
 - C. Number of bedrooms per unit in multiple-family developments.
 - D. Areas to be used for open space and recreation.
 - E. Space allowance for accessory buildings in mobile home subdivisions and mobile home parks.
3. The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state of Michigan) and the date on which the plan was prepared.
4. Planning Commission Review: The Planning Commission shall review the application and site plan and shall approve, approve with conditions, or deny the submitted site plan. If denied, the Planning Commission shall cite reason for denial. If approved, the applicant may submit the necessary plans and documents for necessary permits.

Section 15.04 — Validity of Site Plans:

1. Approval of the site plan is valid for a period of one (1) year. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during the period, the approval of the site plan shall be null and void.
2. Upon written application that must be filed prior to the termination of the one (1) year review period, the Zoning Administrator may authorize a single extension of the time limit for approval of a site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the one (1) year extension.

Section 15.05 — Standards for Site Plan Approval: In addition to the other requirements in this Ordinance, the Planning Commission shall require that the following standards be satisfied before approving the site plan:

1. Adequate ingress and egress to public right of ways.
2. Landscaping, landscape buffers and green belts shall be provided and designed in accordance with the provisions of the Zoning Ordinance.
3. All elements of the site plan shall be designed to take into account the sites topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in the Zoning Ordinance.
4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography that are reasonably necessary to develop the site in accordance with the requirements of the Zoning Ordinance. Tree stumps and miscellaneous debris from clearing of the property shall not be buried in rights-of-way, possible future rights-of-way, or potential building sites.
5. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.
6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.
7. The proposed use shall not increase traffic hazards or cause congestion on the public thoroughfares of the area. To demonstrate compliance with this standard, applicant shall

obtain approval from Michigan Department of Transportation or the Eaton County Road Commission.

8. There shall be provided a pedestrian circulation system that is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, local shopping areas and other uses that generate a considerable amount of pedestrian traffic.
9. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives that are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that required by the Eaton County Road Commission.
10. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. The proposed shall comply with soil erosion and sedimentation control requirements and groundwater management provisions of local, state, and federal laws.
11. All loading and unloading areas and outside storage areas, including areas for the storage of trash that face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six (6) feet in height.
12. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
13. For proposed uses in recreational districts, no building or structure shall be constructed within 100 feet of road rights-of-way or property lines.
14. Landscaping landscape buffers and greenbelts shall be required where a non-residential use is adjacent to residential use
15. Waiver from Landscaping and Screening Requirements: The Planning Commission during Site Plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area landscaping, greenbelts or required buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this section.

Criteria that shall be used when considering a waiver shall include, but shall not be limited to:

- A. Existing natural vegetation;
 - B. Topography;
 - C. Existing wetland, floodplain, and poor soil areas;
 - D. Existing and proposed building placement;
 - E. Building heights;
 - F. adjacent land uses;
 - G. Distance between land uses
 - H. Dimensional conditions unique to the parcel;
 - I. Traffic sight distances
 - J. Traffic operational characteristics on and off site
 - K. Visual, noise and air pollution levels
 - L. Health, safety and welfare of the township
16. All provisions of the Township Zoning Ordinance must be complied with unless an appropriate variance has been previously granted by the Zoning Board of Appeals.

Section 15.06 — Conditions of Approval:

1. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
2. Such conditions shall be related to and ensure that the review standards of this Article are met.
3. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
4. A record of conditions imposed shall be maintained. The conditions shall remain unchanged, unless an amendment to the site plan is approved.
5. Additional Fees. If the Planning Commission determines the need for a professional opinion, monies for the services requested shall be provided by the applicant.

Section 15.07 — Decision: The Planning Commission shall:

1. Approve the site plan; or
2. Approve the site plan subject to conditions; or
3. Deny the site plan.

A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

Section 15.08 — Amendments to Approved Site Plans:

1. Any person who has been granted site plan approval shall notify the Zoning administrator of any proposed amendment to such approved plan.
2. The Zoning administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on, but not necessarily limited to, the following:
 - A. The addition of land to the legal description of the original site plan approval;
 - B. The establishment of another use or uses;
 - C. The addition of more sales or service area, or the addition of dwelling units;
 - D. An expansion or increase of intensity of use;
 - E. The relocation of proposed buildings in regard to the approved site plan;
3. A major amendment to an approved site plan shall comply with the same filing and review procedures of the original approval. A minor amendment may be approved by the Zoning administrator.

Section 15.09 — Appeals: Any person aggrieved by the decision of the Planning Commission in granting or denying of a site plan or with conditions required, shall have the right to appeal the decision to the Zoning Board of Appeals. Special Uses and Planned Unit Developments, including the site plans for such discretionary uses, are not appealable to the Zoning Board of Appeals, and can only be appealed to the Circuit Court of Eaton County.

Section 15.10 — Conformity and Compliance: The Zoning administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate said approval following a public hearing. The change of use for an existing building shall be first approved by the building department.

Property that is the subject of site plan approval must be developed in the strict compliance with the approved site plan and any amendments thereto that have received the appropriate approval. If construction and development does not conform to the approved plan, the approval thereof shall be forthwith revoked by the township Zoning administrator, by written notice of such revocation posted upon the premises involved and shall be mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than activities related to purpose of correcting the violation. However, the

Planning Commission may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developers construction provided such construction complies with the criteria contained in the site plan approval provisions and the spirit, purpose, and intent of this Ordinance.

ARTICLE 16. ZONING BOARD OF APPEALS

Section 16.01 — Intent and Purpose: The intent and purpose of this section is to create a Zoning Board of Appeals and identify the duties of this body, and the appeals process for challenges to zoning decisions.

Section 16.02 — Authority: A Zoning Board of Appeals is hereby created in conformance with and shall perform its duties and exercise its powers and jurisdiction as provided by, the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Zoning Board of Appeals powers and duties are those authorized by the Michigan Zoning Enabling Act and as follows:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination, made by Benton Township and/or its officers, representatives or agents in the administration or enforcement of this Ordinance, except in the decision on any Special Use Permit or Planned Unit Development.
2. To hear and decide appeals from the action of the Zoning administrator when a Zoning Compliance Permit has been refused or the construction or use of a building or premises stopped because of the failure of such building, or use, to comply with the provisions of this Ordinance, where such appeal is based on unusual conditions that cause practical difficulties or unnecessary or unintended hardship in the application of the strict letter of this Ordinance to the case under appeal.
3. To authorize variances only if the Zoning Board of Appeals finds from reasonable evidence that all the following facts and conditions exist:
 - A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district and are not the result of self-induced hardship.
 - B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not itself be deemed sufficient to warrant a variance.
 - C. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or the public interest.
 - D. That the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to require the formulation of a general regulation for such condition or situation.

4. The Zoning Board of Appeals shall not have the authority to grant a use variance.
5. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the application of any dimensional provisions of this Ordinance. The Zoning Board of Appeals shall make such order, requirement, decision or determination as in its opinion ought to be made on the property. The Zoning Board of Appeals shall notify the Township and/or its officers, representatives or agents in writing of any such action taken and such action shall not be valid until such notice shall have been delivered to the office of the Zoning administrator within 14 days after the Zoning Board of Appeals decision is made.
6. The Zoning Board of Appeals may require the posting of a performance bond to ensure compliance of all conditions associated with the issuance of a variance. The bond must be deposited with the township clerk before a variance is issued. Bond may be by cash, certified check, irrevocable letter of credit, or a surety bond, acceptable to the township board.

Section 16.03 — Membership:

1. The Zoning Board of Appeals shall have three (3) regular members. A member of the Planning Commission shall serve on the Zoning Board of Appeals. The Township Board shall always have one of its members serve as the second member of the Zoning Board of Appeals, but such Township Board member shall not serve as chairperson of the Zoning Board of Appeals. The remaining regular members and any alternate members of the Zoning Board of Appeals shall be appointed by the Township Board. The members appointed shall be selected from and be representative of the population distribution and the various interests in the Township.
2. The Township Board also may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member may not serve for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
3. 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 public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
4. The terms of office for members appointed to the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning

Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) calendar month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

5. Any vacancy shall be filled for any unexpired term in the same manner as provided for in the initial appointment and each member shall serve until his or her successor has been appointed.
6. The members of the Zoning Board of Appeals shall elect one member to serve as Chairman and another to serve as Secretary.
7. The members of the Zoning Board of Appeals shall be paid per diem as established by the Township Board plus expenses actually incurred in the discharge of their duties.

Section 16.04 — Rules of Procedure:

1. The Zoning Board of Appeals shall fix the rules and regulations to govern its procedure when acting upon appeals. It shall hear and decide appeals and review any order, requirement, decision or determination made by the Zoning administrator.
2. All meetings of the Zoning Board of Appeals shall be open to the public.
3. A record of the proceedings shall be maintained and a copy of each proceeding shall be filed in the office of the Township Clerk for public record.

Section 16.05 — Jurisdiction:

1. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order requirements, decision, or determination appealed from, excepting here from any denials, requirements, decision, or determination as in its opinion ought to be made in the premises. To that end, the Zoning Board of Appeals shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance; including but not limited to matters, where it is alleged by an appellant that there is error or misinterpretation in the Zoning administrator or other administrative officer's order, requirement, decisions, grant, or refusal, except as relate to special use permits.
2. The Zoning Board of Appeals may also classify a use that is not specifically mentioned within the use regulations of any zoning district based on a comparable permitted or special use, in accordance with the purpose and intent of each district. If no comparable use is found, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted until or unless the text of this Ordinance is amended to permit it.

Section 16.06 — Appeal Requirements:

1. Appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Township Clerk within such time as the Zoning Board of Appeals provides from when the appeal is taken and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Township Clerk shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action for appeal was taken.
2. The appellant must supply the following written information to the Zoning Board of Appeals chairperson before the case will be heard:
 - A. Appellant's name, address, phone number, and legal property description.
 - B. A copy of written Zoning Compliance Permit application denial from the Zoning administrator. The denial should state the reason for denial.
 - C. Written request for an appeal hearing.
 - D. An accurate plan of property showing location, size, and use of all existing and proposed structures, street right-of-way, structures on adjoining property, surface drainage patterns, lot dimensions, yard setbacks, and other pertinent data.
 - E. Names and addresses of all adjoining property owners.
3. A notice of the Public Hearing shall be mailed to the chairperson of the Planning Commission.
4. The Zoning Board of Appeals may waive portions of the data required.

Section 16.07 — Hearings and Decisions Upon Appeals:

1. Upon receipt of a complete appeal, the Zoning Board of Appeals shall fix a time for the hearing of the appeal, which shall occur no later than ninety (90) calendar days following the date of the appeal, and provide due notice thereof, in accordance with the Michigan Zoning Enabling Act.
2. The hearing shall be conducted in accordance with the Michigan Zoning Enabling Act. Any person may appear in person or by agent or his attorney at the hearing.
3. The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse the order, decision, or determination of the Zoning administrator, or to decide in favor of the applicant in the matter on which the Zoning Board of Appeals is required to pass under this Ordinance. A tie vote is considered a "non-vote" and the issue will be placed on the agenda for the next meeting. In the event of a tie vote, a meeting will be arranged in a timely fashion.

Section 16.08 — Stay: An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from, unless the Zoning administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed that by reason of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In the latter case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Zoning Board of Appeals or by the Circuit Court, on notice to the Zoning administrator and on due cause shown.

Section 16.09 — Appeals from Zoning Board of Appeals: Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Eaton County Circuit Court. An appeal shall be filed within the time provided for by law.

ARTICLE 17. ORDINANCE AMENDMENTS

Section 17.01 — Authority: The Township Board, after review and recommendation by the Planning Commission, has authority to adopt amendments to the text of this Ordinance and the interim zoning map.

Section 17.02 — Procedure for Amendment of Zoning Ordinance:

1. Applicants: Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more residents of Benton Township, or by one or more persons acting on behalf of a resident of Benton Township.
2. Pre-Application Conference: The applicant/property owner must attend a pre-application conference to be coordinated by the Township. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Zoning Administrator and consultants hired by the Township or other officials to discuss the project. The Township may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.
3. Application: An application and ten (10) copies seeking an amendment to the text or map shall be filed with the Township Clerk. The Township Clerk shall date stamp all materials received, retain the original documents, and distribute the copies appropriately.
 - A. The application shall provide the following information if an application involves an amendment to the interim zoning map:
 - i. A legal description of the property, including the street address and tax code number(s).
 - ii. The name, address, and telephone number of the applicant.
 - iii. The applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.
 - iv. Identification of the zoning district requested and the existing zoning of the property.
 - v. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
 - vi. Further information as requested by the Zoning administrator, consultants hired by the Township, Planning Commission, or Township Board that is relevant to the site and standards set forth in this Ordinance.
 - B. The application shall provide the following information if an application involves an amendment to the text of this Ordinance:
 - i. Name and address of the applicant.
 - ii. A detailed statement clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.

- iii. Reasons for the proposed amendment.
 - iv. Further information as requested by the Zoning administrator, consultants hired by the Township, Planning Commission, or Township Board, that is relevant to the proposed text amendment.
- 4. Right of Entry: The filing of an application to rezone shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Article.
- 5. Application Fee: The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.
- 6. Escrow deposit: The Township Supervisor, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).
- 7. Initial Review: The Planning Commission Chair shall review the application(s) for completeness, and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or his/her designee shall coordinate public notices.
- 8. Notice:
 - A. Upon receipt of an application and petition for amendment, Planning Commission shall provide notice pursuant to the requirements of the Michigan Zoning Enabling Act.
 - B. Upon receipt of a rezoning petition, the Planning Commission shall provide notice pursuant to the requirements of the Michigan Zoning Enabling Act.
- 9. Public Hearing-Planning Commission: Within sixty (60) days of receipt of the application and petition, the Planning Commission shall conduct a public hearing on the proposed text amendment or rezoning pursuant to the requirements of the Michigan Zoning Enabling Act. The hearing shall proceed as follows: open public hearing; acknowledge receipt of written comments; receive comments from applicant/owner and other persons attending the hearing; close public hearing
- 10. Administrative Report: Following the public hearing, the Planning Commission may request that the Zoning administrator and/or other persons retained by the Township present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules, and regulations.

11. Submission to the Township Board: The petition and all Planning Commission materials minutes, and the like shall be submitted to the Township Board by the Planning Commission and acted upon in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
12. Standards and Burden: In deciding a request for a zoning text amendment or rezoning, the Planning Commission and Township Board shall be governed by the following principles and standards:
 - A. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
 - B. Decisions to amend the Ordinance text or official zoning map are legislative in nature, and the Township Board ultimately has discretion to act in the interest of the public health, safety and general welfare.
 - C. In considering an application for rezoning, the following factors may be considered, among others:
 - i. Whether all required information has been provided and fees paid.
 - ii. Consistency with the goals, policies and future land use map of the Master Plan. If conditions have changed since the master plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
 - iii. The compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning;
 - iv. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the “health, safety and welfare” of the township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 - v. The precedent, and the possible effects of such precedent, that might result from approval or denial of the petition; and
 - vi. Whether the requested rezoning will create an isolated and unplanned spot zone.
13. Payment of Costs: Prior to any decision on an application for rezoning or concurrent application, the applicant shall pay all costs and expenses incurred by the Township to review and process the application(s). If sums due and owing the Township are not paid, the Township Board may delay making its decision(s) until such time as the sums are fully paid, dismiss the application(s), or take such other action as provided by law.

Section 17.03 — Re-Application: An application for an amendment that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.

ARTICLE 18. ADMINISTRATION

Section 18.01 — Zoning administrator: The provisions of this Ordinance shall be administered by the Zoning administrator, who shall be appointed by the Township Board for such term and subject to such conditions and employed at such rate of compensation, as said board shall determine. The rights, duties, and obligations of Zoning administrator shall be those defined by the Township Board.

Section 18.02 — Building Permit, Duration, and Extension:

1. Except as otherwise provided, any building or structure over 200 square feet hereafter erected, or altered shall require a building permit.
2. Building permits shall be issued for one-year duration.
3. Extensions for up to one year may be obtained from the building inspector. To qualify for an extension, the exterior of the building under construction must be completed, including roofing and siding, and the yard shall be free from waste materials.

Section 18.03 — Zoning Ordinance Review: This Zoning Ordinance, including the Interim Zoning Map, shall be reviewed by the Township Planning Commission.

Section 18.04 — Fees: All fees for administration or implementation of any section of this Ordinance, including permit fees and escrow fees, shall be authorized from time-to-time as needed by resolution of the Township Board. Permit and application fees shall be fixed, non-refundable amounts. Escrow fees will vary, are set on a case-by-case basis, and unused portions of an escrow fee shall be refunded.

Section 18.05 — Development Agreements:

1. The Zoning administrator, in conjunction with the Planning Commission, shall draft development agreements when necessary to ensure that the provisions of applicable federal and state statutes, local ordinances, rules, regulations, and conditions are adhered to by the owner of the land and/or developer of the project. Such agreements shall be reviewed by the Planning Commission and approved, approved with revisions or disapproved.
2. As a condition to the grant of authority under this Ordinance, the owner and developer may be required to enter into a development agreement. The development agreement shall embody the parties' intent with respect to the project. The agreement may include the following provisions:

- A. Posting of funds with the Township to ensure that the costs incurred by the Township with respect to the subject property are borne by the owner and/or developer and not the Township.
 - B. Installation of specified improvements at the expense of the developer in accordance with federal, state and local requirements and standards and, if applicable, to provide for the conveyance of such improvements to the Township by deed, easement, bill of sale or other means.
 - C. Depiction of all dedicated open spaces, common areas, conservation easements and improvements on the site plan, together with a statement that specifies the use(s) that may be made of such areas.
 - D. Set forth conditions to a site plan review; to a special use; or to a planned unit development.
 - E. Specify the authorized use(s) on the subject property.
 - F. Posting financial guarantees to ensure faithful completion of improvements and compliance with conditions.
 - G. Posting certificates of insurance and hold harmless provisions.
 - H. Provisions to ensure maintaining improvements in perpetuity.
 - I. Construction completion date(s).
 - J. Such other and further provisions as come within the scope of authority granted to the Township that have a reasonable relationship to the subject property.
3. The Development Agreement, among other things, is intended to assure that the improvements depicted on the site plan are properly installed and that the costs associated with the project are borne by the owner and/or developer (not the Township) of the project. The site plan shall become part of any subsequent permit issued by the Township, such as (but not limited to) certificates of zoning compliance and certificates of occupancy. The Development Agreement may be amended with the mutual consent of the parties to the Agreement or their successors in interest.
 4. The Development Agreement, at the expense of the owner/developer, shall be recorded with the Eaton County Register of Deeds and bind successors in interest. Any transfer of responsibility under the agreement from one developer to another shall require the approval of the Township Board that shall not be unreasonably withheld, but may require the posting of additional financial assurances.

Section 18.06 — Performance Guarantees:

1. To ensure compliance with this Ordinance and any conditions imposed under the Ordinance, the Township may require that a cash deposit, certified check, or irrevocable letter of credit acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to insure faithful completion of the improvements and fulfillment of conditions. The form of the performance guarantee shall be approved by the Township Treasurer and Township Attorney.
2. As used in this Section, “improvements” means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities such as water and sewage, sidewalks, bike and walking paths, screening, grading, landscaping and drainage. Improvements do not include principal buildings, but may include accessory buildings or common elements.
3. The Township Board, Planning Commission, Zoning Board of Appeals and Zoning administrator are authorized to require the posting of a performance guarantee by an applicant seeking authorization under this Ordinance.
4. The performance guarantee shall be deposited at the time of issuance of the document that authorizes the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to authorize the activity or project.
5. The letter of credit or other acceptable security shall provide that any documents required by the Township to obtain the funds may be hand delivered to a financial institution within not more than 50 miles of the Township or transmitted by facsimile or email.
6. The performance guarantee shall insure that the improvements comply with the standards set forth in applicable statutes, ordinances, rules and regulations at the time the project is completed; that conditions are met; that all materials, debris and equipment are removed from the site; and that actual costs incurred by the Township related to the project, including (but not limited to) inspection costs, are paid by the applicant (and not by the Township).
7. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements depicted on the approved site plan, under the jurisdiction of the Township. The applicant shall provide an itemized schedule of estimated costs for materials and installation to be covered by the performance guarantee, such estimate shall be verified as to the amount by the Township Engineer. The exact amount shall be determined by the Township Engineer.
8. If development is staged or phased over time, a separate guarantee for each stage or phase shall be submitted at the beginning of each stage or phase as a prerequisite, provided that each phase of the development must be able to stand on its own without regard for improvements in other phases, or otherwise all improvements necessary to sustain that phase must be covered by financial guarantees.

9. If at any time it appears the amount of the performance guarantee is inadequate to cover the purposes for which the performance guarantee was posted, and the applicant declines to provide requested additional or further performance guarantees, then the Zoning administrator may issue a stop work order and/or decline to issue further certificates of zoning compliance or certificates of occupancy for buildings or other structures for which the improvements are intended to benefit, or take such other action as provided by law.
10. As the contingencies covered by the performance guarantee diminish, the Zoning administrator, upon direction of the Township Board, may decrease the amount.
11. The amount of a performance guarantee may be reduced to an amount not less than ten (10%) percent when all the improvements depicted on the approved site plan appear satisfactorily completed. The amount is intended to cover damages that may occur to the improvement during the construction of houses or other non-improvement structures, ensure against defects in workmanship and materials; replace dead or dying landscape materials; ensure proper grading; and that actual costs incurred by the Township related to the project are fully paid by the owner/developer.
12. For improvements under the zoning jurisdiction of the Township, “satisfactorily completed” means the Zoning administrator or Township Engineer has conducted a final inspection and determined the improvements appear to meet or exceed applicable standards. For improvements under the jurisdiction of another governmental body, “satisfactorily completed” means the receipt by the Township of a certificate of completion by the governmental body indicating the improvement appears to meet or exceed applicable standards.
13. The performance guarantee shall fully terminate one (1) year after ninety (90%) percent of the buildings or other structures in the project have been completed, or such earlier time as reasonably determined by the Township Board.
14. The performance guarantee shall provide that it shall not terminate without providing the Township at least sixty (60) days written notice prior to the date of termination. If a substitute performance guarantee in a form acceptable to the Township is not filed with the Township Clerk within thirty (30) days prior to the date of termination, then the Township may call the existing performance guarantee due and payable.
15. Upon failure to comply with a requirement of this Ordinance, approved site plan, or condition of approval, the performance guarantee, or portion thereof, shall be forfeited by the applicant. The Township Board shall determine the amount to be forfeited, including administrative costs and attorney fees, and have the authority to correct the violation. Whenever required improvements are not completed, properly installed, or are damaged within the specified time, the Township may complete, correct or repair the improvements and charge the costs, including administrative costs and attorney fees, against the performance guarantee.

Section 18.07 — Right of Entry: The filing of an application for a certificate of zoning compliance, temporary certificate of occupancy, certificate of occupancy or any other application signed by the owner or the applicant's agent shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Ordinance.

Section 18.08 — Compliance with Plan and Application: Certificates of zoning compliance issued on the basis of plans and applications approved by the Planning Commission or Township Board authorize only the use, design and construction set forth in such approved plans and applications, and no other use, design, or construction. Use, design, or construction different from that authorized shall be deemed a violation of this Ordinance.

ARTICLE 19. VIOLATIONS

Section 19.01 — Violation Declared a Nuisance Per Se: Any building or structure that is erected, constructed, reconstructed, altered, converted, maintained or used, or any use of, and or premises that is begun, maintained or changed in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

Section 19.02 — Sanctions for Violation:

1. Any person or other entity that violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct and indirect expenses, including attorney fees, to which the Township has been put in connection with the violation. In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil sanctions. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.
2. Each violation of a specific provision of this Ordinance shall be considered a separate municipal civil infraction.
3. Each act of violation and every day that any such violation occurs, continues or remains shall constitute a separate offense and civil infraction.
4. The Supervisor, Zoning Administrator, Code Enforcement Officer, or any other authorized Township officer or employee may issue a municipal civil infraction notice or municipal civil infraction citation for violations of this Ordinance.

ARTICLE 20. EFFECTIVE DATE

Section 20.01 — Severability: Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provisions hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or in part hereof, other than the part so declared to be unconstitutional or invalid.

Section 20.02 — Term of Ordinance: This Ordinance shall control zoning in the Township for a period of one year from the effective date, unless renewed by the Township for a period not to exceed two years from the effective date.

Section 20.03 — Effective Date: This Ordinance shall be in effect immediately following adoption by majority vote of the Township Board.

Date: _____, 2019

Roger Wickerham, Supervisor
Benton Township

Date: _____, 2019

Jeana Rohrs, Clerk
Benton Township

CERTIFICATION

The foregoing Benton Township Zoning Ordinance, including and incorporating the attached copy of Official Zoning Map was presented to the Benton Township Board on the 11th day of November, 2019, at a duly scheduled meeting of the Benton Township Board, and notice was published as required by law on _____, 2019.

Jeana Rohrs, Clerk
Benton Township

COPY OF INTERIM ZONING MAP

APPENDIX A - ZONING ORDINANCE HISTORY

Benton Township Interim Zoning Ordinance — _____
2019