

BENTON CHARTER TOWNSHIP ZONING ORDINANCE

Ordinance No. 2022-2
Adopted February 14, 2022

BENTON CHARTER TOWNSHIP, EATON COUNTY MICHIGAN

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Article 1 - TITLE AND PURPOSE

Section 1.01- Title: This Ordinance shall be known, cited and referred to as the “Benton Charter Township 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 of the citizens of Benton Charter Township.

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. Any activity, structure, practice or use that is unlawful under state or federal law is unlawful in Benton Charter Township.

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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 Charter Township.
12. The word "Ordinance" shall refer to the Benton Charter Township Zoning Ordinance, unless the context clearly indicates otherwise.

Section 2.02- Definitions – A

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, storage containers, tractor trailers, or similar structures or vehicles shall not be considered accessory structures.

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

AGRICULTURAL BUSINESS: The sales, service, repair, storage and processing activities which are directly dependent upon the agricultural community of the Township and are necessary to support agricultural enterprise.

AGRICULTURAL LABOR HOUSING: Dwellings constructed or converted for use as living quarters, which are licensed by the Michigan Department of Agriculture and Rural Development (MDARD), for agricultural laborers and their immediate family (spouse and children) who are engaged in agricultural activities, including related food processing.

AGRICULTURAL LABORER: Laborer who is employed or engaged in agricultural activities, including related to food processing.

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.

ANIMAL RECREATIONAL (DOMESTIC): Domesticated, including animals kept as pets or for riding or other recreational purposes.

ANIMAL (LIVESTOCK): Useful domestic animals, such as, cattle, sheep, etc., kept or raised on a farm or ranch.

ANIMAL (NON-DOMESTIC): Those species of animals which are not domestic.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communications signals.

ANTENNA, ATTACHED: An antenna that is affixed to an existing structure; for example, an existing building, tower, water tank, flag pole, utility pole, etc. which does not include an additional tower.

AUTOMOBILE REPAIR FACILITY: A place of business that is required to register under the State of Michigan Motor Vehicle Service and Repair Act 300 of 1974 and that, for compensation, is engaged in the business of performing, or employs individuals who perform, maintenance, diagnosis, vehicle body work, or repair services, or, beginning July 1, 2016 BAID service, on a motor vehicle. The term does not include any of the following:

- i. A person that engages only in the business of repairing the motor vehicles of a single commercial or industrial establishment or governmental agency.
- ii. An individual who is repairing his or her own or a family member's motor vehicle.
- iii. A business that does not diagnose the operation of a motor vehicle, does not remove parts from a motor vehicle to be remachined, and does not install finished machined or remachined parts on a motor vehicle. This subparagraph does not apply to a motor vehicle facility that engages in the business of performing, or employing individuals who perform, vehicle body work.
- iv. A BAID facility described in section 625k(14)(d) of the Michigan vehicle code, 1949 PA 300, MCL 257.625k.

Section 2.03- Definitions – B

BAIID SERVICE: The installation, removal, repair, or other servicing of breath alcohol ignition interlock devices.

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 percent (50%) of its height is above the level from which the building is measured.

BED AND BREAKFAST: A single-family residential structure that meets all of the following criteria: (a) has ten (10) or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, one (1) or more of which are available for rent to transient tenants; (b) serves meals at no extra cost to its transient tenants; (c) has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

BILLBOARD: Any free-standing sign on a parcel of land which does not include another principal structure. Such sign shall be established as a principal use

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

BERM: An earthen mound, which is planted and maintained with approved landscaping and utilized as a buffer between different zoning districts.

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

BUILDING, MIXED USE: A building containing a combination of residential, office, and commercial uses.

BUILDING, TEMPORARY: A structure erected on a property which is intended for limited duration.

BUILDING CODE: The currently adopted code or codes regulating building construction in the Township.

BUILDING HEIGHT: The building height is the vertical distance measured from the average finished grade to the highest point of the roof surface of a flat roof; to the deck line of mansard roofs; and the average height between eaves and the ridges of gable, hip, and gambrel roofs. Where a building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall.

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, SETBACK LINE: A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way, easement line of an approved private street or proposed right-of-way line.

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.

Section 2.04- Definitions – C

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.

CERTIFICATE OF ZONING COMPLIANCE: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure, or building complies with the provisions of the zoning ordinance.

CHANGE OF USE: A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Construction Code, as amended.

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.

CHILD FOSTER FAMILY FACILITIES: Means the following:

1. Child Foster Care Family Home: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being section 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
2. Child Foster Care Group Home: A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being section 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

CHURCH: See **PLACE OF WORSHIP**.

COMMERCIAL RECREATION FACILITY: A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities, and other customary recreational activities either indoors (within an enclosed building) or outdoors (outside of an enclosed building) operated as a business and open for use by the public for a fee.

COMMON LAND: A parcel or parcels of land with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision, condominium developments, or a planned unit development.

COMMUNITY SUPPORTED AGRICULTURE: A agricultural model in which a farm produces farm products for their share of the harvest.

CONDOMINIUM: A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance:

1. Condominium Documents: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of the co-owner in the condominium.
2. Condominium Lot: The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
3. Condominium Subdivision Plan: The drawings and information prepared in accordance with Section 66 of the Condominium Act.
4. Condominium Unit: The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
5. Consolidating Master Deed: The final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land

or convertible space, which the final amended master deed fully describes the condominium project as completed.

6. **Contractible Condominium:** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.
7. **Expandable Condominium:** A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
8. **General Common Element:** A portion of the common elements reserved in the master deed for the use of all of the co-owners.
9. **Limited Common Elements:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
10. **Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project, the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
11. **Notice of Proposed Action:** The notice required in Section 71 of the Condominium Act, to be filed with the Township and other agencies.
12. **Site Condominium:** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

CONSERVATION EASEMENT: A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or public body.

CONSTRUCTION: Any assembly, erection, substantial repair, alterations or similar action, for or of public or private rights-of-way, structures, utilities, or similar property.

CONVENIENCE STORE: A retail store with extended opening hours and in a convenient location, stocking a limited range of household goods and groceries.

Section 2.05- Definitions – D

DECK (PATIO): A platform commonly constructed of wood, concrete or stone which is typically attached to or adjacent to a house, and which is typically used for outdoor leisure activities.

DENSITY: The number of dwelling units situated on or to be developed per net or gross acre of land.

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

DISTURBED LAND: A parcel of land which is graded, filled, excavated, or mined or stripped of its natural vegetative cover or grass for a purpose other than agricultural land use.

DRIVEWAY: A private path of travel over which an automobile may be driven which provides access from one parcel of land to a public or private road.

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

1. It contains a minimum area of seven hundred twenty (720) square feet of habitable floor area or such greater area as may be required in the district where it is located.
2. 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.
3. 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.
4. 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.
5. It is connected to a public or private sewer and water supply, provided that private systems or facilities are approved by the Barry-Eaton District Health Department.
6. 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.
7. 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.

8. 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.
9. It shall have a minimum width and length along its front, sides and rear of twenty (20) feet.
10. 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 or not less than fifteen percent (15%) of the interior living area of the dwelling.
11. 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.
12. 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 requirements.
13. In no case shall travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling or dwelling unit.
14. 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. Two-family dwellings do not include short-term rentals (STR).

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. Multiple-family dwellings do not include short-term rentals (STR).

Section 2.06- Definitions – E

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.

EQUESTRIAN FACILITIES:

1. **Riding Academy:** Any establishment where horses are kept for training, riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.
2. **Stable, Commercial:** A stable with a capacity of five (5) or more horses, mules, or donkeys which are rented, hired, used or boarded on a commercial basis or for compensation. For the purpose hereof, five (5) or more animals kept and maintained as a hobby stable, or for any other purpose, shall be deemed and considered a commercial stable.
3. **Stable, Hobby:** A stable with a capacity of four (4) or fewer horses, mules, or donkeys which are used by the owners of the property.

ERECT: Build, construct, alter, reconstruct, move upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

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.

Section 2.07- Definitions – F

FAMILY: A group of two (2) or more persons related by blood, marriage or adoptions, including foster children, and not more than one (1) additional person not so related, living together as a single housekeeping unit in a dwelling unit.

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 PRODUCT: Those plants and animals useful to human beings produced by agriculture and includes, but it not limited to: forages and sod crops; grains and feed crops; field crops; dairy and dairy products; poultry and poultry products; Cervidae; livestock, including breeding and grazing; equine; fish and other aqua-cultural products; bees and bee products; berries; herbs;

fruits; vegetables; flowers; seed grasses; nursery stock; trees and tree products; mushrooms; and other similar products; or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

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

FINANCIAL INSTITUTION: A bank, savings and loan, credit union, credit agency, investment company, broker and dealer of securities and commodities, and similar facilities.

FLAMMABLE LIQUIDS, ABOVE GROUND STORAGE OF: The properly licensed and inspected storage of flammable liquids including, but not limited to, fuels, paints, and coatings, fertilizers, lubricants, degreasers and related liquids in quantities in excess of twenty thousand (20,000) gallons.

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land area from:

1. The overflow of inland waters
2. The unusual and rapid accumulation of runoff or surface waters from any source.

FLOOD HAZARD AREA: Land which, as the basis of available flood plain information, is subject to a one percent (1%) or greater chance of flooding in any given year.

FLOOD INSURANCE RATE MAP (FIRM): A map of the Township prepared by the Federal Emergency Management Agency (FEMA), which identifies the 100- and 500-year flood plain and other related flood information, and which is used as the official floodplain map for flood insurance purposes.

FLOODPLAIN (see also **FLOOD HAZARD AREA**): That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle as determined by the U.S. Corps of Engineers or another applicable federal agency.

FLOOR AREA, GROSS: The sum of all gross horizontal areas of all floors of a building or buildings measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

FLOOR AREA, USABLE (UFA): For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the useable floor area for all floors.

FUNERAL HOME AND MORTUARY: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation at another location.

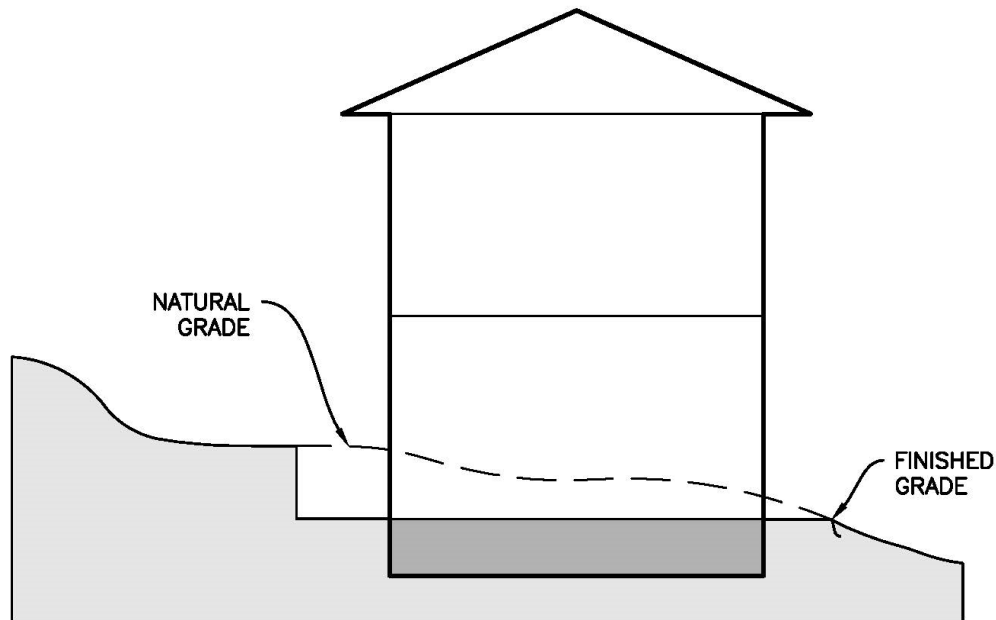
Section 2.08- Definitions – G

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.

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS): Those practices as defined by the Michigan Commission of Agriculture and Rural Development. The Commission shall give due consideration to available Michigan Department of Agriculture and Rural Development information and written recommendations from the Michigan State University Experiment Station in cooperation with the United States Department of Agricultural Natural Resources Conservation Service and other Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

GRADE: The degree of rise or descent of a sloping surface.

FIGURE 2.08–A. GRADE



GRADE, NATURAL: The elevations of the ground surface in its natural state, before man-made alterations.

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.

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

GUNSMITHING: The design, making, refurbishing, repair and test firing of small firearms, including pistols, rifles and shotguns.

Section 2.09- Definitions – H

HEAVY MANUFACTURING: The manufacture of products, the process of which generates fumes, gases, smokes, vapors, vibrations, noise or glare, or similar nuisance factors which have a high probability of occurring and which may cause adverse effects to the users of adjacent land.

HEIGHT: The vertical distance of a structure measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure.

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 accessory structure and/or garage.

HOUSEHOLD: A family living together in a single dwelling unit, with common access and common use of all living and eating areas and all areas and facilities for preparation and serving of food within the dwelling unit.

HUMAN OCCUPANCY: A building or portion thereof primarily used or intended to be used for individuals to congregate for any purpose, and which is equipped with means of egress, light, and ventilation facilities in accordance with the Michigan Construction Code, excluding a building or portion thereof incidental to the use for agricultural purposes of the land on which the building is located or a building used exclusively for the purpose of storage in which there are no employees or occupants.

Section 2.10- Definitions – I

IMPERVIOUS SURFACE: Any surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of cement, bituminous asphalt, paving, paving brick, composed stone or gravel, or any other surface that allows no water penetration.

Section 2.11- Definitions – J

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.

Section 2.12- Definitions – K

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.

Section 2.13- Definitions – L

LANDLORD: The owner, lessor, or sublessor of a rental unit or the property of which it is a part of, and, in addition, means a person authorized to exercise any aspect of the management of the premises, including a person who, directly or indirectly, acts as a rental agent, receives rent, other than as a bona fide purchaser, and who has obligation to deliver the receipt to another person.

LANDSCAPING: The following definitions shall apply in the application of this Ordinance:

1. **Buffer:** A landscaped area composed of living or plant material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
2. **Conflicting Non-Residential Land Use:** Any non-residential use, including, but not limited to: office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
3. **Conflicting Residential Land Use:** Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
4. **Opacity:** The state of being impervious to sight.
5. **Plant Material:** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines, and ground cover.
6. **Screen:** A structure providing enclosure, including, but not limited to, a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.

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

LONG-TERM CARE FACILITY: Long-term care facilities which are unregulated or regulated by Public Health Code Act No. 368 of 197 shall be defined as follows:

1. Adult Care Facility: A private home or facility in which one (1) or more persons eighteen (18) years or older are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks.
2. Assisted Living Facility: A facility offering housing and supervised personal care to one (1) or more persons.
3. Extended Care Facility: A Facility, often in combination with senior type housing, that provides twenty-four (24) hour (or less) medical care to residents.
4. Independent Living Facility: A facility offering housing and a varying degree of activities of daily living (ADLs) to one (1) or more elderly persons.
5. Nursing Home: A facility that provides twenty-four (24) hour organized nursing care and medical treatment to seven (7) or more unrelated elderly and non-elderly adult persons.
6. Senior Housing: A facility housing to primarily elderly persons, and often located close to or in cooperation with care-oriented facilities.
7. Subacute Care Facility: A “transitional care” facility that provides twenty-four (24) hour organized nursing care and medical treatment to one (1) or more persons.
8. Home for the Aged: A facility providing room, board (at least two (2) meals a day), and supervised personal care (no nursing care is offered) to twenty-one (21) or more unrelated, non-transient, individuals sixty (60) years of age or more.
9. Hospice Care Facility: A facility, often part of a hospital, that provides twenty-four (24) hour in-patient and out-patient medical care to one (1) or more persons.

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 COVERAGE: The part or percent of a lot occupied by buildings and accessory buildings.

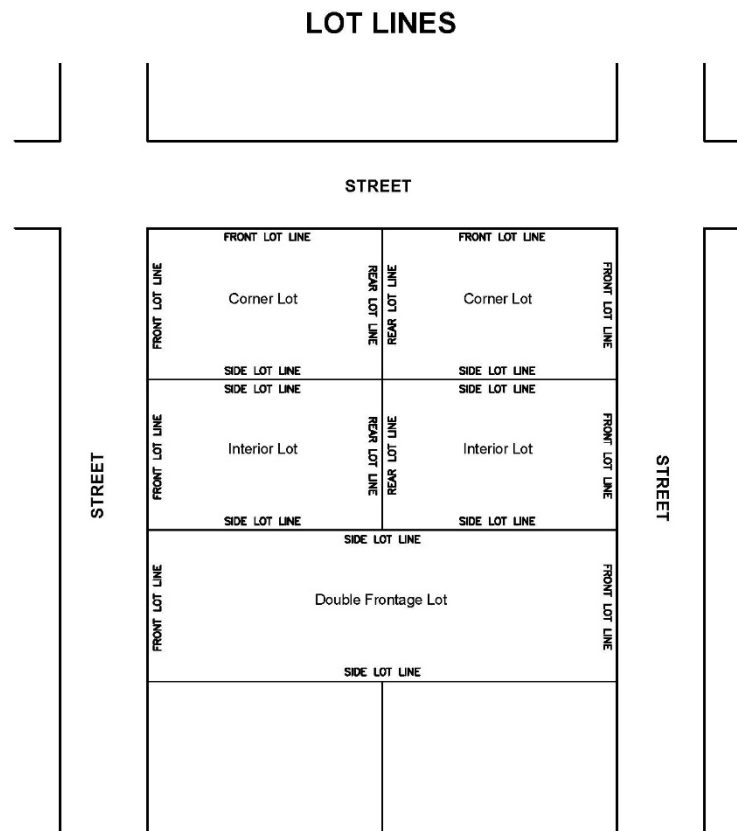
LOT, CORNER: A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of (2) two streets is 135 degrees or less; a lot abutting

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 2.13.A).

LOT LINE, REAR: The rear lot line is the lot line opposite the front lot line (see Figure 2.13.A).



Section 2.13 – 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 LINE, SIDE: Any lot line not a front or rear lot line (see Figure 2.13.A).

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

Section 2.14- Definitions – M

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-wide.”

MANUFACTURED HOUSING: A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes manufactured homes and modular housing units.

MANUFACTURED HOUSING COMMUNITY: A parcel or tract of land upon which two (2) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as temporary housing.

MINING EXTRACTIVE USES: A use involving removal of surface or subsurface minerals products of natural resources including, but not limited to: sand, gravel and stone operations, and soil mining, but not to include timber cutting and petroleum and natural gas wells.

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-wide.”

MOBILE HOME PARK: A parcel of land that has been planned and improved for the placement of two (2) 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

MOTOR HOME: A motor vehicle designed to be utilized as temporary living quarters normally for recreational, camping or travel purposes, having kitchen and bathroom facilities.

MOTEL: A series of attached, semi-attached, or detached rental units providing overnight lodging for 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.

Section 2.15- Definitions – N

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.

NURSERY: A parcel of land utilized for the purpose of growing ornamental trees, shrubbery, house plants, flowers or perennial ground covers from seed or seedlings for the purpose of retail or wholesale trade.

Section 2.16- Definitions – O

OCCUPY: The residing of an individual or individuals overnight or for an extended period in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.

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

OPEN SPACE, COMMON: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Section 2.17- Definitions – P

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

PATIO: See **DECK**.

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

PERSONAL SERVICE ESTABLISHMENT: A business providing care for a person or his or her personal goods or apparel and may include laundry and dry cleaning, beauty shops, barbershops, shoe repair, health and fitness and tanning salons.

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 10 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.

POND: Any open body of freshwater, either naturally occurring or man-made by impoundment, with a surface area observed or recorded within the last ten (10) years of at least ten thousand (10,000) square feet and which is never without standing water due to natural causes, except during periods of extended drought. For purposes of this definition, "extended drought" shall mean any period of four (4) or more months during which the average rainfall for each month is fifty percent (50%) or less than the ten-year average for that same month. Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

1. Basins or lagoons which are part of wastewater treatment plants;
2. Swimming pools or other impervious man-made basins; and
3. Individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

PRELIMINARY PLAT: A proposal for the subdivision of land which is filed with a governmental agency pursuant to the Land Division Act of 1996, as amended.

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. The primary or predominant purpose to which a parcel of land is devoted as distinguished from an Accessory Use.

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.

PRIVATE LANDING STRIP: A long flat piece of land from which aircraft can take off and land, especially one used only by private aircraft, located on private property for the use of the resident of said private property.

PRIVATE SANITARY SEWAGE DISPOSAL SYSTEM: An individual, on-site sewage disposal system as defined in the Barry-Eaton District Health Department Sanitary Code.

PRIVATE WATER SUPPLY: A well or other water supply system approved by the Barry-Eaton District Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

PROHIBITED USE: A use of land which is not permitted within a particular land development district.

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, television, transportation or water.

PUBLIC WATER SUPPLY: A water works system which provides water for drinking or household purposes to persons other than the supplier of water, except those water works systems which supply water to only one living unit, further defined in Public Act 399 of 1976, as amended.

Section 2.18- Definitions – R

RENTAL UNIT: A structure or part of a structure used as a home, residence, or sleeping unit by a single person or household unit, or any grounds, or other facilities or area promised for the use of a residential tenant and includes, but without limitation, apartment units, board houses, rooming houses, mobile home spaces, and single and 2-family dwellings.

REPAIR: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

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

RESIDENTIAL USE: The use of a building or portion thereof as living quarter, a residence, a domicile or any building or portion thereof designed to be used as a dwelling. Residential Uses do not include transient rental uses.

RESTORATION: The reconstruction or replication of an existing building's original architectural features.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, easement, prescription, purchase or commendation or permanently established for the passage of persons, vehicles, railroads, water, public and private utility lines, and similar uses.

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 sixty-six (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 a county hard surface, dirt, or gravel road that is not a Primary Road.

Section 2.19- Definitions – S

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.

SETBACK: A line parallel with and at the minimum required distance from the road right-of-way line or adjacent property or lot line.

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.

SHOOTING RANGE: An area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

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 one (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.

SUBDIVISION: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that is not exempt from the platting requirements of the Land Division Act pursuant to *Sections 108 and 109* thereof.

SUBDIVISION PLAT: A map or chart depicting the subdivision of land as regulated by the Land Division Act of 1996, Act 591 of the Public Acts of 1996, as amended.

SUBSTANTIAL REPAIR: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial

improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state of local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SWIMMING OR BATHING POOL: A nonporous container containing water having a depth of greater than twenty-four (24) inches or having a surface area of greater than two-hundred fifty (250) square feet, or a pool permanently equipped with a water re-circulating system or constructed of structural materials.

Section 2.20- Definitions – T

TENANT: A person who occupies a rental unit for residential purposes with the landlord's consent for an agreed upon consideration.

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.

TRAVEL TRAILER: A vehicular portable structure built on a chassis which is less than thirty-two (32) feet in length and is of such a width and weight not to require special highway movement permits when drawn by a vehicle.

Section 2.21- Definitions – U

USE: The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

USE GROUP: The classification of a building or structure based upon its purpose as contained in the State Construction Code.

Section 2.22- Definitions – V

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.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or road, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 2.23- Definitions – W

WALL: The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms.

WAREHOUSE: A building used primarily for the storage of goods and materials either on a fee basis available to the general public or privately in connection with a primary use, such as a commercial or industrial operation.

WATERCOURSE: An open conduit either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two (2) acres.

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.

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.

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.

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: A structure and equipment used to determine the potential for the placement of a WECS.

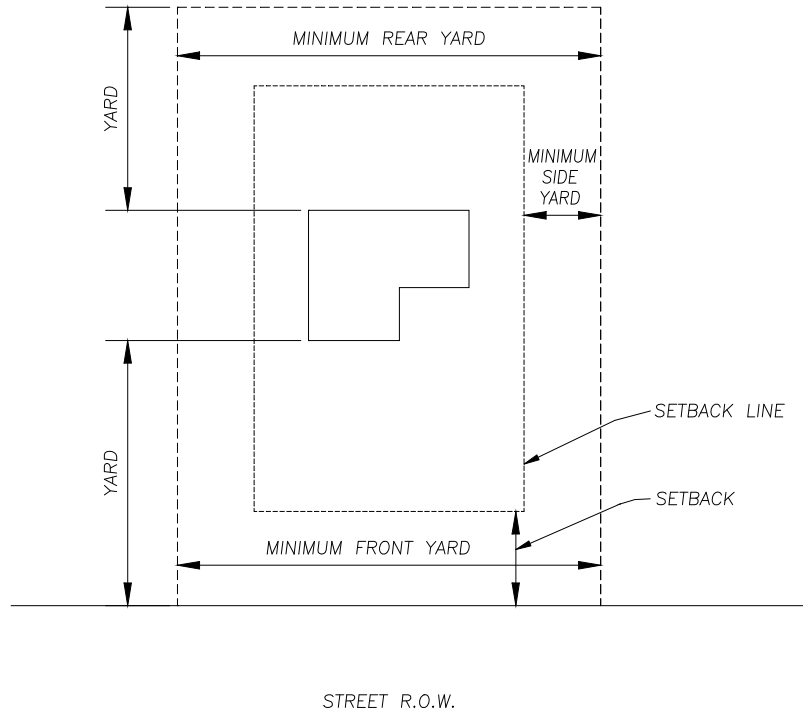
WIND FARM: Clusters of two (2) or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.

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.

Section 2.24- DEFINITIONS – Y

YARD: An open space on the same lot with a building which lies between the building and the nearest lot line or road right-of-way line, unoccupied and unobstructed from the ground upward, except as otherwise specifically provided for in this Ordinance.



Section 2.24 - Figure 2.24.A

YARD, MINIMUM 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 2.24.A)

YARD, MINIMUM 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 2.24.A)

YARD, MINIMUM 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 2.24.A).

Section 2.25- DEFINITIONS – Z

ZONING: The dividing of the County outside the limits of cities, villages, and townships having a zoning ordinance, into districts of a number and shape considered best suited to carry-out the purposes of the Michigan Enabling Act No. 110 of the Public Acts of Michigan 2006, as amended, and the creation of uniform regulations throughout each individual district. Such districts are referred to as Land Development Districts in this Ordinance.

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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 RC	RESOURCE CONSERVATION
DISTRICT R-1	RESIDENTIAL
DISTRICT R-2	MULTI-FAMILY RESIDENTIAL
DISTRICT AG	AGRICULTURAL
DISTRICT C	COMMERCIAL
DISTRICT I	INDUSTRIAL

Section 3.02- Zoning Map: Said districts, per written descriptions, as shown on a map entitled "Benton Charter Township, Eaton County, Michigan District 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 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 3.05- District Use Table

1. Specified Uses. In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article. See Table 3.05
2. Schedule of Specified Uses. The Schedule of Specified Use Regulations identifies uses as follows:
 - A. "P" identifies uses permitted by right.
 - B. "S" identifies uses permitted by Special Use Permit Approval as outlined in Article 14.
 - C. "A" identifies accessory uses.
 - D. No marking identifies uses not permitted.

DISTRICT USE TABLE

TABLE 3.05 – Specified Uses

Permitted Uses	Zoning Districts						Specific Use Standard (Section)
	RC	R-1	R-2	AG	C	I	
Agricultural Businesses				S			14.10
Agricultural Labor Housing				S			14.11
Automobile Service Stations					S	S	14.12
Automobile Repair Facility					S	S	14.13
Bed and Breakfast		S		S	P		
Campground				S			14.14
Cemetery				S			14.15
Condominiums		S	S	S	S	S	14.16
Child Care Center, Group Day Care, Commercial Day Care		S	S	S	P		14.17
Commercial Recreation Facility	S			S			14.18
Convenience Store				S	P		14.19
Drive-in Theater					S		14.20
Drive-Through Businesses					S		14.21
Dwelling, Two-Family			P				
Equestrian Facilities				P			
Equipment Sales and Service						P	
Farm	P			P			
Financial Institution					P		
Funeral Home and Mortuary					P	P	
General Retail Sales Establishment					P		
Golf Course or Country Club	S	S	S				14.22
Government Building(s)	S	S	S	S	P	P	
Grain and Seed Elevators	S			P		P	
Gunsmithing					S	S	
Heavy Manufacturing						S	
Home Occupations		P	P	P			14.23 Section 11.18
Key:	P = Principal Use						
	S = Special Use Permit						
	A = Accessory Use						

Hospital and Long-Term Care Facility				S	S		14.24
Junk Yard						S	14.25
Kennel				S	S		14.26
Landfills or Incinerators						S	14.27
Motel					P		
Meat or Poultry Processing Plant						S	14.29
Mining Extraction Operations				S			14.30
Mobile Home Park (Manufactured Homes or Mobile Homes)			S				14.28
Multi-Family Dwellings			S				
New and Used Vehicle, Boat or Farm Implement Dealer					S		14.31
Nursery and Greenhouse	S			S	P		14.32
Office Building					P		
Parks & Recreation Establishment	P		S	S	S		14.33
Places of Worship/Religious Institution		S		P	P		14.34
Planned Unit Development (PUD)				S	S		Article 10
Pond	P	P	P	P	P	P	Section 11.20
Public & Private Schools & other Educational Institutions	S	S		P	P		14.36
Racetracks					S	S	14.37
Restaurants					P		
Shopping Center and shopping mall					S		14.38
Single Family Dwelling	P	P	P	P			
Small Private Landing Strips or Public Airports and Heliports	S				S	S	14.35
Shooting Ranges	S			S			14.39
Solar Energy System, Large					S	S	14.40 14.41
Solar Energy System, Small		A	A	A	A	P	14.40
Storage Units/Rental Storage Buildings					S	P	14.42
Two-Family Dwelling		P	P	P			
Veterinary Hospital or Clinic				S	P	P	14.26
Wastewater Treatment and Disposal Facilities						S	14.43
Key:	P = Principal Use						
	S = Special Use Permit						
	A = Accessory Use						

Water Treatment and Storage Facilities						S	
Wind Energy Conservation System					S	S	14.45
Wind Energy Conservation System, Single, for on-site service only		A	A	A	A	P	14.45
Wireless Communication Facilities and Support Structures				S		S	14.44
Key:	P = Principal Use						
	S = Special Use Permit						
	A = Accessory Use						

Section 3.04 - Table 1: Site Development Requirements

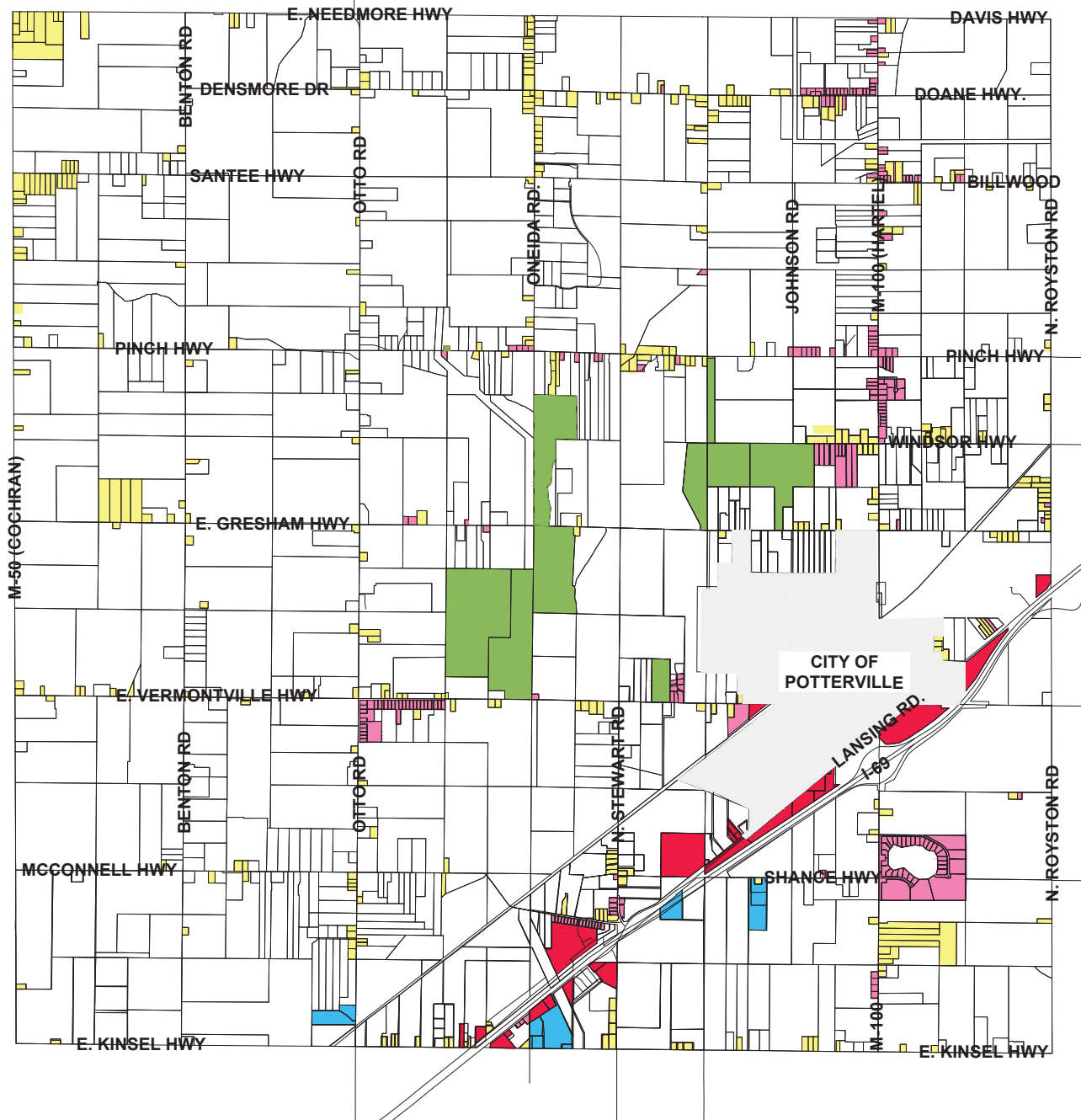
	District RC Resource Conservation	District R-1 Residential	District R-2 Multi-Family Residential	District A Agricultural	District C Commercial	District I Industrial
Minimum Lot Area (sq. ft.)	43,560	43,560	15,000	2 acres	43,560	43,560
Minimum Lot Width (feet)	125	125	100	150	125	125
Minimum Road Frontage (feet)	60	60	50	60	None	None
Minimum Front Yard Setback from Road R/W (feet)	50	50	40	50	25	25
Minimum Back Yard Setback (feet)	20	20	20	20	20	20
Minimum Side Yard Setback (feet)	20	20	10	20	20	20
Maximum Lot Coverage	20%	20%	25%	None	None	None
Minimum Floor Area (sq. ft.)	720 (Ground floor)	720 (Ground floor)	720 (Ground floor)	720 (Ground floor)	None	None

BENTON CHARTER TOWNSHIP ZONING MAP

EATON COUNTY, MICHIGAN



NORTH
SCALE: 1" = 500'
WHEN PLOTTED AT
24"x36"



LEGEND

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

ADOPTED BY RESOLUTION
DATE: FEBRUARY 14, 2022

Article 4 - DISTRICT RC, RESOURCE CONSERVATION

Section 4.01- Intent and Purpose: The purpose of this district is to provide for the preservation of historic places and structures, while allowing for appropriate development and refurbishment. Furthermore, this district is designed to protect environmentally sensitive areas and to preserve, enhance, and stabilize existing areas within the Township which are currently being utilized for agriculture. This district is further intended to preserve, enhance, and stabilize existing areas within the Township which are currently used predominately for general farming and livestock production and are best suited for agricultural use because of soil characteristics, location and parcel size. The purpose of this district is to conserve the expenditure of public funds for improvements and services, to meet the needs of the State's citizens for food, fiber, and other natural resources and to preserve the essential characteristics and economic value of the district.

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. Accessory Use
 - B. Farm
 - C. Parks and Recreation Establishment
 - D. Pond

2. Uses Permitted by Special Use Permit
 - A. Commercial Recreation Facility
 - B. Golf Course or Country Club
 - C. Government Buildings
 - D. Grain and Seed Elevators
 - E. Nursery and Greenhouse
 - F. Public and Private Schools and Other Educational Institutions
 - G. Private Landing Strips or Public Airports and Heliports
 - H. Shooting Ranges

Section 4.03- Site Development Requirements

1. All parcels, buildings and structures created after the effective date of this Ordinance shall comply with the regulations of this Ordinance except as specified in Article 17 by variance by the Zoning Board of Appeals.

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Article 5 - DISTRICT R-1, RESIDENTIAL

Section 5.01- 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 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. Home Occupations
 - D. Pond

2. Uses Permitted by Special Use Permit
 - A. Bed and Breakfast
 - B. Condominiums
 - C. Golf Course or Country Club
 - D. Government Buildings
 - E. Child Care Center, Group Day Care, Commercial Day Care
 - F. Places of Worship/Religious Institution
 - G. Public and private schools and other educational institutions

Section 5.03- Accessory Uses, Building, and Structures: Accessory uses, buildings, and structures customarily incidental to the principal use or special permit use are permitted. Also included in this District as Accessory Uses:

1. Solar Energy Systems, Small
2. Wind Energy Conservation System, Single, for on-site service only

Section 5.04- Area and Dimensional Requirements: No dwelling in this district shall be erected or altered that provides less than seven hundred twenty (720) square feet of floor area, with a minimum dwelling width, throughout its length, of twenty (20) feet.

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 one hundred twenty-five (125) feet in width at the building line. Every parcel of land shall have a minimum sixty (60) feet of frontage upon a road or street as defined herein. The 43,560 square foot minimum lot area and one hundred twenty-five (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 thirty (30) feet in length.

Section 5.06- Site Development Requirements

1. All parcels, buildings and structures created after the effective date of this Ordinance shall comply with the regulations of this Ordinance except as specified in Article 17 by variance by the Zoning Board of Appeals.

Article 6 - DISTRICT R-2 MULTI-FAMILY RESIDENTIAL

Section 6.01- Intent and Purpose: The purpose of this district is to preserve privacy and the rural character of areas that are converted from farm and vacant fields to residential use. The district is intended to protect ground water and recognize the limited ability of the township to provide costly services associated with higher densities.

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. Home Occupation.
 - D. Pond

2. Uses Permitted by Special Use Permit:
 - A. Condominiums
 - B. Golf Course or Country Club
 - C. Government Buildings
 - D. Child Care Center, Group Day Care, Commercial Day Care
 - E. Mobile Home Park
 - F. Multi-Family Dwellings
 - G. Parks and Recreation Establishment

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. Also included in this District as Accessory Uses:

1. Solar Energy Systems, Small
2. Wind Energy Conservation System, Single, for on-site service only

Section 6.04- Size of Building Lot: Every parcel of land upon which a dwelling is hereafter erected or altered shall not be less than fifteen thousand (15,000) square feet in area nor less than one-hundred (100) feet in width at the building line. Every parcel of land shall have a minimum fifty (50) feet of frontage upon a road or street as defined herein. The fifteen thousand (15,000) square foot minimum lot area and 100-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 thirty (30) feet in length.

Section 6.05- Site Development Requirements

1. All parcels, buildings and structures created after the effective date of this Ordinance shall comply with the regulations of this Ordinance except as specified in Article 17 by variance by the Zoning Board of Appeals.

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Article 7 - DISTRICT AG – AGRICULTURAL

Section 7.01- 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 general continuation of agricultural use, while recognizing the gradual extension of residential and other compatible uses into the district.

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. Single-Family Dwelling
 - B. Two-Family Dwelling
 - C. Equestrian Facilities
 - D. Farm
 - E. Grain and Seed Elevators
 - F. Home Occupation
 - G. Places of Worship/Religious Institutions
 - H. Pond
 - I. Public and private schools and other educational institutions

2. Uses Permitted by Special Use Permit:
 - A. Agricultural Businesses
 - B. Agricultural Labor Housing
 - C. Bed and Breakfast
 - D. Campground
 - E. Cemetery
 - F. Commercial Recreation Facility
 - G. Condominium
 - H. Convenience Store
 - I. Child Care Center, Group Day Care, Commercial Day Care
 - J. Government Buildings
 - K. Hospital and Long-Term Care Facility
 - L. Kennel
 - M. Mining and Extraction Operations
 - N. Nursery and Greenhouse
 - O. Parks and Recreational Establishments
 - P. Private Landing Strip
 - Q. Planned Unit Development (PUD)
 - R. Shooting Ranges
 - S. Veterinary Hospital or Clinic
 - T. Wireless Communication Facilities and Support Structures

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. Also included in this District as Accessory Uses:

1. Solar Energy Systems, Small
2. Wind Energy Conservation System, Single, for on-site service only.

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

Section 7.05- Site Development Requirements

1. All parcels, buildings and structures created after the effective date of this Ordinance shall comply with the regulations of this Ordinance except as specified in Article 17 by variance by the Zoning Board of Appeals.

Section 7.06- Farms and Keeping of Animals: Shall be regulated by Article 11 of this Ordinance and by applicable State, Local, and Federal requirements.

Article 8 - DISTRICT C – COMMERCIAL

Section 8.01- Intent and Purpose: The Commercial District is in 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 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. Bed and Breakfast
 - B. Child Care Center, Group Day Care, Commercial Day Care
 - C. Convenience Store
 - D. Financial Institution
 - E. Funeral Home and Mortuary
 - F. General Retail Sales Establishment
 - G. Government Building
 - H. Motel
 - I. Nursery and Greenhouse
 - J. Office Building
 - K. Places of Worship/Religious Institutions
 - L. Pond
 - M. Public and Private Schools and other educational Institutions
 - N. Restaurants
 - O. Veterinary Hospital or Clinic
 - P. Child Care Center, Group Day Care/Commercial Day Care

2. Uses Permitted by Special Use Permit:
 - A. Automobile Service Stations
 - B. Automobile Repair Facility
 - C. Condominium
 - D. Drive-In Theater
 - E. Drive-Through Businesses
 - F. Gunsmithing
 - G. Hospital and Long-Term Care Facility
 - H. Kennel
 - I. New and Used Vehicle, Boat, or Farm Implement Dealer
 - J. Parks and Recreational Establishments
 - K. Planned Unit Development
 - L. Private Landing Strip or Public Airport and Heliports
 - M. Solar Energy System, Large
 - N. Storage Units/Rental Storage Buildings

- O. Shopping Center and shopping mall
- P. Wind Energy Conservation System
- Q. Racetrack

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. Also included in this District as Accessory Uses:

1. Solar Energy Systems, Small
2. Wind Energy Conservation System, Single, for on-site service only.

Section 8.04- Site Development Requirements

1. All parcels, buildings and structures created after the effective date of this Ordinance shall comply with the regulations of this Ordinance except as specified in Article 17 by variance by the Zoning Board of Appeals.

Section 8.05- Area and Dimensional Requirements: No segment of any property line shall be less than thirty (30) feet in length.

Article 9 - DISTRICT I - INDUSTRIAL

Section 9.01- 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 9.02- 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. Pond
 - F. Storage Units/Rental Storage Buildings
 - G. Solar Energy System, Small
 - H. Veterinary Hospital or Clinic
 - I. Wind Energy Conservation System, Single, for on-site service only

2. Uses Permitted by Special Use Permit:
 - A. Automobile Repair Facility
 - B. Automobile Service Stations
 - C. Condominium
 - D. Gunsmithing
 - E. Heavy Manufacturing
 - F. Junk Yard
 - G. Landfills or Incinerators
 - H. Meat and Poultry Processing Plant
 - I. Racetracks
 - J. Private Landing Strips or Public Airports and Heliports
 - K. Solar Energy Systems, Large
 - L. Wastewater Treatment and Disposal Facilities
 - M. Water Treatment and Storage Facility
 - N. Wireless Communication Facilities and Support Structures
 - O. Wind Energy Conservation Systems

Section 9.03- Accessory Uses, Buildings, and Structures: Accessory uses, buildings, and structures customarily incidental to the principal use or special permit use are permitted.

Section 9.04- Site Development Requirements

1. All parcels, buildings and structures created after the effective date of this Ordinance shall comply with the regulations of this Ordinance except as specified in Article 17 by variance by the Zoning Board of Appeals.

Section 9.05- 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 10 - PLANNED UNIT DEVELOPMENT (PUD)

Section 10.01- 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 10.02- Qualifying Conditions: Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District.

1. The PUD site contain fully contiguous property not separated by a public street, railroad right-of-way, or other such feature if no residential land uses are proposed. The PUD site shall contain the following minimum size requirements based on proposed uses:
 - A. For non-residential land uses: a minimum of three (3) acres.
 - B. For residential land uses: a minimum of ten (10) acres.
 - C. For mixed-uses including residential and non-residential land uses: a minimum of twelve (12) acres.
2. Public water and sanitary sewer shall be available to service the site or the proposed development shall include a community water and wastewater system designed and built to ultimately connect to the public systems.
3. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all properties.
4. The proposed uses of the PUD must be substantially consistent with the Township Master Plan descriptions for the subject property.
5. The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties.
6. The PUD should provide for coordinated and innovative architectural styles, building forms and building relationships.

7. The PUD should provide for enhanced landscaping efforts by the development. Examples include efforts to preserve the natural landscape, providing for tree lined streets, decorative landscaping around structures and focal landscape areas.

Section 10.03- Uses Permitted: PUD development may be permitted by the Planning Commission in any zoning district in accordance with this Article.

Section 10.04- Application and 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.
 - A. A request for a pre-application conference shall be made to the Zoning Administrator.
 - B. As part of the pre-application conference, the applicant shall submit copies of a conceptual plan, at a reasonable time period in advance of the pre-application conference, which shows the following:
 - (a) Legal Description of the property;
 - (b) Property location and total number of acres to be included in the project;
 - (c) Statement of the approximate number of residential units and/or approximate number, type, and square footage of non-residential units;
 - (d) Departures from the regulations of this Ordinance which may be requested;
 - (e) The total acres to be preserved as open or recreation space;
 - (f) Significant natural features, existing topographic character and natural resources;
 - (g) Existing flood plains, bodies of water and other unbuildable areas, if any;
 - (h) Vehicular and pedestrian circulation; and
 - (i) Land use for the entire site.
 - C. The Township shall advise the applicant of the conformance of the PUD concept with the intent and objectives of a PUD in the Township and whether it qualifies

under the minimum requirements in Section 10.02. No formal action will be taken at a pre-application conference nor will statements made at the pre-application conference be considered legally binding commitments.

- D. 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 Process Procedures

- A. In General: The procedure for application, review and approval of the PUD shall be a two (2) part process.

- i. The first part shall be application and approval of the Preliminary Development Plan, which shall require amending the Zoning Map so as to reclassify the property to PUD zoning. Such action shall confer upon the applicant the preliminary approval for a twelve (12) month period following the Township's approval of the PUD.
- ii. The second part of the review and approval process shall be the application for approval of the Final Development Plan for the entire project or for any one or more phases of the project. Final Development Plan approval shall require the granting of Site Plan approval by the Planning Commission using the standards for Site Plan approval in accordance with Article 15 of this Ordinance.

- (a) Effects: The approval of a PUD rezoning application shall require an amendment to the Zoning Map constituting part of this Ordinance. An approval granted under this Article including all aspects of the Final Site Development Plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance and a unique zoning district incorporating the provisions of the Final Site Development Plan. Each approved PUD district will be assigned a unique identification number by the Township Assessor, which shall be used to reference the standards, restrictions, uses and all other aspects of the particular PUD District.

- 4. Preliminary Development Plan Submission Requirements: Following the pre-application conference or conferences, one (1) hard-copy and one (1) electronic PDF copy of the preliminary development plan and an application for PUD rezoning request shall be submitted to the Zoning Administrator. The Zoning Administrator shall forward it to the Planning Commission for consideration at the next regularly scheduled Planning Commission Meeting. The plan shall be prepared by a licensed Professional in the State of Michigan, and shall be accompanied by a completed application form and fee as determined by the Township Board. The preliminary site development plan shall contain the following information unless specifically waived by the Zoning Administrator:

- A. Name, address, and phone number of the applicant;
- B. The name, address, phone number and seal of the licensed professional in the State of Michigan that prepared the plan;
- C. Date, north arrow and scale which shall not be more than 1" = 100';
- D. Location map of site in relation to the adjacent area;
- E. Legal description of the property including common street address;
- F. Size of parcel and total acres;
- G. All lot or property lines with dimensions;
- H. General location of all buildings within one hundred (100) feet of the property lines;
- I. General location and size of all existing structures on the site;
- J. General location and size of all proposed structures on the site;
- K. General location and dimensions of all existing and proposed streets, driveways within three hundred (300) feet of the property, parking areas, including total number of spaces and typical dimensions, and drive aisles with typical dimensions;
- L. General size and location of all areas devoted to open space, including total acres of this space;
- M. Location of existing vegetation and general location and size of proposed landscaped areas;
- N. All areas within the 100-year floodplain, wetland areas, or bodies of water;
- O. Existing topographical contour information at a minimum of two (2) foot intervals;
- P. Designation of any project phases or stages;
- Q. Specific listing of all departures from the regulations of the Ordinance which are requested: and
- R. A narrative describing the following:
 - i. The nature and concept of the project;

- ii. The proposed density, number and types of dwelling units if residential use is proposed as part of the PUD;
 - iii. A statement describing how the proposed project meets the objections of the PUD including the benefits that are expected to result from the adoption of the PUD provisions pertaining to the subject site;
 - iv. A detailed description of the legal mechanisms and structures proposed to assure the perpetual maintenance of all open space proposed; and
 - v. A statement from the registered professional describing how the proposed project will be served by public water, sanitary sewer and storm drainage. In the event a private water and/or wastewater system is proposed, the applicant shall submit documentation that the Barry-Eaton Health Department or the jurisdiction in which the project is located will accept responsibility for operation and maintenance of such systems, in the event the developer and any successors thereto fail to perform the required activities. The terms of such acceptance of responsibility for the operation and maintenance of such systems shall be established in an agreement between the applicant and the County or the jurisdiction in which the project is located. Said agreement shall provide for a performance bond, letter of credit or other mechanism acceptable to Planning Commission, in an amount sufficient to assure the proper continued operation of such systems.
- S. A narrative description of the phasing or staging plan (if applicable);
5. 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).
 6. Notice: Notice shall be provided in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
 7. 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.
 8. Standards and Burden: Following the public hearing, the Planning Commission shall recommend to the Township Board either approval, denial or approval with

stipulations of the PUD rezoning request and Preliminary Development Plan. In making its recommendation, the Planning Commission 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 or change the essential character of the surrounding area.
 - 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.
9. Final Site Development Plan: Within twelve (12) months from the date the Township Board approves the PUD preliminary development plan, the applicant shall submit a PUD Final plan application, and PUD Final Development Plan. If a Final Development Plan is not submitted by the applicant for final approval within twelve (12) months, then the preliminary development plan and PUD rezoning classification is null and void. An extension of time by which to submit a PUD Final Development Plan may be granted by the Planning Commission upon good cause shown if the request is made to the Planning Commission prior to the twelve (12) month period. An application shall be submitted at least thirty (30) days prior to the date of the next regularly scheduled Planning Commission meeting and shall be accompanied, at a minimum, by the following:
- A. An application fee as established by the Township Board.
 - B. A final site plan meeting the requirements of Article 15 of this Ordinance. If the PUD is to be developed in phases, the final site plan may be prepared for one (1) or more phases. The final site plan review, including any public hearings, shall be performed prior to the development of each individual phase. All phases must be consistent with the PUD as depicted in the preliminary development plan.

- C. The same information as required for the Preliminary Development Plan in Item 4 above, the information required for Site Plan Review in accordance with Article 15 of this Ordinance, and any additional information specifically requested by the Planning Commission in its review of the Preliminary Development Plan and the following information:
- i. Location and size of all water, sanitary sewer, and storm sewer lines serving the development and each of the buildings and units within the project.
 - ii. Proposed landscaping materials including type, number, size, botanical and common name and planting recommendations and details of proposed plant materials.
 - iii. Location of signs and exterior lighting.
 - iv. Location of sidewalk, foot paths, or other pedestrian walkways.
 - v. Distance of all buildings from lot lines, rights-of-way, and other principal buildings.
 - vi. Exterior architectural drawings noting building materials, height and area of buildings, accessory structures and fencing.
 - vii. Proposed development schedule indicating:
 - (a) Approximate date of commencement of construction.
 - (b) Stage or phases in which the project will be built including the expected start and completion of each phase.
 - (c) Size and location of each area of common use for recreation or open space purposes which will be complete at each phase.
- D. Notice: Notice shall be provided in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- E. 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.
- F. Standards for PUD Final Development Plan – Following the public hearing, the Planning Commission shall either approve, deny, or approve with stipulations the Final Development Plan. In making its decision, the Planning Commission shall

find that the proposed PUD meets the intent of the PUD District and the following standards:

- i. The Site Plan Approval Standards in accordance with Article 15 of this Ordinance except where specific deviations have been authorized pursuant to the approved PUD Preliminary Development Plan.
 - ii. The proposal is consistent with the Township's Master Plan.
 - iii. The qualifying conditions and permitted uses for the PUD.
 - iv. The standard of Section 15.05 of this Ordinance.
 - v. The proposal is consistent with the public health, safety, and welfare of the Township.
 - vi. The proposal minimizes any negative environmental impact on the subject site or surround areas.
10. PUD Development Agreement – The terms of the final approved PUD shall be incorporated in a Development Agreement to be executed by the applicant and the authorized representative of the Township. Said Agreement shall reference all approved application materials, plans, specifications, and related documents and shall be recorded by the applicant with the Eaton County Register of Deeds to run with the land.

The Development Agreement shall be executed prior to any building permits or commencement of construction on any portion of the PUD.

The Agreement should also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and such remedies shall be binding on all successors in interest to the property.

All costs for preparation and recording of the Development Agreement shall be paid by the applicant.

11. Commencement of Construction: Each approved PUD must be under construction within twelve (12) months after the date of approval of the PUD Final Development Plan, except as noted in this Section below:
- A. The Township may grant one (1) extension of up to an additional twelve (12) month period from the expiration date of the PUD or phase of the PUD if the applicant applies to the Planning Commission for an extension prior to the date of the expiration of the PUD or PUD Phase and provided that:
 - i. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and

- ii. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.
 - B. Should neither of the provisions of Section 11.A above be fulfilled, or an extension has expired without construction underway, the PUD preliminary plan approval(s) shall be null and void. This does not include any phases that may have received final PUD approval.
 - C. Should the PUD district become null and void, then the Township Board has the right to rezone the property back to the prior zoning classification(s) or to rezone it to any other zoning classification(s). If the property is to be rezoned, then the subject property remains zoned as a PUD, but the preliminary and final PUD plans previously approved become null and void. In order to utilize the property as a PUD, an applicant would have to submit plans for preliminary and final PUD site plan approval as stated in this Article, but would not require PUD rezoning action from the Township Board.
12. Changes to an Approved PUD: Changes to an approval final PUD shall be permitted only under the following circumstances:
- A. The holder of an approved PUD Final Development Plan shall notify the Planning Commission of any desired change to the approved PUD.
 - B. Minor changes to the PUD Final Development Plan may be approved by mutual agreement of the applicant or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other County regulations or State Law. Minor changes include:
 - i. All matters that were approved by the Planning Commission in the Final Development Plan that were not part of the Preliminary Development Plan.
 - ii. The relocation of structures, roads, planting areas, parking areas, signs, lighting, and driveways provided that all such improvements remain in the same general location as approved in the Preliminary Development Plan, as determined by the Planning Commission.
 - iii. Reduction of the size of any building and/or sign.
 - iv. Changes in floor plans, of up to five percent (5%) of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - C. A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to the following:

- i. Increase in density or number of dwelling units.
- ii. Increase in land area or building size, except as noted above.
- iii. Changes in, or addition of other uses not authorized by the original PUD approval.

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 two and one-half (2 ½) stories or thirty-five (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 ten (10) feet in width and a rear yard of no less than twenty-five (25) feet. Side yards of lots of record created before October 1968 may be reduced to eight (8) feet, provided the lots are less than sixty-five (65) feet in width.

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 one-hundred (100) feet of the structure served by the roadway.

Section 11.08- Private Driveways: All private driveways shall be subject to the following standards and requirements:

1. Minimum width and height:
 - A. The driveway shall have a minimum clear and passable area at least fourteen (14) feet in width for the entire length of the driveway. "Clear and passable" shall mean that the area is free of roots, brush shrubs, trees, obstructions or any other debris.
 - B. The driveway shall have a minimum clear and passable area of at least thirteen (13) feet in height for the entire length of the driveway.
2. The driveway shall have an aggregate base course of compacted gravel, crushed concrete, slag, or similar material that is at least six (6) inches in depth and at least ten (10) feet in width for the entire length of the driveway.
3. Driveways that exceed one-hundred (100) feet in length or have turns must be reviewed by the Township Fire and Rescue Department to ensure that the Township's public safety equipment can readily traverse the driveway at least to a

point within one-hundred (100) feet of the structure served by the driveway. The Township Fire Chief shall have the discretion to deny approval of any proposed driveway that cannot be readily traversed by the equipment of the Township Fire and Rescue Department due to severity of turns or inadequate radius of the turns in the proposed driveway.

4. Site plans must depict driveways and specify dimensions of the driveways.

Section 11.09- 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 one-hundred (100) feet from the front lot line.
3. Structures alone or in combination greater than two hundred (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 11.10- 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 twenty-five (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 11.11- Greenbelts and Landscaping

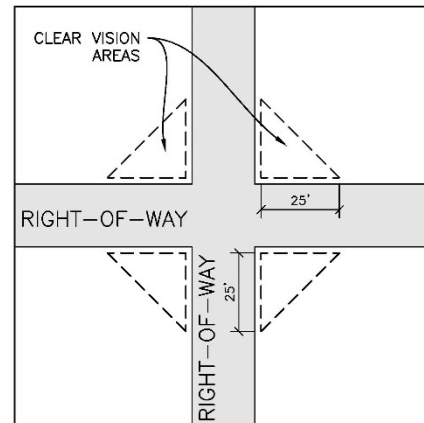
1. A landscaped greenbelt may be required by the Township to be installed on a nonresidential site or District in order to provide protective screening for nearby or adjacent Residential Districts or uses. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height at time of planting, or a hedge of evergreens at least four (4) feet in height at the time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered

by plantings shall be kept in a healthy growing condition, neat and orderly in appearance.

2. Any shrubs, bushes, or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

Section 11.12- Clear Vision Areas:

1. No planting, such as, but not limited to, trees and crops, fencing, or other structures shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of a street property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.



2. No vegetation or structure shall be maintained in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view from the vehicles entering or leaving the site from driveways or adjacent roadways.

Section 11.13- 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 thirty (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 thirty (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. No outdoor storage shall be permitted unless it is part of an approved site plan.
6. Storage Containers as storage buildings prohibited.
 - A. Shipping containers placed and used as an accessory building or storage building on any parcel located in any zoning district in Benton Charter Township is limited except as provided for herein. This limitation is to protect the public health and safety and the aesthetic quality of Benton Charter Township.
 - i. Shipping containers or storage containers used as storage buildings sited on any parcels located in any zoning district in Benton Charter Township is prohibited except as specifically approved and under an active permit issued as a temporary use. Requests for a temporary use permit for a temporary storage container will be reviewed by the Zoning Administrator and the Eaton County Building Department to determine compliance with other codes or ordinances; the submitted site plan and to determine that adequate space exists and that placement does not impact vehicular traffic. Storage containers, at the option of the Zoning Administrator, may require temporary screening and containment.
 - ii. No permit for a storage container shall be valid longer than six (6) months in any calendar year. The temporary use permit may be extended for one (1) additional six (6) month period if the applicant demonstrates a reasonable need for the extension.
 - iii. The allowable number of storage containers may be limited by the Zoning Administrator based on demonstrated need, aesthetic impact on the property, and Emergency Vehicle access.
 - iv. Storage containers that are placed on construction sites with an active building permit or placed in advance of a project where a building permit is to be issued are not regulated by this section with the exception of location and impact on vehicular traffic.
 - v. No storage container may be placed on top of another storage container.

Section 11.14- Lighting: 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 11.15- Water Supply and Sanitary Sewage Facilities: Required water supply and sanitary sewage facilities shall conform to the standards, regulations and requirements of the Barry-Eaton District Health Department.

Section 11.16- 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 11.17- Screening: Dust collectors, trash receptacles, and similar equipment shall be screened from view from any abutting residential zoning district.

Section 11.18- Home Occupation: 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 percent (20%) 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 the 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.

Section 11.19- Keeping of Animals

1. The keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of permitted uses, subject to the requirements in this Section.
2. Any land, building, or structure where four (4) or more cats and/or dogs six (6) months of age or older are boarded, housed, or bred for commercial purposes shall be considered a kennel. Kennels shall only be permitted after approval as a Special Land Use on the lot or parcel on which it is proposed if provided for in that zoning district.
3. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of land for medical care for fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:
 - A. Any pen, building or structure housing these animals shall be a minimum of fifty (50) feet from any property line or road right-of-way and a minimum of one hundred fifty (150) feet from any dwelling unit.
 - B. On lots on one-half (1/2) acre, but less than one (1) acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family.
 - C. On lots of greater than one (1) acre, but less than two (2) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises.

- D. On lots of greater than two (2) acres the uses permitted by paragraph 2, above: and one (1) horse, or one (1) cow, or one (1) goat, or one (1) sheep or one (1) pig for each full acre over two (2).
- 4. Where animals other than domestic animals of the owner or occupant of the premises are kept or allowed outside, a fence shall be provided and regularly maintained that will keep any animals from leaving the premises at will.
- 5. Measures must be taken to ensure that all animal by-products, noxious odors, noises and all other nuisance factors created by the raising, caring, keeping of animals must be contained within the boundaries of the property. Additional visual screening, addition noise inhibitors, air filtration system, etc. may be necessary to comply with this requirement.

Section 11.20- Pond

- 1. Ponds created by excavations shall be subject to setbacks applicable to accessory buildings in accordance with Article 11 of this Ordinance.
- 2. The edge of the pond shall be considered the point at which excavations begin.
- 3. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical.

Section 11.21- Swimming pools

- 1. Pools used for swimming or bathing shall conform with the requirements of this Section; provided, however, these regulations shall not be applicable to any pool less than twenty-four (24) inches deep or having a surface area less than two hundred fifty (250) square feet, except where the pool is permanently equipped with a water recirculating system or involve structural materials.
- 2. A swimming pool or appurtenances thereto shall not be considered, installed, enlarged or altered until a building permit has been obtained by the Eaton County Building Department.
- 3. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- 4. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the body of water inaccessible to small children. This enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

All swimming pool installations shall comply with any applicable Construction Codes and all other standard codes referred to therein.

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Article 12 - NONCONFORMING USES

Section 12.01- Intent and Purpose: It is the intent of this Article to provide for the continuance of lawful uses of land or structures which existed before the enactment of this Ordinance, or before the effective date of an amendment to this Ordinance, governing an otherwise lawful existing use of land or structures. Such non-conformities are permitted to continue under the conditions specified in this Article which are intended to minimize the disharmony and incompatibility between uses of land and provide for either the eventual discontinuance or conversion of non-conformities.

Section 12.02- Classification of Non-Conformities

1. **Illegal Non-conformity:** Any use of land or structure which has been established in violation of the provisions of this Ordinance or a previous valid County Zoning Ordinance, having jurisdiction at the time said use of land or structure was established, and any use of land or structure which has been lawfully established under this Ordinance or a previous valid County Zoning Ordinance and subsequently violates the terms of the permit under which it was established shall be termed an illegal non-conformity, except when said illegal non-conformity is in full compliance with the provisions of this Ordinance.
2. **Legal Non-Conformity:** An existing use of land. Lot or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established, created, or commenced during a period of time when no valid zoning ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance, or a previously valid County Zoning Ordinance, and remains in compliance with the terms of a permit issued at that time.

Section 12.03- Legal 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 Barry-Eaton District 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 12.04- Legal Nonconforming Structure

1. Whenever the use of a structure 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 structure 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 structure or portion thereof is discontinued for a continuous period of one-hundred eighty (180) days, such nonconforming use shall be deemed to be abandoned, and any future use of such structure or portion thereof, shall be in conformity with the regulations of the district in which such structure is located.

Section 12.05- Legal 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 one-hundred eighty (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 12.06- 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 12.07- Repair, Alteration, and Rehabilitation of Damaged Legal Nonconforming Structures: A nonconforming structure that has been damaged to the extent of more than fifty percent (50%) 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 fifty percent (50%) of its assessed value, a nonconforming structure 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 12.08- Abandonment and Discontinuance: If the nonconforming use of any 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 fifty percent (50%) its assessed valuation for a continuous period of one-hundred eighty (180) days, then any further use of said 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 12.09- Questionable Cases: Any questionable case involving whether certain 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.

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Article 13 - SIGNS

Section 13.01- Purpose and Intent: The purpose of this Article is to make Benton Charter 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 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 Ordinance Enforcement Officer. Any signs removed will be held in the Benton Charter 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 Charter 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 or on public property.
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 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 (PUD):
 - 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 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 Charter 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 twenty five percent (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.

- i. Maximum total of installed temporary signage shall not exceed thirty-two (32) square feet.
 - 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. No sign shall be placed in the clear vision triangle of a road intersection or driveway.
 - D. Signs located on public property except as expressly permitted by this Article.
 - E. Signs blocking doors or fire escapes.
 - F. Wall signs that project beyond or overhang the wall upon which they are mounted.
 - G. Roof signs that project above or beyond the highest point of the roof.

- H. 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.
- 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 (3,000) 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 fifty percent (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 located on a parcel where the principal land use in existence at the time the sign was installed 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.

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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:

1. An application and site plan, 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.
2. 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).
3. 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 Ordinance Enforcement Officer.

4. 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: The Planning Commission shall hold a public hearing, or hearings, upon 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 shall be governed by the following principles and standards:

1. 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.
2. In considering an application for a Special Use Permit, the following shall be considered:
 - A. Whether all required information has been provided and fees paid.
 - B. Whether the proposed use is specifically provided as a use by special permit in the district in which the property is zoned.
 - C. Whether the proposed use at the location is consistent with the objectives and goals of the Master Plan and this Ordinance.
 - D. 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.
 - E. 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.
 - F. Whether the proposed use is compatible with and will not adversely affect the natural environment.
 - G. Whether the capacity of local utilities and public services are 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.

- H. Whether the special use shall comply with soil erosion and sedimentation control requirements and groundwater protection management provisions of local, state, and federal laws.
- I. Whether 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 impose reasonable conditions including duration and review periods in granting a special permit. The Planning Commission may enter into a development agreement to meet the purposes of this Article. Conditions imposed shall meet all of the following requirements:

- 1. Be designed to protect:
 - A. 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;
 - B. Residents, and landowners immediately adjacent to the proposed land use or activity, and
 - C. The community as a whole.
- 2. 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.
- 3. Promote the use of land in a socially and economically desirable manner.
- 4. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
- 5. Be necessary to ensure compliance with the standards set forth in this Article.
- 6. 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:

- 1. Approve the special use permit application and direct the Zoning Administrator to issue the special use permit; or

2. 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
3. Deny the special use permit application.
4. 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. The written decision of the Planning Commission shall be sent to the applicant signed by the chairperson or secretary of the Planning Commission with a copy to the Township Board.

Section 14.08- Issuance; Compliance and Violation: Upon approval, the Planning Commission shall issue a Special Use Permit to the applicant. It shall be the responsibility of the Zoning Administrator in conjunction with the Township Ordinance Enforcement Officer 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 and Ordinance Enforcement Officer 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 final decision of the Township Board may be appealed to the Eaton County Circuit Court as permitted by law.

The following Sections relate to regulations associated with Specific Uses:

Section 14.10- Agricultural Businesses

1. Structures housing animals shall be setback one-hundred (100) feet from all property lines and the road right-of-way.
2. Fenced holding areas for animals shall meet the yard setbacks requirements of the zoning district of the parcel.
3. No storage of manure or dust producing material within one-hundred (100) feet of any property line or road right-of-way.
4. Agricultural business shall be established and conducted in compliance with all applicable, State, County and Federal laws and Ordinances.

Section 14.11- Agricultural Labor Housing. Agricultural migrant labor housing shall be subject to the following requirements:

1. The camp operator must own and operate farming activities on a minimum of forty (40) acres of land combined.
2. Agricultural migrant labor housing shall be located upon the same land as the farming activity taking place or at a minimum on property contiguous to it which is also owned by the camp operator.
3. Agricultural/ or contracted migrant labor housing may only be used for the housing of persons directly employed by the camp operator, and the employee's immediate family (spouse and/or children). It may not be used for persons not directly employed by the camp operator or for any other residential purposes. In no event shall said housing be occupied for more than ten (10) months in any calendar year. Occupancy must at all times be compliant with the time frames established and posted on the camp operators MDA License/permit.
4. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of agricultural migrant housing shall apply where any dwelling is used to house migratory laborers. Evidence of compliance from the MDA in the form of a license or permit, must be provided to the Township on an annual basis.
5. No agricultural migrant labor housing shall have more than two (2) levels above ground nor contain more than four (4) dwelling units per building. Said housing shall not exceed more than one (1) dwelling unit for each five (5) acres of land area of the farming activity taking place. Each dwelling unit shall provide a minimum floor area of not less than seven hundred twenty (720) square feet. One (1) vehicle parking space per dwelling unit must be provided. Multiple stories used as separate living units are considered for approval only when they comply with local and state agency requirements for fire and safety rules regarding egress and use.
6. Agricultural migrant labor housing shall be set back at least sixty-seven (67) feet from any road right-of-way, forty (40) feet from any side and rear property lines, and one-hundred (100) feet from any dwelling of an adjacent property owner to the side or rear of the property. Landscape buffering and visual screening may be required and shall be at the discretion of Planning Commission or in accordance with Section 11.11 of this Ordinance.
7. To ensure adequate access for emergency vehicles and personnel, no agricultural migrant labor housing shall be located closer than thirty (30) feet to any other building or structure.
8. In the event mobile home(s) are used for agricultural migrant labor housing, they must also be compliant with Section 14.28 of this Ordinance.

9. Any agricultural migrant labor housing that is not occupied by migratory laborers during two (2) consecutive years shall be removed by the camp operator, or must comply with the zoning ordinance and zoning district of the property, either of which must occur within ninety (90) days.

Section 14.12- 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.

Section 14.13- 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.

Section 14.14- 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
4. Spaces may be used by motorhomes, travel trailers, campers, tents.
5. 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, twenty-four (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 (1,000) square feet of living area for the manager's family.
6. 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 container with lid and 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.
7. 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 Barry-Eaton District Health Department and the Michigan Department of Natural Resources.
8. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance with all applicable local, state, and federal laws.

9. Each campground 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.
10. 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.
11. 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.
12. 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 (150) feet 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 (24) feet wide for two-way traffic or twelve (12) feet 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.
13. The minimum lot area of a campground shall be five (5) acres.
14. No person shall occupy any recreational vehicle park or campsite for more than sixty (60) days.
15. 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.

Section 14.15- Cemetery

1. Purpose and Intent. The intent of this subsection is to regulate privately owned property, which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets.
2. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 88 of 1875, as amended, and other applicable state laws. Cemeteries shall be regulated and operated in compliance with Public Act 251 of 1968, as amended.
3. The proposed site shall front upon a public street.
4. All interment sites, building and structures shall be set back at least fifty (50) feet from any side or rear property line.

Section 14.16- 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.

Section 14.17- Child Care Centers, Group Day Care Home; or Commercial Day Care Center

- 1. Group day-care homes. A group day-care home licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a special use permit if the group day-care home meets the following standards:
 - A. Is located not closer than one thousand five hundred (1,500) feet to any of the following:
 - i. Another licensed group day-care home.
 - ii. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Public Act 218 of 1979, being section 400.701 and 700.37 of the Michigan Compiled Laws.
 - iii. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - iv. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - B. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Township.
 - C. Maintains the property consistence with the visible characteristics of the neighborhood.

- D. Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10:00 pm and 6:00 am.
- E. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
- F. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

2. Commercial Day Care Center

- A. A commercial day-care center shall be issued a special use permit if it meets the following standards:
 - i. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred fifty (150) square feet of usable outdoor recreation area for each client of the facility.
 - ii. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred fifty (150) square feet of usable outdoor recreation area for each client of the facility.
 - iii. The outdoor recreation area shall be fenced and screened from any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
 - iv. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
 - v. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

Section 14.18- Commercial Recreational Facility

- 1. The proposed site shall front upon a paved County Primary, or County Local Street. All ingress and egress shall be from that thoroughfare.
- 2. Public access to the site shall be located at least one hundred fifty (150) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
- 3. Any lot line abutting a residential district shall provide a fifty (50) foot wide greenbelt in accordance with Article 11 of this Ordinance.
- 4. The main and accessory buildings and structures shall not be located within one-hundred (100) feet of any residential district or permitted use.

5. Golf driving ranges shall be sufficient in size to retain balls within the site by means of landscaping, berms or a fence. Netting shall be prohibited unless the Planning Commission determines that it would be compatible with neighboring uses.

Section 14.19- Convenience Store

1. Minimum building size: One thousand five hundred (1,500) square feet in gross floor area.
2. Business and establishment shall provide landscaping and greenspace in accordance with Article 11 of this Ordinance.
3. Related repair and service facilities shall not occupy more than fifteen percent (15%) of the net floor area of the establishment.
4. All signs shall comply with Article 13 of this Ordinance.
5. Off-street parking shall comply with Article 16 of this Ordinance.

Section 14.20- 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.

Section 14.21- 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.

Section 14.22- 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:
 - A. Erosion control barriers shall be maintained during construction.
 - B. 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.
 - C. 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.
 - D. 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.
6. All parking areas shall be surfaced or treated so as to prevent any dust nuisance.
7. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
8. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
9. Whenever included, swimming pools shall be provided 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.

Section 14.23- 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 thirty percent (30%) 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.

Section 14.24- Hospital and Long-term Care Facility

1. Lot area shall be at least two (2) acres and front on a paved road.
2. The emergency entrance, the delivery area and the refuse disposal container area shall be obscured from the general view.
3. No building shall be any closer than seventy-five (75) feet to any property line or road right-of-way.
4. All signs shall comply with Article 13 of this Ordinance.
5. Off-street parking shall comply with Article 16 of this Ordinance.

Section 14.25- 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 of 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.

Section 14.26- Kennels/Veterinary Hospital or Clinic

1. Training classes shall be permitted only if specifically authorized by the Special Use Permit.
2. In districts other than AG, a kennel shall not be operated for breeding purposes unless specifically authorized by the Special Use Permit.
3. 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 one-half (1/2) acre, up to a maximum of twenty (20) dogs.
4. The Special Use Permit may limit the specific species of animals that are permitted.
5. 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.
6. 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.
7. Outdoor runs and breeding areas (if permitted) shall be enclosed on all sides by a wall or fence not less than five (5) feet high.
8. Sight and sound barriers shall be provided around all outdoor facilities and use areas.
9. Dogs must be housed within an enclosed building between the hours of 9:00 p.m. and 7:00 a.m. each day.

10. 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.
11. Kennels shall be operated in conformance with all applicable County, Township, State or Federal regulations, and with industry standards.
12. 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.
13. Pet grooming, including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar services shall be permitted if specifically authorized by the Special Use Permit.
14. The sale of pet and veterinary products shall be incidental to the kennel, veterinary hospital or clinic unless specifically authorized by the Special Use Permit.
15. Veterinary care shall be incidental to the kennel unless specifically authorized by the Special Use Permit.
16. An operations and maintenance plan shall be submitted with the Special Use Permit application that addresses how noise will be attenuated, waste handled, and day/hours of operation specified.
17. Water and Sanitary sewer supply services must be approved and authorized by the Barry-Eaton District Health Department.

Section 14.27- Landfills or Incinerators

1. Must be located over one thousand (1,000) 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.

Section 14.28- 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) feet 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 (1) cubic yard for every four (4) 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.

Section 14.29- Meat or Poultry Processing Plant: A meat or poultry processing plant shall be located at least one thousand (1,000) feet from any dwelling.

Section 14.30- 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.
 - (a) Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
 - (b) Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
 - (c) 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.
 - (d) The restoration of the site topography so that no gradients in the disturbed area are steeper than a slope of 1:3.
 - (e) The placement of a three (3) inch layers 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.

- (f) Identification of all backfill and grading materials to be used, and a certification that none of those materials are noxious, flammable, or toxic.
- (g) 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.
- (h) 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.
- 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. One hundred fifty (150) 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 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 and a minimum height as determined by the Planning Commission at the time of Site Plan Review. .
- 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 feasible, 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 6:00 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 Planning Commission 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 Planning Commission 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 Planning Commission. 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.

Section 14.31- New and Used Vehicle, Boat or Farm Implement Dealer

- 1. The minimum lot size shall be one (1) acre and the minimum lot width shall be two-hundred (200) feet.
- 2. Any outdoor storage or sales area which adjoins a residential district shall be enclosed with a six (6) foot high fence. This fence shall be capable of containing debris, trash and other blowing objects.
- 3. The lot area used for display purposes shall have a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water.
- 4. All exterior lighting shall be shielded from adjacent property.
- 5. A new/used vehicle, boat or farm implement dealer use that provides vehicle service, the sale of new and rebuilt vehicle parts and body and service shall meet the following requirements:
 - A. Parking or storage of inoperative vehicles shall be completely surrounded by an opaque fence of not less than six (6) feet in height.
 - B. Minimum road frontage shall be one-hundred fifty (150) feet.
 - C. Minimum lot area shall be increased five-hundred (500) square feet for each fuel pump unit in excess of four (4), and one-thousand (1,000) square feet for each service bay in excess of two (2), and three-hundred (300) square feet for each parking space intended for the storage of inoperative vehicles.
 - D. All buildings and accessory structures including gasoline pumps shall be setback fifty (50) feet from any lot line and seventy-five (75) feet from any street right-of-way line.

- E. All equipment including hydraulic hoist, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.
 - F. All activities, except those required to be performed at the fuel pump shall be carried on inside a building. All vehicles upon which work is performed shall be located entirely within a building.
 - G. There shall be NO above-ground tanks for the storage of gasoline, liquified petroleum gas, oil or other flammable liquids or gases.
- 6. All signs shall comply with Article 13 of this Ordinance.
 - 7. Off-street parking shall comply with Article 16 of this Ordinance.
 - 8. Hours of Operation: Monday-Saturday, 8 a.m. to 6 p.m.

Section 14.32- Nursery or Greenhouse

- 1. The regulations shall apply to garden centers, plant and tree nurseries, greenhouses, landscaping and landscaping supply businesses, and similar uses which are characterized by outdoor storage and sale, unless otherwise specified herein, shall be subject to the standards set forth in this Section.
- 2. Permanent Sales Office. A permanent sales office building shall be located on the subject parcel. The building(s) may also include activities ancillary to the principal use such as the storage of materials and equipment storage/repair.
- 3. Outdoor Storage. No portion of the outdoor storage area shall be located within five hundred (500) feet of any residential zoning district. Outdoor storage areas shall be completely enclosed by a fence or wall, a minimum of six (6) feet in height. The fence or wall shall have a minimum of two (2) gates providing access to the storage area for vehicles. The fence or wall enclosing the storage area shall meet the minimum setback requirements of the zoning district in which it is located.
- 4. Height of Outdoor Storage Rack Fixtures: Outdoor storage racks shall not exceed a fixture height of twenty (20) feet.
- 5. Access. Primary access to the subject parcel shall be on a county primary road, as classified by the agency having jurisdiction over the road, or a state trunk line under the jurisdiction of the Michigan Department of Transportation (MDOT).

6. Street Maintenance. Public streets within one thousand five hundred (1,500) feet of the entry or exit to the subject parcel shall be kept reasonably clear of mud, dirt, debris and trash deposited from vehicles accessing the site.

Section 14.33- Parks and Recreation Establishments: Parks and 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. The Planning Commission will determine operating hours of the use 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 Planning Commission.

Section 14.34- Places of Worship (Religious Institutions)

1. Lots shall be at least two (2) acres.
2. No building shall be closer than fifty (50) feet to any property or road right-of-way line.
 - A. Greater height is allowable past the height limitations of the zoning district provided there is an increased setback distance of two (2) feet for each increase of one (1) foot of height.
3. The property location shall have at least one (1) property line that abuts and has access to a collector, major arterial, or minor arterial street.

4. Signs shall comply with Article 13 of this Ordinance.
5. Off-street parking shall comply with Article 16 of this Ordinance.
6. A greenbelt shall be provided in accordance with Article 11 of this Ordinance, where, in the opinion of the Planning Commission, screening is required to minimize visual, noise, or other effects from the proposed development.

Section 14.35- Private Landing Strips, Public Airports and Heliports

1. Private landing strips and airports:
 - A. Private airports and landing strips shall NOT be located within five (5) miles of a public use airport which is licensed by the Michigan Aeronautic Commission without the prior written approval of the Bureau of Aeronautics pursuant to R259.253 of the Michigan Administrative Code.
 - B. The elements of safety, design and construction of a private airport or landing strip facility shall be certified by an aviation Professional Engineer licensed in the State of Michigan.
2. Public Airport and Heliport
 - A. Public airports shall meet the standards for Class A, B, or C, commercial airports contained in the Rules and Regulations of the Michigan Aeronautics Commission.
 - B. Special Use Permits for such facilities shall NOT be issued until the facility has been granted a Landing Area License pursuant to Part 5 of the Rules and Regulations of the Michigan Aeronautics Commission.
 - C. Public airports and/or heliports shall not be permitted within an area where an existing dwelling, or other existing buildings classified in "Use Group A, H, I or R" as defined in the Michigan Construction Code are found. Said area shall extend two hundred (200) feet on either side of the centerline of the proposed runways and extended for a distance of two thousand five hundred (2,500) feet from both ends of the proposed runway.
 - D. All public airports and/or heliports shall have direct access to a paved major street.

Section 14.36- Public and Private Schools or Other Educational Institution

1. No building shall be closer than fifty (50) feet from any property or road right-of-way line.
2. No more than twenty-five percent (25%) of the gross site area shall be covered by buildings.
3. All signs shall comply with Article 13 of this Ordinance.

4. Off-street parking shall comply with Article 16 of this Ordinance.
5. Access. The proposed site access driveway shall be along a paved public street.

Section 14.37- 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 Commercial or Industrial 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 Planning Commission.
5. Except as otherwise provided in this Section, Racetracks must also comply with all requirements applicable to recreation establishments.

Section 14.38- Shopping Center and Shopping Mall

1. The site area shall have a minimum of five (5) acres.
2. A minimum of four hundred (400) feet of road frontage on a paved major street shall be required.
3. All buildings shall be setback not less than one hundred (100) feet from a street right-of-way line, side lot line or rear lot line.
4. Shopping centers and malls shall be served by public sanitary sewer and public water system.
5. Pedestrian traffic between buildings shall be possible without crossing drives or parking areas.
6. No building within the proposed project shall have separate access to a public street.

Section 14.39- Shooting Ranges: Shooting Ranges shall comply with the following:

1. Minimum lot size: Forty (40) acres.

2. The use shall be located on property with direct access to a public road.
3. Access driveway(s) shall be located at least one hundred (100) feet from the nearest right-of-way of any intersecting street/road or seventy-five (75) feet from the nearest edge of any other driveway.
4. 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.
5. The minimum lot area for outdoor shooting activities shall be forty (40) acres. Additional acreage may be required where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant.
6. The minimum yard setbacks for outdoor shooting clubs/ranges shall be two hundred fifty (250) feet. In the case of a parcel used only for an archery range, the minimum setback from any residential use or district shall be fifty (50) feet.
7. Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 8:00 AM and after dusk, seven (7) days a week except for facilities operated by law enforcement agencies. The Township Board may apply more restrictive hours where protection for adjoining residents is necessary.
8. Shooting clubs/ranges shall not be located within one thousand (1,000) feet of any dwelling.
9. All parking shall be off-street and shall comply with Article 16 of this Ordinance.
10. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners and shall be shielded from adjacent properties.
11. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special features must be submitted with the special use permit.
 - A. The design of the water and sewer disposal systems shall be in accordance with the requirements of the Barry Eaton District Health Department.
12. All existing and proposed buildings shall be depicted on the site plan documents.

13. A rifle or pistol range shall not be located any closer than one-quarter (1/4) mile from any church or school. Further, such ranges shall have adequate backstops. The Planning Commission may approve an isolation distance less than the requirements of this Section if an applicant presents a Site Plan which is sealed by a Professional Architect or Engineer licensed in the State of Michigan to effectively mitigate off-site noise and safety impacts.
14. All signs shall comply with Article 13 of this Ordinance.

Section 14.40- 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 Planning Commission 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.

Section 14.41- 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 15:
 - 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.
 - i. Include geotechnical report, prepared by a Professional Engineer licensed in the State of Michigan, demonstrating appropriate foundation designs and pavement designs based on findings of the geotechnical soil report. These geotechnical soil borings will also need to demonstrate the in-situ soil conditions prior to the proposed development.
- 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 Planning Commission 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 Eighty (80) contiguous acres or smaller.
 - A. The maximum amount of Township land developed as Large-Scale Solar Energy System Facilities shall not exceed fifty percent (50%) of the combined acreage of the Commercial and Industrial Districts within the Township.
- 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 eight (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 seven (7) feet apart on center. All unhealthy (sixty percent (60%) 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 (public or private) at any time of the day.
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 Planning Commission 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 Zoning Administrator 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.
 - A. The applicant shall prepare a decommissioning plan prepared by a Professional Engineer licensed in the State of Michigan, and submit it to the Planning Commission for review as a part of the Special Use Permit. The Decommissioning Plan shall include, but not be limited to the following:
 - i. Detail steps to:
 - (a) Remove the system;
 - (b) Dispose of or recycle its components;
 - (c) Restore of the land to original conditions; and
 - (d) An estimated cost schedule to meet the requirements.
 - ii. Under this plan, the Owner/Operator is required to remove all structures, equipment, conduit, fencing, roads and structure foundations, including any equipment, structures or materials below-grade, and removed offsite for disposal.
 - i) No concrete, piping and other materials may be left in place.
 - iii. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan.

- iv. The ground must be restored to its original condition and the site shall be revegetated to blend with the existing surrounding vegetation within one hundred eighty (180) days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
 - B. As part of the decommissioning plan, geotechnical soil analysis shall be performed and a geotechnical soil report submitted demonstrating that the post-decommissioning soil conditions are reasonable to in-situ soil conditions prior to project development. The report shall be prepared by a Professional Engineer licensed in the State of Michigan. The Township may require that the Michigan Department of Environment, Great Lakes and Energy (EGLE) verify the decommissioning soil analysis.
- 16. General Standards: The Planning Commission 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 Planning Commission 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 Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Planning Commission Chair and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
- 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 by the applicant, its successors or assigns. 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 forty-eight (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 Planning Commission 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 Planning Commission 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 Planning Commission 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 as set by the Planning Commission. 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.

Section 14.42- Storage Units: Storage units are subject to the following requirements:

1. Minimum lot size of three (3) acres.
2. Owners and lessees of storage units may not conduct business activities within their storage unit.
3. A residence may be permitted on the premises for security personnel or on -site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-1 Zoning District.
4. One (1) parking space shall be provided for each ten (10) storage units, equally distributed throughout the storage area. The parking requirement may be met with parking lanes required for the storage area.
5. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
6. One (1) parking space shall also be required for every twenty (20) storage units, up to a maximum of ten (10) spaces, to be located adjacent to the rental office, for the use of customers.
7. Parking lanes and access aisles adjacent to the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage units.
8. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
9. All lighting shall be shielded from adjacent properties.

10. The property must be enclosed by a minimum of a six (6) foot high fence, which may be chain-link if it does not abut residential uses.
11. Storage units must be within enclosed buildings.
12. The exterior of storage unit buildings must be of finished quality.
13. Storage units may not store hazardous, toxic, or explosive materials. A sign describing this prohibition must be posted on the property.
14. One (1) pole or ground sign up to thirty-two (32) square feet in total area and up to eight (8) feet in total height, shall be allowed on the site.

Section 14.43- Wastewater Treatment and Disposal Facility: All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.

Section 14.44- Wireless Communications Facilities and Support Structures

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;
 - E. To require the joint use of new and existing towers sites as the standard rather than the construction of single-use towers; and
 - F. 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.

- i. 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.
 - ii. 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 owned and operated by a federally licensed amateur radio station operation or that is used exclusively for receiving signals.
 - (a) 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.
 - (b) Towers, satellite dishes, antennas, and similar structures shall not be placed or constructed in any required front yard.
 - (c) Satellite dishes may be placed or mounted on poles; however, they shall be subject to accessory building height limitations.
- B. Priority of Users: Priority for wireless communication antennas, facilities, and towers shall be given to the following entities in descending order:
- i. Tower owner.
 - ii. Eaton County Emergency Services Director.
 - iii. Other governmental agencies, for uses unrelated to public safety.
 - iv. 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.
- C. Antennas and Wireless Communication on Township Property: The placement of wireless communication antennas or towers on Township property must comply with the following requirements:
- i. The antennas or towers will not interfere with the purpose for which Benton Charter Township property is intended.
 - (a) The antennas or towers will not have an adverse impact on surrounding private property.

- ii. 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 Charter Township for any and all liability claims arising out of the construction, operation, use or maintenance of the wireless communications tower or facility. The Township Board, with recommendation from the Planning Commission, shall each have the discretion to determine whether the liability insurance obtained by the Applicant is “adequate” for purposes of this Ordinance.
- iii. The applicant will submit a letter of credit, performance bond, or other approved security acceptable to Benton Charter Township to cover the costs of the antenna or tower’s removal.
- iv. 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.
- v. Upon reasonable notice as specified by the Township Board, the antennas or towers may be required to be removed at the users’ expense.
- vi. The applicant must reimburse Township for any costs that it incurs because of the presence of the applicant’s antennas or towers.
- vii. The applicant must obtain all necessary land use approvals and construction permits prior to the construction of any antenna or tower.

Notwithstanding the above, Benton Charter 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 Section.

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:
- i. 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.
 - ii. 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.
 - iii. 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.
- F. 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 sports 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.
- G. 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.
- H. 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.

- I. 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 thirty (30) days to bring such tower into compliance with such standards. Failure to bring a tower into compliance within thirty (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.
 - J. 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.
 - K. 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.
 - L. 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 Township.
 - M. 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.
 - N. 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

Professional Structural Engineer licensed in the State of Michigan 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 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 6 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 thirty (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 fifty (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 by the Planning Commission:
 - A. If the tower or antenna is not a permitted use under Subsection 4 of this Section or permitted to be approved administratively pursuant to Subsection 5.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 and will require Site Plan Review in accordance with 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 licensed in the State of Michigan.
- D. An applicant for a special use permit shall submit the information described in Subsection 6E 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:
 - ii. The location, type and height of the proposed tower;
 - iii. Master Plan classification of the site, adjoining sites, and all properties within the applicable separation distances set forth in Subsection 9;
 - iv. Adjacent roadways and rights-of-way, including the proposed means of accessing the site;
 - v. Setbacks from property lines;
 - vi. Cross section and elevation drawings of the proposed tower and any other proposed structures;
 - vii. Site topography;
 - viii. Parking, both temporary and permanent;
 - ix. Any other information deemed by the Zoning Administrator, Planning Commission, or the Township Board to be necessary to assess compliance with this section.
 - x. The setback distance between the proposed tower and residentially-zoned properties and the nearest residential unit.
 - xi. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Subsection 9C 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.

- xii. 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 in accordance with Section 11.
 - xiii. Method of fencing, tower finish color and, if applicable, the method of camouflage and illumination.
 - xiv. A description of compliance with Subsections 3H and 3I and all applicable federal, state or local laws.
 - xv. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - xvi. 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.
 - xvii. 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.
 - xviii. 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 Planning Commission shall consider the following factors in determining whether to issue a special use permit for a telecommunication tower or antenna. 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:
 - i. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - iv. 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.
 - v. 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.
 - vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - vii. 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.

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.

Section 14.45 – Table 1	
Any residential structure	500 feet or 300% height of the 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

- B. 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.

Section 14.45 – 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
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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 living 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 ten (10) 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. Abandonment of Unused Tower or Portions of Towers: Abandoned or unused towers or portions of towers shall be removed as follows:
 - A. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Planning Commission.

 - B. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

 - C. The applicant will submit 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 will be provided to the Township to cover the costs of the antenna or tower's removal.

13. Accessory Utility Building and other equipment storage.
 - A. Antennas and wireless communications facilities mounted on existing 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:
 - i. A site plan.

 - ii. A report prepared by a qualified Professional Engineer licensed in the State of Michigan indicating the existing structure or tower's suitability to accept the antenna.

- B. 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.
- C. 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.
- D. Similar Appearance. Equipment structures shall be constructed of, and be similar in appearance to, buildings in the surrounding neighborhood.
- E. Residential districts. In residential districts, the equipment cabinet or structure may be located:
 - i. 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.
 - ii. 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.
- F. 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 eight (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 thirty-six (36) inches and shall be constructed of similar materials as buildings in the neighborhood. All plantings shall be planted no more than four (4) feet on center.

- G. 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 Planning Commission in the case of uses permitted by special use.

14. 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.

Section 14.45- 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.
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 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 three hundred eighty-five (385) 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 Planning Commission may approve a WECS height greater than three hundred eighty-five (385) 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 one-hundred fifty percent (150%) of the WECS height to any habitable structure and no closer than one-hundred percent (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 eighty percent (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 U.S. Fish and Wildlife Service (USFWS)/Michigan Department of Natural Resources (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 approved by the Township Board 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 Planning Commission may waive this requirement if the Planning Commission 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, the Planning Commission shall not approve any Wind Park as a special use unless it 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 Planning Commission shall be recorded in the minutes of the appropriate Planning Commission Meeting. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the district in which the WECS is located. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Planning Commission Chair and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
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 licensed in the State of Michigan, 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 by the application, owner, or successor and assigns. 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 Eaton County Road Commission 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 Eaton County Road Commission 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 2020 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 to the Township annually.
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: 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 final decision regarding the special use permit.
21. Reasonable Conditions: In addition to the requirements of this section, the Planning Commission may impose 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 fifty (150) feet above ground level (at a normal grade).

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. Planning Commission shall conduct site plan reviews for the following:
 1. Uses permitted by right in all districts, excluding single-family dwellings in any district.
 2. Special Uses in all Zoning Districts.
 3. Subdivisions of land and site condominium developments in all districts.
 4. 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, who shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission.

Section 15.03- Site Plan Review:

1. Applications for site plan approval shall consist of the following:
 1. An application form supplied by the Township.
 2. 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.
 3. One (1) PDF copy and three (3) hard copies of the site plan documents prepared and sealed by a licensed professional in the State of Michigan at a scale of not less than one (1) inch equals one hundred (100) feet for properties more than three (3) acres and not less than one (1) inch equals twenty (20) feet for parcels less than or equal to three (3) acres with the following minimum information:
 - i. The date, north arrow and scale of the drawing.
 - ii. The seal, name and firm address of the professional responsible for the preparation of the site plan.
 - iii. The name and address of the property owner or petitioner.
 - iv. A location map.
 - v. Legal description of the subject property.

- vi. The existing zoning and use of all properties abutting the subject property.
- vii. Dimensions of property and of the total site area.
- viii. 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.
- ix. Required and proposed building setbacks.
- x. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, including existing rights-of-way and pavement widths.
- xi. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, streams, ponds, floodplains, hills and similar natural assets.
- xii. Location, screening, dimensions, and heights of existing and proposed buildings, structures, trash receptacles, utility pads, etc., including accessory buildings and uses, and the intended uses thereof.
- xiii. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening such equipment, where appropriate.
- xiv. Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths.
- xv. The location and size of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
- xvi. Proposed grades and site drainage patterns, including necessary drainage structures. Where applicable, indicate the location and elevation(s) of 100-year flood plain.
- xvii. The location and size of all surface water drainage facilities.
- xviii. Proposed common open spaces and recreational facilities, if applicable.
- xix. Proposed landscaping, including quantity, size at planting, botanical, and common names of plant materials.

- xx. Signs, including location, height, and sizes.
 - xxi. Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic control signs, or devices, and service drives.
 - xxii. Exterior lighting photometric plan showing area of illumination and indicating the type of fixture to be used.
 - xxiii. Elevation drawings of proposed buildings, along with a general description of materials and colors to be used.
2. Traffic Impact Assessment, Traffic Impact Study: The Planning Commission or regulating road authority may require an applicant to submit (and pay for) either a Traffic Impact Assessment or Traffic Impact Study as part of any site plan review process. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below:
- 1. Traffic Impact Assessment: A Traffic Impact Assessment shall be required for projects expected to generate either between fifty (50) to ninety-nine (99) directional trips during peak hour traffic or five hundred (500) to seven hundred fifty (750) directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall support and describe proposed access design and other mitigation measures that will positively affect traffic operations at these points.
 - 2. Traffic Impact Study: A Traffic Impact Study shall be required for projects expected to generate either one hundred (100) or more directional trips in the peak hour or over seven hundred fifty (750) trips on an average day. The impact study shall evaluate current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The impact study must also describe and support proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The impact study shall evaluate pedestrian access, circulation and safety. The Traffic Impact Study must take into account the Master Plan in analyzing future traffic developments.
 - 3. 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:
 - 1. Minimum floor area of the dwelling units.
 - 2. Total number of units proposed.
 - 3. Number of bedrooms per unit in multiple-family developments.

4. Areas to be used for open space and recreation.
5. Space allowance for accessory buildings in mobile home subdivisions and mobile home parks.
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.
3. If neither of the above provisions are fulfilled or the one (1) year extension has expired prior to construction commencing, the site plan approval shall be null and void.

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, as applicable.
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.
 1. All streets and driveways shall be developed in accordance with the Eaton County Road Commission, or Michigan Department of Transportation (MDOT) specifications and requirements, as appropriate. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or MDOT with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
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

plan 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. The finished side of any wall, fence, or other screen shall face adjacent properties.
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. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
13. For proposed uses in recreational districts, no building or structure shall be constructed within one hundred (100) feet of road rights-of-way or property lines.
14. Landscaping 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 provides 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 areas, 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:
 1. Existing natural vegetation;
 2. Topography;
 3. Existing wetland, floodplain, and poor soil areas;
 4. Existing and proposed building placement;
 5. Building heights;
 6. Adjacent land uses;
 7. Distance between land uses;

8. Dimensional conditions unique to the parcel;
 9. Traffic sight distances;
 10. Traffic operational characteristics on and off site;
 11. Visual, noise and air pollution levels; and
 12. Health, safety and welfare of the township.
16. Site plans shall conform to all applicable requirements of County, State, Federal and Township statutes and ordinances. Approval may be conditional on the applicant receiving necessary County, State, Federal and Township permits before final site plan approval is granted.
 17. 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. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original site plan approval. Minor changes shall include the following:
 - i. Change in the building size, up to five percent (5%) in total floor area.
 - ii. Movement of buildings or other structures by no more than ten (10) feet.
 - iii. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - iv. Changes in building materials to a comparable or higher quality.
 - v. Changes in floor plans which do not alter the character of the use.
 - vi. Changes required or requested by the Township, Eaton County Road Commission, or other County, State or Federal regulatory agency in order to conform to other laws or regulations.
3. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

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 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 developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and the spirit, purpose, and intent of this Ordinance.

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Article 16 - OFF-STREET PARKING AND LOADING

Section 16.01- Intent and Purpose:

In all Zoning Districts, off-street parking facilities for the storage and parking of motor vehicles for the use of occupants, employees and patrons of the building's hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.

Section 16.02- Location of Parking – The off-street parking required by this Section shall be provided in accordance with the following requirements.

1. **Single and Two-Family Dwellings:** The off-street parking facilities required for single and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Article.
2. **Multiple-Family Dwellings:** The off-street parking facilities for multiple family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this Article. In no event shall any uncovered parking space for any multiple family dwelling be located within ten (10) feet of any main building.
3. **Manufactured Home Parks:** The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements.
4. **Other Land Uses:** The off-street parking required may be located on each site or in parking lots within three hundred (300) feet of a readily accessible entrance.

Section 16.03- Parking Lot Requirements:

1. All parking facilities, access driveways, and commercial storage areas (excluding those for single and two-family dwellings outside manufactured home parks) shall be hard surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon the area, and shall be completely constructed prior to fully occupying the building.
2. In all zoning districts, the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be hard surfaced if the roadway is hard surfaced.
3. **Lighting**
 1. All lighting for parking lots, whether building mounted or pole mounted shall be cutoff fixtures, as defined by the Illuminating Engineering Society of North America

and shall be shielded as appropriate to deflect light away from adjacent residential areas and roadways.

2. Lighting intensity shall be reduced during non-business hours.
3. The source of illumination in all parking lots abutting a Residential District or use shall not be higher than twenty (20) feet above the parking lot surface.
4. At no point shall illumination levels exceed five (5) foot-candles on the parking lot surface. The uniformity ratio on the parking lot surface shall be no greater than 5:1. In complying with these requirements the maximum light loss factor may be used is 0.72.
4. When a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective side or rear yard in which the parking is located shall contain a minimum setback of twenty (20) feet excluding any parking or drives, unless a greater setback is required by any other provisions of this Ordinance.
5. Required nonresidential parking lot abutting a Residential District or use shall be effectively screened from neighboring Residential Districts and uses by a decorative fence or wall, or a landscaped equivalent at least four (4) feet in height and obscuring.
6. Adequate ingress and egress to the parking lot, by means of clearly defined drives, shall be provided for all vehicles. Access drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways. Each entrance and exit shall be at least twenty-five (25) feet from any adjacent residential district of use.
7. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot of setback lines, if curb and gutter is not being provided. Wheel stops shall be securely anchored into the parking lot to ensure that they remain stationary.
8. Plans for the layout of off-street parking facilities shall be in accordance with the Parking Space Dimensions of this Article.

Section 16.04- Parking Lot Plans

1. The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot and before the building is fully occupied.

2. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage patterns, pipe sizes, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared by a licensed professional in the State of Michigan competent in that work.
3. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of the property. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying a vehicle for sale, except in approved and licensed car sales lots.
4. After the effective date of this Ordinance, it shall be unlawful for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential District to permit or allow the open storage or parking of trucks (over one (1) ton), semi-trucks and trailers, manufactured homes, construction equipment, and/or any other similar equipment or machinery used for commercial purposes on an overnight basis. Provided, however, that the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm. In addition, equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be exempted from this restriction.
5. No vehicle storage, or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.

Section 16.05- Off-Street Parking Requirements

1. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
2. Upon application, The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 2. The joint use of parking facilities by two (2) or more uses is recommended and may be granted by the Planning Commission whenever the use is practical and

satisfactory to each of the uses intended to be served and when all requirements for the location, design and construction can be satisfied.

- i. Computing Capacities: In computing capacities for any joint use, the total space requirements are the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of the off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
 - ii. Record of Agreement: A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the Eaton County Register of Deeds. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.
 - iii. The Zoning Administrator shall be immediately notified of any changes to the agreement, including notifications of new owners of the properties involved.
3. Maximum Parking Requirement
- i. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Off-Street Parking Requirements of this section. Except as may be approved by the Planning Commission.
 - ii. The Planning Commission upon application may grant additional spaces beyond those permitted in (i.) above. In granting the additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on documented evidence of use and demand provided by the applicant.
4. Required off-street parking spaces are noted in Table 16.05.D below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be accord with a use which the Zoning Administrator considers similar in type.

Table 16.05.D: Off-Street Parking Requirements by Use

USE	PARKING SPACE PER UNIT OF MEASUREMNET
RESIDENTIAL	
Single-family dwellings	2 for each dwelling unit.
Two-family dwellings	2 for each dwelling unit.
Multiple family dwellings	2 for each dwelling unit, plus 1 additional for each 2 units.
INSTITUTIONAL	
Group day care homes and group foster care homes	1 space for each 4 clients.
Churches, theaters, assembly areas, auditoriums, gymnasiums	The greater of 1 space for each 4 seats or each 8-feet of pew length OR 1 space for each 8 persons allowed within the maximum occupancy load established by any applicable codes or ordinances.
Schools, elementary and middle	2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating.
Schools, secondary, trade, industrial, and institutions of higher learning	1 space for each 8 students, plus 1-1/2 spaces for each classroom, plus amount required for auditorium and/or gymnasium seating.
Libraries, museums, post offices	1 space for every 800 square feet of floor area plus 1 space for every 4 employees.
COMMERCIAL	
Vehicle wash establishments (self-service our automatic)	1 space for each 5 stalls.
Beauty/barber shop	3 spaces for each chair.
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use.
Assembly halls without fixed seats	1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances.
Restaurants – without drive-through facilities	The greater of 1 space for each 100 square feet of UFA OR 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances.
Restaurants with drive-through facilities	The greater of 1 space for each 100 square feet of UFA OR 1 space for each 1-1/2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances.
Vehicle Service Stations	1 space for each service stall, plus 1 space for each pump island.
Personal service establishments not otherwise specified	1 space for each 50 square feet UFA.
Furniture, appliance and household goods retails sales	1 space for each 1,000 square feet of UFA.

Funeral homes and mortuary establishments	1 space for each 50 square feet of UFA.
Open air businesses and storage	1 space for each 200 square feet of indoor UFA plus 1 space for each 1,000 square feet of outdoor display area.
Retail stores not otherwise specified	1 space for each 300 square feet of UFA.
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses.
Private golf clubs, swimming clubs, tennis clubs, or other similar uses	1 space for every 2 member families or individuals.
Public Golf Course	4 spaces for each golf hole plus 1 space for each employee on the peak shift.
Commercial Garage	1 space for each service bay, and 1 for each 2 employees, and no more than 16 vehicles stored at any one time. Parking or storage of inoperable vehicles must be surrounded by sight proof fencing minimum 6-feet in height.
Construction Contractors Establishment and Storage of Heavy Equipment	1 space plus 1 for each employee not to include spaces designated for the outdoor storage of equipment, vehicles, trailers, materials, and machinery associated with the operation of the business.
Dance halls, pool and billiard rooms, exhibition halls, roller rinks	1 space for each 100 square feet of floor area used for dancing or other assembly.
Convenience Commercial Establishment	1 space for each 500 square feet of UFA.
New/Used Vehicle, Boat, Farm Implement Dealer	1 space for each 600 square feet of indoor area used for the business plus 1 for every 6 display vehicles.
Rental Storage Building	1 space for each 6 rental units within the buildings.
OFFICES	
Banks, credit unions, savings and loan associations and other similar uses	1 space for each 150 square feet UFA plus 4 spaces for each non-drive through automatic teller machine.
Offices not otherwise specified	1 space for each 300 square feet UFA.
Medical and dental offices and clinics	1 space for each 75 square feet of waiting room area plus 1 space for each examining room, dental chair, or similar use area.
INDUSTRIAL	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	1 space for each 1,000 square feet of GFA plus those spaces required for offices located on the premises.
Warehouses and wholesale establishments	1 space for each 2,000 square feet GFA plus those spaces required for offices located on the premises.
Surface Mine	1 space for every 4 employees working on the largest working shift.

Section 16.06- Site Development Requirements

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards:

1. Surfacing: All parking areas with ten (10) or more spaces required that are located in the Commercial (C) and Industrial (I) district shall provide adequate storm drainage facilities and provided with a smooth, durable, dustless surface consisting of bituminous asphalt or concrete. Parking lots consisting of ten (10) or fewer spaces and not otherwise required by the ordinance may utilize an aggregate stone or gravel surface properly graded for storm drainage. Said surface shall be maintained and replaced, if necessary, during the period of occupancy of the building it serves.
2. Parking Space Minimum Dimensions: A minimum area of two hundred (200) square feet consisting of ten (10) feet in width and twenty (20) feet in depth shall be provided for each vehicle parking space.
3. Barrier-Free Parking: Off-street barrier free parking facilities shall be provided in accordance with Table. 16.06.3 below:

Table 16.06.3

Total Parking Spaces	Required Barrier-Free Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20, plus 1 for each 100 over 1,000

4. Maneuvering Lanes: The minimum width of aisles or maneuvering lanes shall be as follows:
 1. For parking angles from 75-degrees to 90-degrees, the maneuvering lane width shall be a minimum of twenty-four (24) feet.
 2. For parking angles from 54-degrees to 74-degrees, the maneuvering lane width shall be a minimum of eighteen (18) feet.

3. For parking angles from 30-degrees to 53-degrees, the maneuvering lane width shall be a minimum of twelve (12) feet.
4. For parallel parking, the maneuvering land width shall be a minimum of twelve (12) feet.

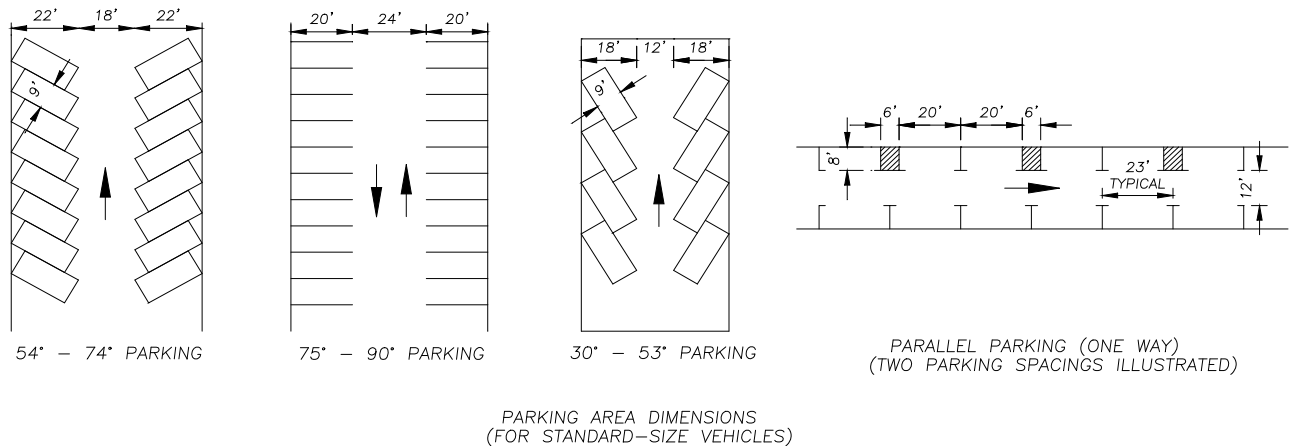


Figure 1 - Section 16.06 Maneuvering Lanes

5. Access to Public Street: Ingress and egress to parking areas shall be provided by means of clearly limited and defined drives as provided for below:
 - A. All parking areas must have direct access to a public or private street. Those areas providing more than ten (10) parking spaces with an entry/exit drive may have a drive of not less than twenty (20) feet in width. When one-way drives or boulevards are utilized, the minimum width of each lane shall be twelve (12) feet.
 - B. All parking areas providing ten (10) or more spaces shall be designed so as to not make it necessary for vehicles to back directly onto a street and parking shall not be permitted within ten (10) feet of the edge of the public right-of-way.
6. Landscaping and Snow Storage: All parking lots consisting of more than ten (10) parking spaces shall provide a landscaped area for snow storage with an area equivalent to fifteen percent (15%) of the parking area and maneuvering lanes. For example, a parking lot with twenty (20) parking spaces, each consisting of one hundred-eighty (180) square feet and a maneuvering lane of one-hundred (100) feet long and twenty-four (24) feet wide, would encompass six thousand (6,000) square feet of parking area and maneuvering lane. Therefore, a landscaped area of at least nine hundred (900) square feet, fifteen percent (15%) must be provided for snow storage. Landscaping and planting materials used in such area shall be of a variety that is suitable for the location and hardy to the climate.
7. Storm Water Drainage: All parking lots of more than ten (10) spaces shall provide for storm water management structures to prevent off-site run-off except as approved by the Eaton County Drain Commissioner, or a designated representative of the office of the Eaton County Drain Commissioner.
8. Building additions and Change of Use: Whenever a building, structure, or use is modified, expanded, or changed in use and such activity requires a permit pursuant to

this Ordinance, the parking space requirements shall be reviewed and the facilities shall be made to comply with the standards of this Ordinance.

Section 16.07- Off-Street Loading Requirements

1. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials, or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
2. Loading spaces for non-residential uses in Residential Districts shall not be facing or visible from the street.
3. In nonresidential districts, loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
4. All dedicated loading spaces shall be provided with pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.
5. All loading spaces for semi-truck deliveries shall be at least ten (10) feet by fifty (50) feet, or a minimum of five hundred (500) square feet in area and shall have a minimum of fourteen (14) foot clearance height. All other loading spaces shall be a minimum of twelve (12) feet in width, twenty-five (25) feet in length and provide a minimum of fourteen (14) feet in clearance height.
6. Loading Spaces shall be provided in accordance with the following schedule:

Table 16.07.5	
GFA (sq. ft.)	Loading and Unloading Spaces Required by Building Square Footage
0-2,000	None
2,000-20,000	1 space
20,000-100,000	1 space plus 1 space for each 20,000 sf in excess of 20,000 sf
100,000-500,000	5 spaces plus 1 space for each 40,000 sf in excess of 100,000 sf

1. All illumination of loading areas shall be cutoff fixtures as defined by the Illuminating Engineering Society of North America and shall be shielded as appropriate to deflect light away from adjacent residential areas and roadways. Lighting shall also meet the requirements of Section 16.03.

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Article 17 - ZONING BOARD OF APPEALS

Section 17.01- 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 17.02- 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 Charter 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 or Ordinance Enforcement Officer 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:
 1. 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.
 2. 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.
 3. 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.
 4. 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 fourteen (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.
7. Upon application or petition and the filing of the appropriate fees as set by the Township Board, the Zoning Board of Appeals is authorized to decide any questions involving the interpretation of any provision of this Ordinance, including determination of the exact location of any zoning boundary if there is uncertainty with respect thereto.

Section 17.03- 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 (1) 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 17.04- 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 or Ordinance Enforcement Officer.
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 17.05- 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 by the Ordinance Enforcement Officer or Zoning Administrator or other administrative officer's order, requirement, decisions, grant, or refusal, except as related 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 17.06- 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.
 - i. Deadline for appeal is 30-days after the Zoning Board of Appeals denial action.
2. The applicant must supply the following written information to the Zoning Board of Appeals chairperson before the case will be heard:
 1. Applicant's name, address, phone number, and legal property description.
 2. A copy of written Zoning Compliance Permit application denial from the Zoning Administrator. The denial should state the reason for denial.
 3. Written request for an appeal hearing.
 4. 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.
 5. Names and addresses of all adjoining property owners within three-hundred (300) feet of the subject property.
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 17.07- 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 Ordinance Enforcement Officer, 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 17.08- 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 17.09- 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.

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Article 18 - ORDINANCE AMENDMENTS

Section 18.01- 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 zoning map.

Section 18.02- 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 Charter Township, or by one or more persons acting on behalf of a resident of Benton Charter 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.
 1. The application shall provide the following information if an application involves an amendment to the 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 Ordinance Enforcement Officer, 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.

2. 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 Ordinance Enforcement Officer, 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:
 1. Upon receipt of an application and petition for amendment, Planning Commission shall provide notice pursuant to the requirements of the Michigan Zoning Enabling Act.
 2. 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:
 1. 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.
 2. 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.
 3. 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 18.03- 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 three hundred sixty-five (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 19 - ADMINISTRATION

Section 19.01- Ordinance Enforcement Officer; Zoning Administrator: The provisions of this Ordinance shall be administered by the Ordinance Enforcement Officer and/or 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 Ordinance Enforcement Officer and/or the Zoning Administrator shall be those defined by the Township Board.

Section 19.02- Zoning Compliance Permit, Duration, and Extension:

1. Except as otherwise provided, any building or structure over two hundred (200) square feet hereafter erected, or altered shall require a building permit.
2. Zoning Compliance permits shall be issued for one-year (1-year) duration.
3. Extensions for up to one year (1-year) may be obtained from the Zoning Administrator. 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 19.03- Zoning Ordinance Review: This Zoning Ordinance, including the Zoning Map, shall be reviewed by the Township Planning Commission at least once every five (5) years.

Section 19.04- 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 19.05- 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:

1. 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.
 2. 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.
 3. 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.
 4. Set forth conditions to a site plan review; to a special use; or to a planned unit development.
 5. Specify the authorized use(s) on the subject property.
 6. Posting financial guarantees to ensure faithful completion of improvements and compliance with conditions.
 7. Posting certificates of insurance and hold harmless provisions.
 8. Provisions to ensure maintaining improvements in perpetuity.
 9. Construction completion date(s).
 10. 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 19.06- 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, Zoning Administrator, and Ordinance Enforcement Officer are authorized to require the posting of a performance guarantee by an applicant seeking authorization under this Ordinance.
 1. 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.
 2. 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 fifty (50) miles of the Township or transmitted by facsimile or email.
 3. 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; those conditions are met; that all materials, debris and equipment are removed from the site; and those 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).
 4. 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 Zoning Administrator. The exact amount of the performance guarantee shall be determined by the Zoning Administrator.

5. 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.
6. 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 Ordinance Enforcement Officer 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.
7. As the contingencies covered by the performance guarantee diminish, the Zoning Administrator and/or Ordinance Enforcement Officer, upon direction of the Township Board, may decrease the amount.
8. The amount of a performance guarantee may be reduced to an amount not less than ten percent (10%) 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 the actual costs incurred by the Township related to the project are fully paid by the owner/developer.
9. For improvements under the zoning jurisdiction of the Township, "satisfactorily completed" means the Ordinance Enforcement Officer or Zoning Administrator 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.
10. The performance guarantee shall fully terminate one (1) year after ninety percent (90%) of the buildings or other structures in the project have been completed, or such earlier time as reasonably determined by the Township Board.

11. 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.
12. 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 19.07- 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 19.08- 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.

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Article 20 - VIOLATIONS

Section 20.01- 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 20.02- 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, Ordinance 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.

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