

2025

Sanborn Township

ZONING ORDINANCE



SANBORN TOWNSHIP, MICHIGAN

12025 US Hwy 23 S
Ossineke, MI 49766

ADOPTED: 11-10-25 | **EFFECTIVE: 11-27-25**

www.sanborntwp.com

Sanborn Township ZONING ORDINANCE

Sanborn Township
Alpena County
Michigan

Adopted: November 10, 2025

Published: November 20, 2025

Effective: November 27, 2025

Prepared with the assistance of:

Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental
Regulations

8 Zoning Board
of Appeals

9 Administration
& Enforcement

10 Amendments
& Adoption

Table of Contents

Article 1 Purpose & Authority			
Section	Name		Page
1.0	Purpose		1-1
1.1	Authority		1-2
1.2	Title		1-2
Article 2 Definitions			
Section	Name		Page
2.0	Construction of Language		2-1
2.1	Definitions		2-2
	A		2-2
	B		2-7
	C		2-10
	D		2-14
	E		2-16
	F		2-17
	G		2-19
	H		2-20
	I		2-20
	J		2-21
	K		2-21
	L		2-21
	M		2-24
	N		2-27
	O		2-27
	P		2-28
	R		2-30
	S		2-33
	T		2-43
	U		2-44
	V		2-44
	W		2-44
	Y		2-47
	Z		2-48

Article 3		General Provisions	
Section	Name	Page	
3.0	Effects of Zoning	3-1	
3.1	Zoning Lots/Number of Dwelling Units/Illegal Dwellings	3-3	
3.2	Barrier-Free Modifications	3-4	
3.3	Restoration of Unsafe Buildings	3-4	
3.4	Access	3-4	
3.5	Temporary Buildings for Construction Purposes	3-4	
3.6	Construction Debris	3-6	
3.7	Accessory Buildings & Accessory Uses	3-6	
3.8	Recreational Vehicles & Equipment/Trailers	3-10	
3.9	Corner and Driveway Clearance/Residential Entranceway	3-12	
3.10	Relocation of Buildings	3-12	
3.11	Storage in Roadside Yards	3-13	
3.12	Riverfront Regulations & Overlay Zone	3-13	
3.13	Manufactured Homes on Individual Lots	3-16	
3.14	Reserved	3-16	
3.15	Land Clearing/Removal or Dumping of Material/Waste	3-17	
3.16	On-Site Drainage, Runoff & Stormwater Management	3-18	
3.17	Exterior Site Lighting	3-18	
3.18	Fences	3-21	
3.19	Landscaping	3-23	
3.20	Screening & Buffering	3-28	
3.21	Circulation & Parking	3-30	
3.22	Signs	3-40	
3.23	Nonconforming Structures, Uses & Lots	3-53	
3.24	General Exceptions	3-57	
3.25	Pets & Livestock	3-57	
3.26	Groundwater Protection	3-59	
3.27	Private Roads	3-59	
3.28	Garage Sales, Yard Sales, Rummage Sales & Auctions	3-65	

Article 4		Districts Regulations	
Section	Name	Page	
4.0	Creation of Zoning Districts	4-1	
4.1	Zoning Map	4-1	
4.2	Zoning District Boundaries	4-2	
4.3	Zoning of Annexed, Vacated or Filled Areas	4-2	
4.4	Application of District Regulations	4-3	
4.5	(R-1) One-Family Residential District	4-6	
4.6	(R-2) General Residential District	4-10	
4.7	(FR) Forest Recreational District	4-14	
4.8	(FF) Farm & Forest District	4-18	

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

4.9	(B-1) Restricted Business District	4-24
4.10	(B-2) General Business District	4-29
4.11	(I) Industrial District	4-35
4.12	Full Table of Permitted & Special Uses	4-40
4.13	Zoning District Descriptions	4-51

Article 5	Plot Plan & Site Plan Review	
	Section	Name
		Page
	5.0	Purpose & Approval Summary Table
		5-1
	5.1	Plot Plan Review
		5-3
	5.2	Site Plan Review Procedures
		5-5
	5.3	Site Plan Data Required
		5-8
	5.4	Site Plan Review Standards
		5-11
	5.5	Amendment to an Approved Site Plan
		5-14
	5.6	Expiration of Plot Plan or Site Plan Approval
		5-15

Article 6	Special Use Review	
	Section	Name
		Page
	6.0	Purpose
		6-1
	6.1	Special Use Review Procedure
		6-1
	6.2	Special Use Standards
		6-4
	6.3	Inspection of a Special Use
		6-6
	6.4	Compliance with Other Regulations
		6-6
	6.5	Amendment to an Approved Special Use
		6-6
	6.6	Expiration of a Special Use
		6-7

Article 7	Supplemental Regulations	
	Section	Name
		Page
	7.0	Purpose
		7-2
	7.1	Animal Shelters & Kennels
		7-2
	7.2	Gas Stations; Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change; Tire Sales & Installation
		7-2
	7.3	Bed & Breakfasts/Tourist Homes
		7-3
	7.4	Biofuel Production Facilities on Farms
		7-5
	7.5	Campgrounds & RV Park
		7-7
	7.6	Car & Truck Washes
		7-7
	7.7	Child Care Centers, Nursery Schools; Child Care Homes
		7-7
	7.8	Drive-Through/Drive-Up Businesses
		7-8
	7.9	Funeral Home/Mortuary
		7-9
	7.10	Golf Courses
		7-9
	7.11	Home Occupations & Cottage Industries
		7-9
	7.12	Junkyards; Salvage Yards; Scrap Yards; Motor Vehicle Impoundment; Wrecking Yards; & Similar Establishments
		7-12
	7.13	Manufactured Housing Communities
		7-13

7.14	Medical Marijuana Primary Caregiver Facilities	7-14
7.15	Mining, Quarries, and Gravel Pits (Resource Extraction)	7-15
7.16	Hotels & Motels	7-15
7.17	Multiple Family Dwelling Units (Apartments; Condominiums)	7-16
7.18	Convalescent/Nursing Homes & Assisted Living Facilities	7-17
7.19	Offices & Showrooms	7-17
7.20	Outdoor Recreational Facilities – Commercial	7-17
7.21	Outdoor Sales & Rental Facilities	7-17
7.22	Public Parks, Playgrounds & Recreation Areas	7-18
7.23	Planned Unit Developments (PUD)	7-18
7.24	Rooming & Boarding Houses	7-24
7.25	Sawmills & Other Mills	7-24
7.26	Seasonal Use Sales	7-25
7.27	Accessory Dwelling Units	7-25
7.28	Sexually Oriented Businesses	7-26
7.29	Warehousing & Storage	7-28
7.30	Accessory Wind Turbines	7-29
7.31	Utility-Scale Wind Energy Facilities	7-31
7.32	Wireless Communications	7-42
7.33	Small Cell Wireless Facilities	7-47
7.34	Accessory Solar Panels	7-49
7.35	Utility-Scale Solar Facilities	7-51
7.36	Battery Energy Storage Systems	7-59
7.37	Marihuana Provisioning Center & Marihuana Retailer	7-68
7.38	Commercial Event Facilities	7-70

Article 8	Zoning Board of Appeals		
	Section	Name	Page
	8.0	Creation & Membership	8-1
	8.1	Meetings	8-2
	8.2	Jurisdiction	8-3
	8.3	Procedures	8-4
	8.4	Dimensional Variance Standards	8-7
	8.5	Appeal to Circuit Court	8-7








Article 9	Administration & Enforcement		
	Section	Name	Page
	9.0	Administration of Ordinance	9-1
	9.1	Duties of the Zoning Administrator, Planning Commission & Township Board	9-1
	9.2	Zoning Permits	9-3
	9.3	Fees	9-5
	9.4	Performance Guarantee	9-6
	9.5	Public Notice Requirements	9-7

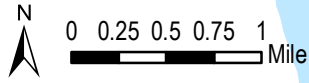
9.6	Use of Consultants	9-9
9.7	Conditions	9-9
9.8	Interpretation & Conflicts	9-10
9.9	Rehearing	9-10
9.10	Violations	9-11
9.11	Approval Process Reference Chart	9-13

Article 10 Amendments & Adoption		
Section	Name	Page
10.0	Amendment to this Ordinance	10-1
10.1	Amendment Procedure	10-1
10.2	Conditional Rezoning	10-5
10.3	Comprehensive Review of Zoning Ordinance	10-8
10.4	Severance Clause	10-8
10.5	Vested Right	10-9
10.6	Repeal & Savings Clause	10-9
10.7	Adoption & Effective Date	10-9

Sanborn Township ZONING MAP

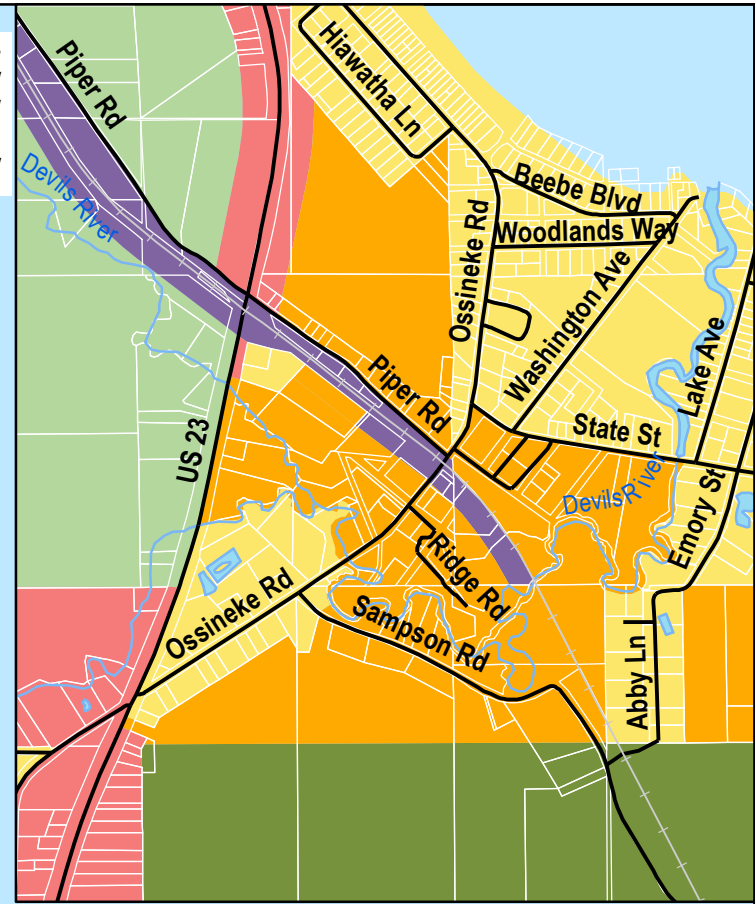
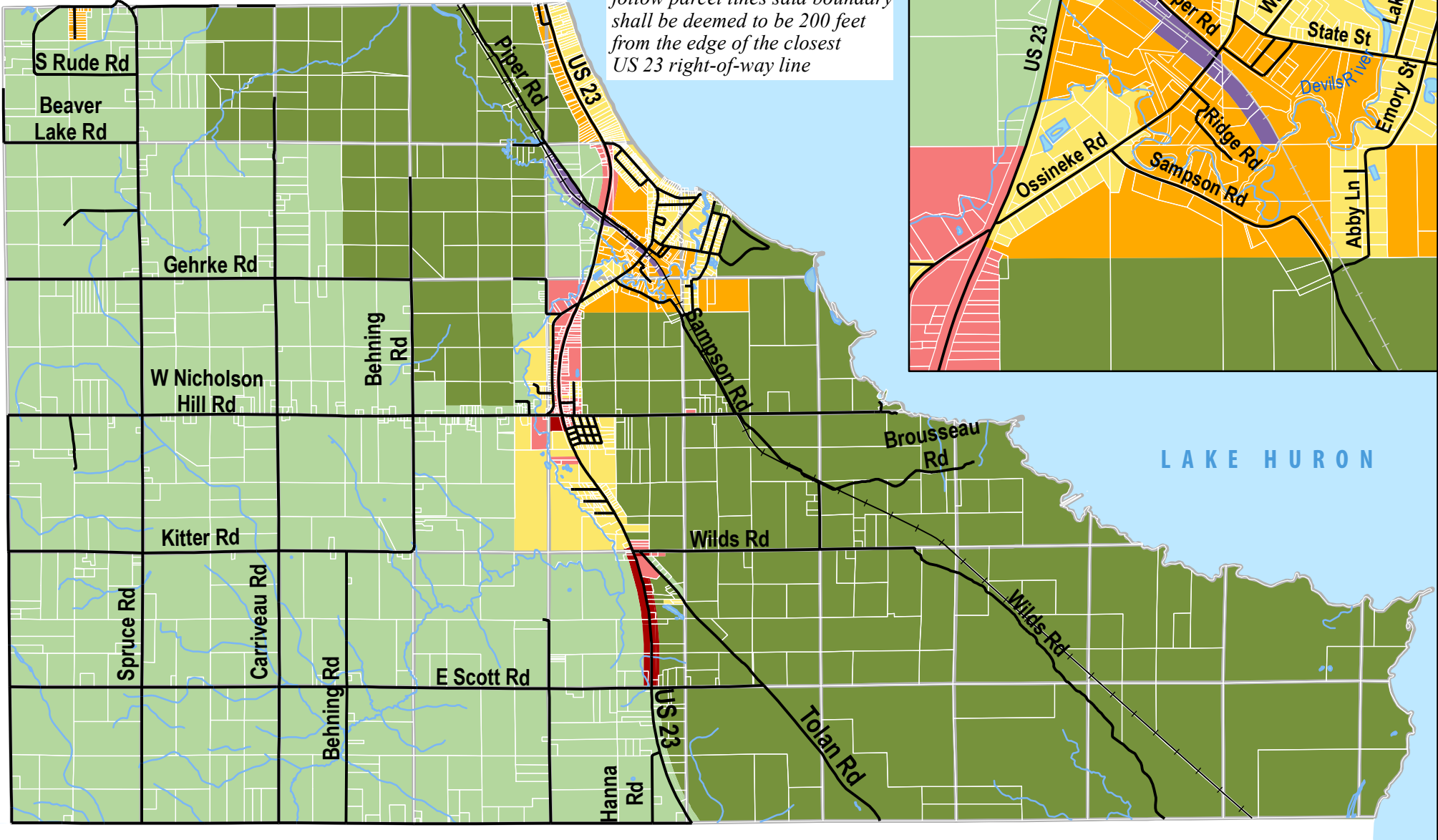
Adopted 11-10-25
Effective 11-27-25

- | | |
|--|--|
|  R1: One-Family Residential District |  B1: Restricted Business District |
|  R2: General Residential District |  B2: General Business District |
|  FF: Farm & Forest District |  I: Industrial District |
|  FR: Forest Recreation District | |



Industrial District boundary is 200' from the railroad centerline and includes all land between the railroad and Piper Road

Along US 23, where the B-1 and B-2 District boundary does not follow parcel lines said boundary shall be deemed to be 200 feet from the edge of the closest US 23 right-of-way line



SANBORN TOWNSHIP, ALPENA COUNTY, MICHIGAN, HEREBY ORDAINS:

Article 1

Purpose & Authority

Sec	Name	Pg
1.0	Purpose	1-1
1.1	Authority	1-2
1.2	Title	1-2

Section 1.0 Purpose

An Ordinance enacted under **2006 PA 110**, as amended, governing Sanborn Township in Alpena County, Michigan to establish districts or zones within which the use of land and structures, the height, area, size, and location of buildings shall be regulated by this Ordinance, and within which districts regulations shall be established; to provide for the enforcement of this Ordinance, and for any amendments, supplements, or changes hereto; and to provide penalties for the violation of this Ordinance.

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Sanborn Township.

- A. The provisions herein are intended to regulate land development and establish districts within Sanborn Township which regulate the use of land and structures:
 1. to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
 2. to ensure that use of the land is situated in appropriate locations and relationships; to provide for adequate light, air, water, and health conditions in dwellings and buildings hereafter erected or altered;
 3. to facilitate multiple housing opportunities; to integrate residential and non-residential uses where appropriate and beneficial to the community;
 4. to promote the establishment of mixed-use development on appropriate properties;
 5. to facilitate adequate and efficient provision for transportation systems, parking, public facilities, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
 6. to conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources, and properties;

- 7. to promote the use of lands and natural resources of the Township in accordance with their character and adaptability and in turn, limit their improper use;
 - 8. to reduce hazards to life and property;
 - 9. to conserve life, property, and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties;
 - 10. and to be one means of implementing the policies, goals, and objectives as set forth in the current Master Plan.
- B. It is the purpose of this Ordinance to manage the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to promote development in Sanborn Township that enhances the quality of the built and natural environment and the overall quality of life of both residents and visitors and to provide a reasonable and serviceable means to safeguard the economic structure of development in the Township.
- C. Within each district, regulations shall be provided designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, to promote the public health, safety, and general welfare and shall be made with reasonable consideration given to the character of the district and its structures, its particular suitability for particular uses, the preservation of property values, and the general trend and character of building and population development.

Section 1.1 Authority

This Ordinance is ordained and enacted into law in accordance with the provisions of MCL 125.3101, et. Seq., the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act was repeated word for word herein.

Section 1.2 Title

This Ordinance shall be known as the Sanborn Township Zoning Ordinance and shall be referred to herein as “this Ordinance.”

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

Article 2 Definitions

Sec	Name	Pg	Sec	Name	Pg
2.0	Construction of Language	2-1		L	2-22
2.1	Definitions	2-2		M	2-24
	A	2-2		N	2-27
	B	2-7		O	2-27
	C	2-10		P	2-28
	D	2-14		R	2-30
	E	2-16		S	2-32
	F	2-17		T	2-42
	G	2-19		U	2-43
	H	2-20		V	2-43
	I	2-20		W	2-44
	J	2-21		Y	2-47
	K	2-21		Z	2-48

Section 2.0 Construction of Language

For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Section.

- A. The particular shall control the general. Specific regulations applying to specific issues control over general regulations.
- B. In the case of any difference of meaning of implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means this Ordinance; and the word "this Ordinance" shall mean "the Ordinance text, tables, and maps included herein, as enacted or subsequently amended".
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. A "building" or "structure" includes any part thereof.

- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- G. The word "person" includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, or any other similar entity, or their agents.
- H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.
- J. "Township" shall refer specifically to Sanborn Township.
- K. "Days" means calendar days unless otherwise stated.
- L. Terms not herein defined shall have common, customary meanings.
- M. The Zoning Board of Appeals shall define any necessary interpretation of this Ordinance.

Section 2.1 Definitions

A

ABUTTING: Having property or district line in common; e.g., two (2) lots are abutting if they have lot lines in common.

ACCELERATED SOIL EROSION: The increased lay of the land surface that occurs as a result of man’s activities.

ACCESS: A way of approaching or entering a property.

ACCESSORY BUILDING OR ACCESSORY STRUCTURE: A supplemental building or structure devoted to an accessory use and located on the same zoning lot as the main building or buildings. An accessory building attached to a main building shall be considered part of the main building. Fences, decks, patios, and docks are not considered accessory structures.

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

ACCESSORY DWELLING UNIT: A secondary residential dwelling unit located on the same lot as a one-family dwelling unit, either as a stand-alone structure or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in [Section 7.27](#) and only in those zoning districts where the use is listed as allowed. An accessory dwelling unit commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

ACCESSORY USE: A use which is clearly incidental and subordinate to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related.

ADJACENT PROPERTY: All lands which adjoin any side or corner of a specific lot including, but not limited to, those lands separated from the lot by a road right-of-way, easements, or public utility rights-of-way.

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

ADULT FOSTER CARE FACILITY: As defined by the [Adult Foster Care Facility Licensing Act \(1979 PA 218](#), as amended): a governmental or nongovernmental establishment, licensed by the State of Michigan, that provides foster care to adults. Adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

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

1. **ADULT FOSTER CARE HOME, FAMILY:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
2. **ADULT FOSTER CARE HOME, SMALL GROUP:** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
3. **ADULT FOSTER CARE HOME, LARGE GROUP:** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
4. **ADULT FOSTER CARE CONGREGATE FACILITY:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
5. **STATE-LICENSED RESIDENTIAL FACILITY:** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, or the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.

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

1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become eighteen (18) years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.

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

AGGRIEVED PERSON: To be aggrieved, a person must meet the following three (3) criteria:

- A. The appellant must have participated in the challenged proceedings by taking a position on the contested decision, such as through a letter or oral public comment.
- B. The appellant must claim some legally protected interest or protected personal, pecuniary (financial), or property right that is likely to be affected by the challenged decision.
- C. The appellant must provide some evidence of special damages arising from the challenged decision in the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community.

AGRICULTURE: The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry, as a source of significant income. See *Farm, Commercial* or *Farm, Domestic (Hobby Farm)*.

AGRICULTURAL TOURISM BUSINESS: Farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Bakeries selling goods grown primarily on-site.
- B. Educational tours, classes, lectures, and seminars.
- C. Family-oriented animated barns (haunted houses).
- D. *Farm Stays*.
- E. Gift shops for agriculturally-related products and crafts.
- F. Historical agricultural exhibits.
- G. Organized meeting space (weddings, birthdays, corporate picnics) – See definition of *Commercial Event Facility*.
- H. Petting farms, animal displays, and pony rides.
- I. Picnic areas (including rest rooms).
- J. Playgrounds, wagon/sleigh rides, nature trails.
- K. Restaurants related to the agricultural use of the site.
- L. Seasonal outdoor mazes of agricultural origin.
- M. Small-scale entertainment (concert, car show, art fair).
- N. Other agricultural tourism activities which the Planning Commission may designate.

AIR RIGHT: The rights to the space above a property for development.

ALLEY: Any dedicated public way affording a secondary or service means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams, or girders, the consummated act of which

may be referred to herein as "altered" or "reconstructed".

AMATEUR RADIO:

- A. **AMATEUR RADIO ANTENNA:** The arrangement of wires or metal rods used in the sending and receiving of radio signals in conjunction with an amateur radio station licensed by the **Federal Communications Commission**.
- B. **AMATEUR RADIO ANTENNA SUPPORT STRUCTURE:** Any structure, mast, pole, tripod, or tower used to support an antenna, antennas, or antenna array as a component of an amateur radio station.

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

AMUSEMENT ARCADE: Any place, premises, room, or establishment in which a substantial and significant portion of the business is devoted to the operation of amusement devices, or in which more than five (5) mechanical amusement devices are located and available for operation. For purposes of this Zoning Ordinance, a mechanical amusement arcade shall not include the following:

- A. Mechanical amusement devices located in bars, taverns, and cocktail lounges which are properly licensed by the State when the devices are located so as to be an integral part of the licensed operation and are available only to tavern patrons; and
- B. Mechanical amusement devices located in motels or hotels when the devices are generally available only to registered guests.

AMUSEMENT DEVICE: Any machine or device which, upon the insertion of a coin, slug, token, plate, disc, or card, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical, or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical, or electronic baseball, football, basketball, hockey, and similar sports-type games, mechanical, electrical, or electronic card games, shooting games, target games, or any other machine, device, or apparatus which may be used as a game of skill and wherein the player initiates, employs, or directs any force generated by such machine.

ANIMAL HOSPITAL: A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under the direction of a licensed veterinarian registered in the State of Michigan.

ANTENNA: See **WIRELESS COMMUNICATIONS – ANTENNA**.

APARTMENT: A dwelling in a multiple-family dwelling building or mixed-use building intended for residence by one (1) family or group of individuals living together as a single housekeeping unit.

APPLICANT: Any person who applies for a permit or petition.

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

APPLICATION: The process by which the owner of a lot within the Township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such lot. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the Township concerning such a request.

ARCHITECTURAL FEATURES: Architectural features of a building shall include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.

ASSISTED LIVING HOME: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

ATTACHED: Any structure or part of a structure immediately abutting another structure or connected by a totally enclosed structure fastened securely to same.

AUTO REPAIR GARAGE: A structure housing any activity involving the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles or components, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.

AUTOMOBILE SERVICE STATION: A place where gasoline or any other automobile engine fuel, kerosene or motor oil, electricity, and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles. Also called a Gas Station.

AUTOMOBILE OR TRAILER SALES AREA: Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

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

AUTOMOBILE WASHING ESTABLISHMENT: A building, or portion thereof, where automobiles are washed as a commercial enterprise.

AVERAGE: For the purpose of this Ordinance, the term, "average" shall be the arithmetic mean.

AWNING: Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B

BASEMENT: That portion of a building which 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 nor counted as floor area unless the room has emergency egress.

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

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

BATTERY ENERGY STORAGE SYSTEM, OFF-SITE: A Battery Energy Storage System (BESS) for the primary purpose of off-site use through the electrical grid.

BATTERY ENERGY STORAGE SYSTEM, ON-SITE: A Battery Energy Storage System (BESS) that is intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid.

BEACH: The land between the ordinary high-water line and the first line of terrestrial vegetation.

BED AND BREAKFAST ESTABLISHMENT OR TOURIST HOME: A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent, for compensation, by guests for periods of less than thirty (30) days at which the owner(s) or resident manager(s) may provide breakfast to guests at no additional cost.

BEDROOM: A dwelling room used or intended to be used by human beings for sleeping purposes.

BERM: A constructed mound of earth rising to an elevation above the abutting ground level of the site where located which contributes to the visual screening of the area behind the berm.

BILLBOARD: See **SIGN - OFF-PREMISE SIGN.**

BIOFUEL PRODUCTION FACILITIES (ON FARMS):

- A. **BIOFUEL:** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **ETHANOL:** A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **PROOF GALLON:** That term as defined in 27 CFR 19.907. A gallon of liquid at sixty (60) degrees Fahrenheit which contains fifty (50) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60)

degrees Fahrenheit referred to water at sixty (60) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

BLOCK: The property abutting one (1) side of a road and lying between the two (2) nearest intersecting roads, (crossing or terminating) or between the nearest such road and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the Township.

BOARD OF APPEALS: As used in this Ordinance, this term means the Sanborn Township Zoning Board of Appeals.

BOARDING HOUSE: See **ROOMING HOUSE.**

BOAT LAUNCH RAMP: Facility to launch and retrieve recreational watercraft from a trailer.

BOAT/CANOE/KAYAK LIVERY: Any premise on which boats or floats of any kind are kept for the purpose of renting or leasing to persons other than the owners for a charge or fee.

BOAT SLIP: A space used for the mooring/docking of one (1) or more watercraft.

BREEZEWAY: Any covered passageway with open or enclosed sides between two (2) buildings.

BUFFER STRIP: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

BUILDABLE AREA OR BUILDING ENVELOPE: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

BUILDING: Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

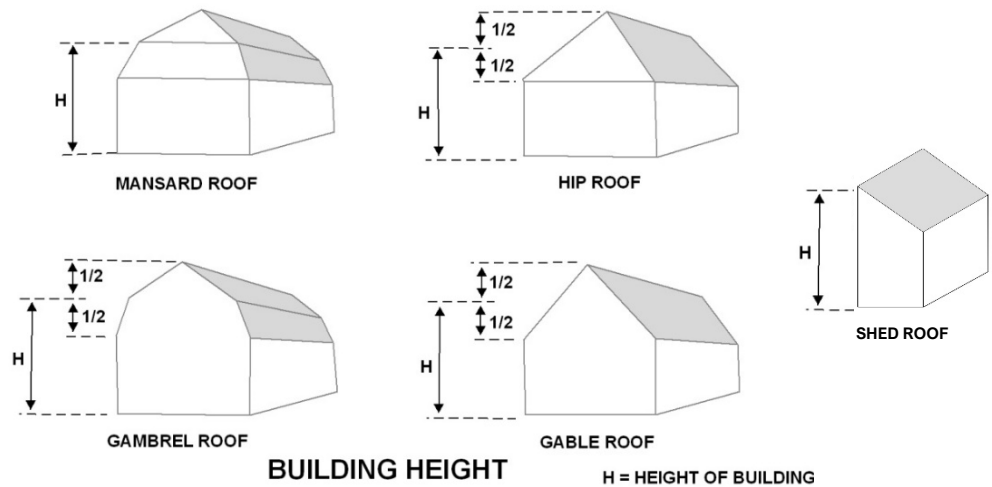
BUILDING, EXISTING: An "existing" building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance provided that the construction of any such building continues uninterruptedly and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.

BUILDING, FRONT: That façade of the building most nearly parallel to and nearest the front lot line.

BUILDING AREA: The total area taken on a horizontal plane at the main grade level of the main building and all accessory buildings exclusive of unenclosed porches, terraces, and steps.

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

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs, and the average height between the lowest point and the highest point on a shed roof. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



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

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the premises on which it is situated.

C

CABIN: Any building, tent, or similar structure which is maintained, offered, or used for dwelling or sleeping quarters for transients or for temporary residence, but shall not include what are commonly designated as hotels, lodges, boarding houses, or tourist homes.

CAMPGROUND: Any lot, under the control of any person, wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for recreational units. Campground may include rental of other types of recreational structures – “glamping”.

CANOE/KAYAK/BOAT LIVERY: Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, or providing use thereof to persons other than the owners for a fee.

CANOPY: A permanent roof-like shelter that extends from part or all of a building face.

CAR WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

CATEGORY 4 SITE: A lot which is classified by the [Michigan Department of Agriculture and Rural Development \(MDARD\)](#) as “Category 4” according to the most current Generally Accepted Agriculture Management Practices (GAAMPS). Category 4 sites are sites which are primarily residential and considered,

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

by MDARD, as not acceptable for new or expanding livestock facilities unless allowed by this Ordinance. Category 4 sites are those which have more than thirteen (13) non-farm residences within one-eighth (1/8) mile of the site or those which have any non-farm residence within two hundred fifty (250) feet of the livestock facility (enclosed fencing). The definition of Category 4 site currently used by MDARD supersedes this definition if a difference in definition exists.

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

CERTIFICATION OF COMPLETION: A signed written statement by the Zoning Administrator or Building Inspector that specific construction and/or grading has been inspected and found to comply with all plans and specifications.

CHILD CARE FACILITY: A facility for the care of children (persons under eighteen (18) years of age), as licensed and regulated by the State under [1973 PA 116](#), being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the [State Department of Health and Human Services](#). Such organizations shall be further defined as follows:

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

- B. **GROUP CHILD CARE HOME:** A state-licensed, owner-occupied private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity. “Increased capacity” means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in [1973 PA 116](#), as amended, supersedes this definition if a difference in definition exists.

- C. **CHILD CARE CENTER:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

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

- E. **PRIVATE HOME:** A private residence in which the registered facility operator permanently resides as a member of the household.

CHURCH: See **RELIGIOUS INSTITUTION**.

CLINIC, HEALTH CARE/DENTAL/OPTICAL: A building or group of buildings where human patients are admitted for examination and treatment by a professional; such as a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, agriculture, or the like, but not operated for profit.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

COLLEGE: A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

COMMERCIAL USE: A business use or activity, other than a Home Occupation, involving retail or wholesale marketing of goods or services.

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

COMMERCIAL EVENT FACILITY: A space or venue which is typically rented out for a fee and used for events such as, but not limited to, weddings, parties, meetings, family reunions, festivals, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events. Also known as Convention Centers, Conference Centers, Banquet Halls, Wedding Venues, or Wedding Barns.

COMMISSION: Sanborn Township Planning Commission.

COMMON AREAS, USES, AND SERVICES: Land areas, facilities, and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

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

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

CONDOMINIUM: A form of ownership by which a person may purchase and own a separate unit in a multi-unit building or a separate piece of land in a site condominium development. The development may contain either detached or attached units.

- A. **CONDOMINIUM ACT:** [1978 PA 59](#), as amended.
- B. **CONDOMINIUM UNIT:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as homesite and condominium unit in site condominium developments.
- C. **GENERAL COMMON ELEMENTS:** The common elements other than the limited common elements.
- D. **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.
- E. **MASTER DEED:** The condominium document recording the condominium project as approved by the Township to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

F. **SITE CONDOMINIUM:** A residential development type similar to a subdivision including the main building and the land around it developed under the **Condominium Act (1978 PA 59** as amended) rather than the **Land Division Act (1967 PA 288** as amended).

CONVALESCENT OR NURSING HOME: A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing, and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases or for psychotics or other unruly, mentally deranged persons nor for surgical or medical cases commonly treated in hospitals.

CONVENIENCE STORE: A retail store with a floor area of less than twenty-five hundred (2,500) square feet that sells groceries and may also sell gasoline; does not include automotive repair shops.

COTTAGE INDUSTRY: A home occupation in which one (1) or more of the following apply:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs two (2) or more individuals who reside off-premises.
- E. Has the potential to rapidly increase in size and intensity.

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

CUL-DE-SAC: A road with only one (1) outlet having sufficient space at the closed end to provide vehicular turning facilities.

D

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

DECK: A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade.

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

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

DEVELOPMENT: All structures and other modifications of the natural landscape above and below ground or water on a particular site.

DISTRICT: A portion of the Township within which certain regulations and requirements or various combinations

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

thereof apply under the provisions of this Ordinance. "District" as used herein is synonymous with the word "zone", "zoning district", or "overlay district".

DOCK: An accessory structure used exclusively for boarding and mooring of watercraft.

DRIVE-THROUGH: An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

DRIVEWAY: A means of access for vehicles from a road, approved alley, across a lot to a parking or loading area, garage, dwelling, or other structure or area on the same lot.

DWELLING UNIT: A building or portion of a building, either site-built or pre-manufactured, which has sleeping, living, cooking, and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a recreational vehicle, truck, bus, motor home, tent, or other such portable structures be considered a dwelling unit.

DWELLING UNIT, MANUFACTURED: A factory-built, one-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974](#), as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

DWELLING UNIT, MODULAR: A dwelling unit which has the majority of its structural components built off-site and shipped for final assembly on the foundation.

DWELLING UNIT, SITE-BUILT: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials and paneled wall, roof, and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

DWELLING – EARTH HOME: A residential dwelling designed and constructed to be built partly or entirely below lawn level and to utilize soil and/or earth material, primarily for the purpose of achieving energy efficiency. Underground homes are generally categorized into one of the following three (3) styles:

- A. **ELEVATION:** All doors and windows on one (1) wall only and all other walls and the roof are completely covered with soil (hillside or earth berms).

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

- B. **PENETRATIONAL:** Limited openings (doors and/or windows) on more than one (1) wall built wholly below surface or bermed.
- C. **ATRIUM:** Entirely built below surface where all openings face an open courtyard (atrium) which is also situated below lawn level.

DWELLING, MULTIPLE-FAMILY: A building that has three (3) or more dwelling units, each of which is designed for one (1) family living independently from the other families.

- A. **DWELLING, ATRIUM HOME:** A one-family dwelling attached to other similar one-family units, all have a common courtyard.
- B. **DWELLING – PATIO HOUSE:** A one-family detached or semi-detached dwelling unit, enclosed by walls for privacy.
- C. **DWELLING – TOWN HOUSE:** A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height, and for which there is an entrance to each dwelling on the ground floor. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

DWELLING, ONE-FAMILY: A dwelling unit that is separate and distinct from any other dwelling, designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY OR DUPLEX: A building that has no more than two (2) dwelling units, each of which is designed for one (1) family living independently from the other family.

E

EARTH HOME: Earth homes are considered **ONE-FAMILY DWELLINGS**.

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

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

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

ERECTED: Built, constructed, reconstructed, or moved upon; includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling,

draining, and the like shall be considered a part of erecting.

EROSION: The process by which the ground surface is worn away by the action of wind, water, gravity, or a combination thereof.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public or private utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, fiber optic, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbines, solar energy facilities, battery energy storage facilities, public buildings, and public utility buildings and substations are not included within this definition.

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

EXTRACTION, RESOURCE: The removal, extraction, or mining of sand, gravel, or other natural resources for commercial gain.

F

FAÇADE: The exterior wall of a building exposed to public view.

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

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

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

FARM, DOMESTIC (HOBBY FARM): A lot used or intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes keeping farm animals as pets and raising animals for educational experience. Dogs, cats, and other typical household pets are not regulated as a Domestic Farm.

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

FARM BUILDINGS: Any building or structure, other than a dwelling unit, built, or placed upon land within a bona-fide farm and considered essential and standard to the carrying on of farm operations.

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

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

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

FEED LOT: Any tract of land or structure wherein any type of fowl, or the by-products thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats, or swine are kept, for the purpose of fattening such livestock for final shipment to market, or where swine are kept under any conditions. Feed lot is classified as a **COMMERCIAL FARM**.

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

FENCE: Any permanent or temporary means, partition, structure, or gate constructed for the purpose of or to have the effect of enclosing the area it is constructed upon and not part of a structure requiring a building permit. A wall which is used like a fence falls within the definition of fence.

FENCE HEIGHT: The vertical distance from the lowest part of the fence structure to the highest part of the fence structure. When all or part of a fence is installed on wooden, concrete asphalt, earthen, or masonry walls, berms, paving, driveway, or fill materials that are used for the purpose of enclosure or as a base or support for an

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

enclosure, the height of such items shall be included in the measurement of fence height when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected).

FILLING: The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

FLOOD PLAIN: The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year flood plain consists of contiguous areas paralleling a river, stream, or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one-hundred (100) years. The one-hundred (100) year flood plains are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency).

FLOOR AREA, RESIDENTIAL: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USABLE COMMERCIAL: That area used for or intended to be used for the sale of merchandise or services, or used 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, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area".

FRONTAGE: The total length along which a lot fronts on a road, measured along the line where the property abuts the road right-of-way.

G

GARAGE, YARD, OR PORCH SALE: Any sale of personal effects, jewelry, or household items, furnishings, and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant, or his personal representative.

GARBAGE: Waste material which will or may decompose and become offensive or dangerous to public health.

GAS STATION: See **AUTOMOBILE SERVICE STATION.**

GAZEBO: A structure separate from the main residential unit, with a floor and roof and structural support for the roof, but with all open sides and intended for casual use and not living quarters or storage.

GLARE: The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of

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

buildings. The building grade shall be the level of the ground abutting the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT: A planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.

GUEST HOUSE: Separate structure or dwelling, on a residential lot, used for sleeping and/or eating purposes by non-paying friends, relatives, or acquaintances of the resident or owner of the main building. See **ACCESSORY DWELLING UNIT.**

H

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

HOME OCCUPATION: An occupation or profession carried on by the occupant of a dwelling unit which is conducted within a dwelling or accessory building and which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

HOMELESS SHELTER: See **RESIDENTIAL HUMAN CARE FACILITY.**

HOSPITAL: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

HOTEL OR MOTEL: A building or part of a commercial building where sleeping rooms are used primarily for the traveling public, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel or motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. Rooming/boarding houses, inns, bed and breakfast establishments, tourist homes, short term rental homes, and multiple-family dwelling units are excluded from this definition. Hotels or motels which allow rentals to exceed six (6) months require a Special Use permit.

I

IMPERVIOUS SURFACE: Any material which prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground including building, asphalt, concrete, gravel, and other surfaces.

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

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

inhabitants of the proposed project or project area.

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

INDUSTRIAL PARK: A legally recorded subdivision that has been specifically designed for industrial purposes and use.

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

INOPERABLE VEHICLE: A vehicle which cannot be operated legally on a public road.

J

JUNK: All rubbish, refuse, and debris including, but not limited to, the following: non-putrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

JUNKYARD: Place, structure, or lot over two hundred (200) square feet where junk, waste, discarded, salvaged, or similar materials, such as old iron or, other metal, wood, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, baled, packed, disassembled, or handled, including scrap yards, salvage yards, 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 and excluding pawnshops, establishments for the sale, purchase or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

K

KENNEL, COMMERCIAL: Any lot or premises on which four (4) or more dogs, more than four (4) months of age are bred, boarded, trained, or sold for remuneration.

L

LABORATORY: A place devoted to experimental, routine study, or basic study such as testing and analytical operations, and which manufacturing of product or products, except prototypes for the testing market, is not performed.

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

LAKE FRONTAGE: The land adjacent to and abutting the mean high water line of all inland lakes and Lake Huron.

LANDSCAPING: Some combination of planted trees, vines, ground cover, flowers, or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, ponds, artworks, screens, walls, fences, benches, walks, paths, steps, terraces, garden structures, etc.

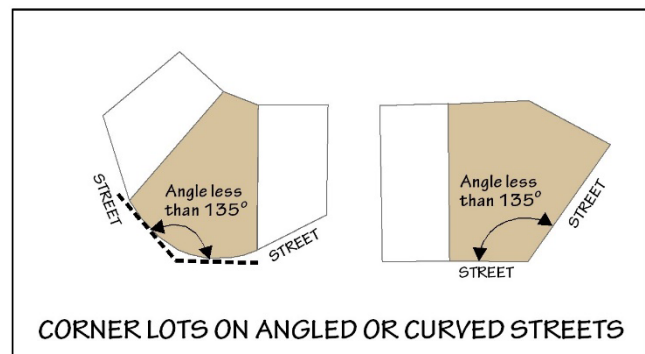
LEQ. Equivalent continuous sound pressure level.

LIVESTOCK: Those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits.

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

LOT: A parcel of land described either by metes and bounds or by reference to a recorded plat, or a site condominium unit created in a recorded master deed, occupied or to be occupied by a use or building and its accessory buildings or structures but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records. A site condominium unit is considered a lot.

LOT, CORNER: A lot where the interior angle of two abutting sides at the intersection of two roads is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purposes of this Ordinance if the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.



LOT, INTERIOR: Any lot other than a corner lot.

LOT, REVERSED CORNER: A corner lot, the rear of which abuts upon the side of another lot.

LOT, THROUGH: Any interior lot having frontage on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of through lots, all yards of said lots abutting roads shall be considered frontage, and front setbacks shall be provided as required.

LOT, WATERFRONT: A lot having frontage directly upon a lake, river, or stream. The portion abutting the water is considered the water frontage.

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

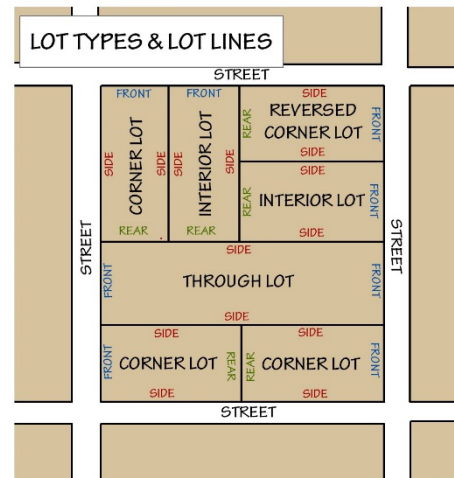
LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, swimming pools, decks above eight (8) inches above grade, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls, or hedges used as fences.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES: The lines bounding a lot as defined herein:

- A. **FRONT LOT LINE:** In the case of an interior lot, that line separating said lot from the road or right-of-way. In the case of a through lot, that line separating said lot from either road or right-of-way. In the case of a corner lot, is that line separating said lot from the road that is designated as the front road in the plat and in the application for a zoning permit. In the case of a lot abutting lakes or streams, the line separating the lot from the ordinary high water line and the lot line abutting the road shall both be considered a front lot line.
- B. **REAR LOT LINE:** That lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet (10) long lying farthest from the front lot line and wholly within the lot.
- C. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a roadside lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A lot defined by a legal description and recorded in the office of the County Register of Deeds Office on or before the effective date of this Ordinance, or any amendments of this Ordinance.



LOT WIDTH: The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

M

MANUFACTURED HOME: See **DWELLING, MANUFACTURED.**

MANUFACTURED HOUSING COMMUNITY: A lot or tract of land under the control of a person upon which three (3) 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 therefore, together with any building, structure, enclosure, road, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

MANUFACTURED HOUSING COMMUNITY HOMESITE: The designated lot within a manufactured housing community upon which one (1) one-family manufactured home and accessory buildings, if any, are placed.

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

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

MARQUEE: A permanent structure that extends from part or all of the building face of a motion picture or live theater and contains advertising for activities occurring within the building.

MASTER PLAN: The Sanborn Township Master Plan including background information, maps, goals and objectives, and plans for the development of the Township and including any part of such plan and any amendments to such plan or parts thereof.

MDNR: **Michigan Department of Natural Resources** or any subsequently named agency.

MARIJUANA DEFINITIONS:

- A. **ENCLOSED, LOCKED FACILITY:** That term as defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marihuana Act**), being MCL 333.26423.
- B. **LICENSEE:** A person holding a state operating license issued under the **Michigan Medical Marihuana**

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

Facilities Licensing Act, MCL 333.27101 et seq., or the **Michigan Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq.

- C. **MARIJUANA**: That term as defined in the **Public Health Code**, MCL 333.1101 et seq.; the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.; the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; the **Marihuana Tracking Act**, MCL 333.27901 et seq.; the **Michigan Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq.; and in the rules and regulations promulgated by the **Michigan Marihuana Regulatory Agency** or other applicable State of Michigan agencies.
- D. **MARIHUANA ESTABLISHMENT**: That term as defined in the **Michigan Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq., and in the rules and regulations promulgated by the **Michigan Marihuana Regulatory Agency** or other applicable State of Michigan agencies.
- E. **MARIHUANA FACILITY**: An enterprise at a specific location at which a licensee is licensed to operate under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.
- F. **MARIHUANA RETAILER**: A person licensed under the **Michigan Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq., to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.
- G. **MEDICAL MARIJUANA**: Marijuana as defined by the **Michigan Medical Marihuana Act** (MCL 333.26421 et seq.) grown, used, or transferred for "medical use" as defined by the Act.
- H. **PERSON**: An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- I. **PRIMARY CAREGIVER**: That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who is at least twenty-one (21) years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patients' use of medical Marijuana.
- J. **PRIMARY CAREGIVER FACILITY**: A building in which the activities of a **PRIMARY CAREGIVER** are conducted.
- K. **PROVISIONING CENTER**: A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq., is not a provisioning center for purposes of this Article.
- L. **QUALIFYING PATIENT**: That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan**

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

Medical Marihuana Act), being MCL 333.26423 who has been diagnosed by a physician as having a debilitating medical condition as provided by the **Michigan Medical Marihuana Act** and who has obtained a duly issued registry identification card from the **State Department of Licensing and Regulatory Affairs** or any successor agency.

MEZZANINE: An intermediate floor in any story occupying not to exceed one-half (1/2) of the floor area of such story.

MINI-STORAGE: Mini-storage buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for dead storage of customer's goods or wares.

MOBILE HOME: See **MANUFACTURED HOME**.

MOBILE HOME PARK: See **MANUFACTURED HOUSING COMMUNITY**.

MORTUARY OR FUNERAL HOME WITH CREMATORIUM: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burials; (b) the performance of autopsies and other surgical procedures on the dead; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall exclude cemeteries.

MORTUARY OR FUNERAL HOME WITHOUT CREMATORIUM: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burials; (b) the performance of autopsies and other surgical procedures on the dead; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall exclude cemeteries and crematoriums.

MOTEL: See **HOTEL OR MOTEL**.

MUNICIPAL CIVIL INFRACTION: An action or omission that violates a local ordinance that is not a misdemeanor or a felony, for which, upon a finding of responsibility by a court of competent jurisdiction, the defendant may be ordered to pay fines, damages, expenses, and costs as authorized by law.

MUNICIPALITY: Sanborn Township, Michigan.

MURAL: Any message or image painted directly onto the wall of a building. Decorative art elements attached to the mural are considered part of the mural. A mural is not considered a sign. A mural shall not contain an obscene message or images.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

N

NET ACRE: The actual land available for development within a lot after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e., steep slopes, wetlands, and the like).

NONCONFORMING LOT: A lot of record that legally existed on or before the effective date of this Ordinance, or amendments thereto, which does not meet dimensional requirements of this Ordinance or amendment.

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

NONCONFORMING STRUCTURE: A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not comply with the provisions of the Ordinance in the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or lot at the effective date of this Ordinance, or amendments thereto, and that does not comply with the use regulations of the district in which it is located.

NON-PARTICIPATING LOT: One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility, wind energy facility, battery energy storage system, or wireless communication facility associated with the applicant project.

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

NURSERY, PLANT MATERIALS: A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery, within the meaning of this Ordinance, does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

NURSERY SCHOOL OR PRE-SCHOOL: A daytime facility which has as its main objective a development program for pre-kindergarten children and whose staff meets the educational requirements established by the State.

NURSING HOME: See [CONVALESCENT OR NURSING HOME](#).

O

OBSCENE: Statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude,

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

lewd, or disgusting according to accepted moral standards.

OFFICE: A place where a business, executive, administrative, or professional activity is carried on (wherein goods, wares, or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged, or sold); provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

OPEN SPACE: Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

OUTDOOR DISPLAY: A land area occupied and used for the display of merchandise offered for sale.

OUTDOOR SALES/RENTAL FACILITY: Includes open-air sales or rental of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured/mobile homes, snowmobiles, farm implements, swimming pools, and similar items. Repair may be performed as an accessory use within an enclosed building.

OUTDOOR STORAGE: A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment, and other supplies.

ORDINARY HIGH WATER LINE: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil, and the vegetation.

OWNER: A person holding any legal, equitable, option, or contract of interest in land or building(s).

P

PARCEL: See [LOT](#).

PARK: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, for non-commercial recreational purposes.

PARKING, OFF-STREET: Vehicular parking provided on a lot but not within a road right-of-way.

PARKING LOT, OFF-STREET: A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering, so as to provide access for entrances and exits for the parking of more than two (2) vehicles.

PARKING SPACE: An area of definite length and width, said area shall be exclusive of drives, aisles, maneuvering lanes, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

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

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

PATIO: A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than eight (8) inches above the finished grade of the property.

PERMANENT SOIL EROSION CONTROL MEASURES: Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

PERSON: A corporation, co-partnership, association, firm, limited liability company, or any other legal entity as well as an individual.

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

PETS, EXOTIC: Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, venomous, and can be potentially dangerous if they escape. Examples include monkeys, apes, chimps, most snakes and reptiles, large birds, spiders and other insects.

PERFORMANCE GUARANTEE: Means a cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the Township Board.

PLACE OF WORSHIP: See **RELIGIOUS INSTITUTION**.

PLANNED UNIT DEVELOPMENT (PUD): A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix of uses resulting in more efficient and effective use of the land and infrastructure. A Planned Unit Development provides the Township with increased oversight and guidance in the design process.

PLANNING COMMISSION: The body appointed by the Township Board under the provisions of **2008 PA 33**, the "Michigan Planning Enabling Act" as amended. Refers to the Sanborn Township Planning Commission.

PLAT: A map of a subdivision of land recorded with the **Register of Deeds** pursuant to State statute.

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

PORCH, ENCLOSED: A covered entrance to a building or structure which has a roof and/or walls and projects

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

out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

PORCH, OPEN: An entrance to a building or structure which is not enclosed and projects out from the main wall of said building or structure.

PRACTICAL DIFFICULTY: A situation in which a property owner cannot establish a “minimum practical” legal use of a legal lot, meeting all of the dimensional standards of the zoning district in which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the “minimum practical” standard or created by an owner subsequent to the amendment of this Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining Practical Difficulty.

PRINCIPAL USE: See **USE, PRINCIPAL.**

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

PUBLIC PLACE: Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

PUBLIC SERVICE: Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities, and similar uses.

PUBLIC UTILITY: A person, firm, or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public including gas, steam, electricity, sewage disposal, communication, transportation, or water.

PUBLIC UTILITY BUILDINGS: This term shall include telephone exchange buildings, transformer stations and substations, gas regulator stations, and similar structures.

R

RECREATIONAL EQUIPMENT: Watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, dune buggies, tents, and other similar equipment.

RECREATIONAL FACILITY, INDOOR COMMERCIAL: A commercial business that provides indoor amusement facilities including but not limited to skating, racquetball, swimming, and other similar attractions and is open to the general public.

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

RECREATIONAL FACILITY, OUTDOOR COMMERCIAL: A commercial business that provides outdoor amusement facilities, such as miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions and is open to the general public.

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

RECREATIONAL VEHICLE PARK (RV PARK): A facility for the overnight, short-term, or seasonal, but not permanent or year-round parking of travel trailers, recreation vehicles, or tents and which can include other recreational facilities. RV Park may include rental of other types of recreational structures – “glamping”.

RECYCLING CENTER: Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream.

RELIGIOUS INSTITUTION: A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings, and structures customarily associated with the religious institution, are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

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

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

RESIDENTIAL HUMAN CARE FACILITY: A facility (not within a private residence) providing:

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

RESIDENTIAL STRUCTURE: Any structure used as a dwelling for permanent year-round, seasonal, vacation, or temporary housing by families or individuals.

RESORT: A zoning lot which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity (such as golf, skiing, snowmobiling, bike trails, boating, or similar recreational activity), and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant. Commercial facilities may be open to non-guests in addition to resort guests.

RESTAURANT: A building in which food or beverages are prepared and offered for sale in a ready to consume state, and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food. See also "**DRIVE-THROUGH**" and "**RESTAURANT, DRIVE-IN.**"

RESTAURANT, DRIVE-IN: An establishment where food, frozen desserts, or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts, or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

RETAIL AND RETAIL STORES: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

RIGHT-OF-WAY: A road, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

ROAD: A dedicated public or private right-of-way, other than an alley, which affords the principal means of access to abutting property. Road includes such designations as street, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designation.

ROAD, PRIVATE: Any road which is privately owned and has not been accepted for maintenance by a public road agency.

ROAD, PUBLIC: Any road or portion of road which has been dedicated to and accepted for maintenance by a public road agency.

ROAD RIGHT-OF-WAY LINE: The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured unless otherwise specified in this Ordinance.

ROADSIDE STAND: An accessory and temporary structure operated for the purpose of temporarily selling goods or products. Regulated by [Section 3.7.A.15](#).

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

ROOMING HOUSE: An owner-occupied one-family dwelling having one (1) kitchen where rooms or suites of rooms are rented, for compensation, by arrangement for definite periods for thirty (30) days or longer, where the renters use common facilities such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, tourist homes, two-family and multi-family dwellings, or fraternity and sorority houses.

S

SALVAGE YARD: See **JUNKYARD**.

SCHOOL: A public or private educational institution for the purpose of elementary or secondary education, offering students an academic curriculum and which meets all of the requirements of the compulsory education laws of the State of Michigan. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

SCRAP YARD: An establishment where scrap metals are collected, processed, stored, and/or sold. Classified as a **JUNKYARD**.

SEASONAL USE: Any use or activity that cannot be conducted or should not be conducted during each month of the year.

SEASONAL USE SALES: Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

SETBACK: The minimum required horizontal distance from the applicable right-of-way line, easement, or lot line of a lot within which no buildings or structures may be placed, except as otherwise provided in this Ordinance. Provided, however, if a private easement is located within a lot and abuts a lot line, then the setback shall be the minimum required horizontal distance from the easement line closest to the center of the lot within which no building or structure can be placed, except as otherwise provided in this Ordinance.

SETBACK, FRONT: The required setback measured from the front lot line or applicable easement line.

SETBACK, REAR: The required setback measured from the rear lot line or applicable easement line.

SETBACK, SIDE: The required setback measured from a side lot line or applicable easement line.

SEXUALLY ORIENTED BUSINESS: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio; (9) similar establishments.

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

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

of Specified Sexual Activities or Specified Anatomical Areas.

B. **ADULT BOOKSTORE OR ADULT VIDEO STORE**: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

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

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

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

D. **ADULT MOTEL**: A hotel, motel, or similar commercial establishment that:

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

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **ADULT MOTION PICTURE THEATER:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
 - F. **ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
 - G. **ESCORT AGENCY:** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
 - H. **HUMAN:** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (resembling human) devices, both physical and digital.
 - I. **NUDE MODEL STUDIO:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
 - J. **NUDITY OR A STATE OF NUDITY:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
 1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in Section 2 of [1984 PA 343](#), being Section 752.362 of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in Section 3 of [1978 PA 33](#), being Section 722.673 of the Michigan Compiled Laws.
 - K. **SPECIFIED ANATOMICAL AREAS:** Means and includes any of the following:
 1. Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Pubic region;

- c. Buttocks
 - d. Female breast below a point immediately above the top of the areola.
- 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- L. **SPECIFIED SEXUAL ACTIVITIES:** Means and includes any of the following:
 - 1. Human genitals in a state of sexual arousal;
 - 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
 - 4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

SHOPPING CENTER: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

SIGN: Any structure or other object used for the display of any message.

- A. **SIGN AREA:** The area of a sign shall be computed as the entire area circumscribed by a parallelogram or any combination of these figures, which includes all of the display area of the sign, including frames surrounding display areas. When a sign uses a shape other than a parallelogram, a rectangular box shall be drawn around the shape to determine the area (**Figure B**). Sign area excludes the necessary supports or uprights on which the sign is placed. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the word, or words, as a whole. For purposes of computing sign area, only one (1) side of a sign shall be used.
- B. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
- C. With respect to two-sided, multi-sided, or three-dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing:
 - 1. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.
 - 2. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30) degrees and at no point does the distance

between the backs of such sides exceed five (5) feet.

Figure A

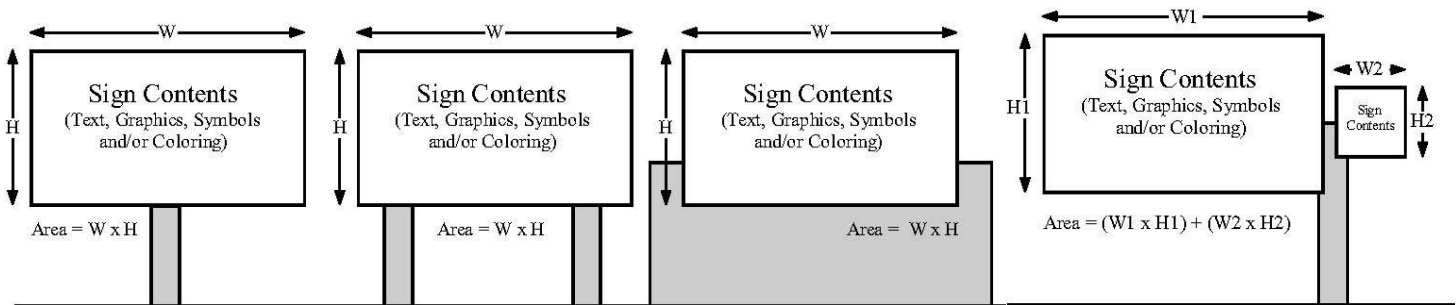
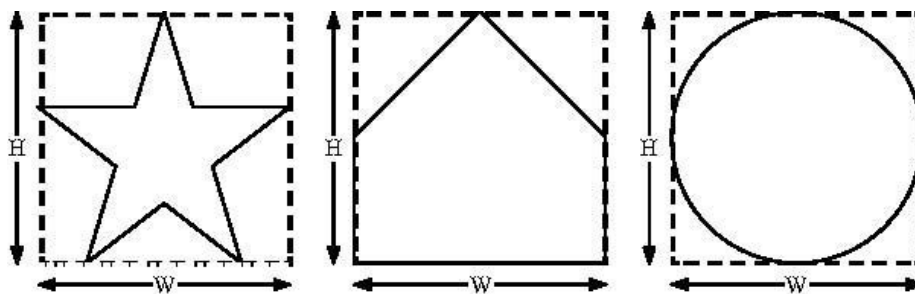


Figure B



SIGN HEIGHT: The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

SIGN TYPES: The following definitions are related to signs:

A. **A-FRAME SIGN:** Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property.

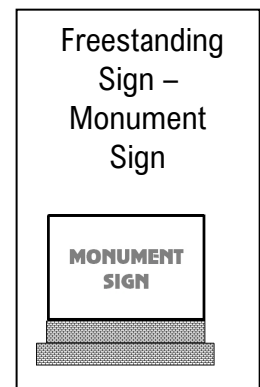
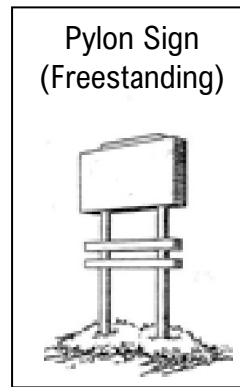
B. **ATTENTION-GETTING DEVICE:**

1. **AIR DANCERS:** A tall inflatable model, usually of a person or an animal, that appears to move around due to air being blown into it.
2. **FEATHER BANNER OR SAIL SIGN:** A temporary banner made of flexible material and typically shaped like a sail or feather that is usually placed in an upright position.

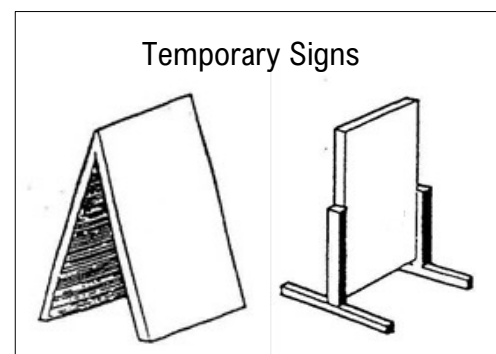
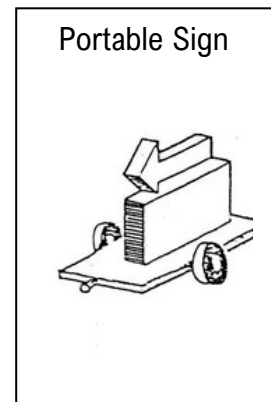
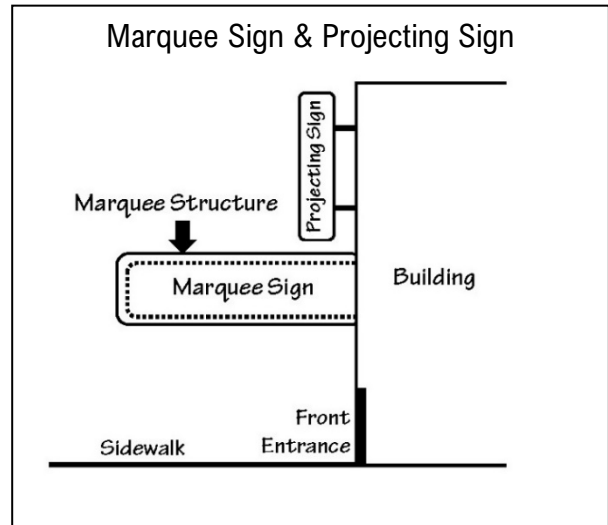


C. **AWNING SIGN:** A sign painted on, printed on, or attached flat against the surface of an awning.

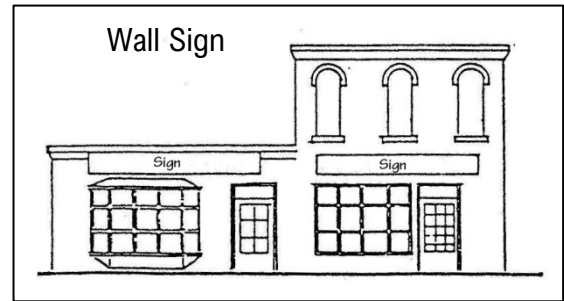
- D. **BANNER:** A linear sign made of natural or synthetic material used to call attention to a message; however, not including pennants or flags.
- E. **CLUSTER SIGN:** An on-premises sign which identifies a complex of establishments on one (1) zoning lot and contains multiple signs on one (1) structure including one (1) for each establishment and one (1) for the complex as a whole.
- F. **CANOPY SIGN:** A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.
- G. **FREESTANDING SIGN:** A pylon sign or monument sign.
- H. **LIGHTED SIGN:** Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.
- I. **MARQUEE SIGN:** Any sign attached to or supported by a marquee structure.
- J. **MESSAGE BOARD, STATIC:** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
- K. **MESSAGE BOARD, ELECTRONIC:** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
- L. **MONUMENT SIGN:** Any freestanding sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood, or other durable material.



- M. **MOVING SIGN**: A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
- N. **OFF-PREMISE SIGN (BILLBOARD)**: A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.
- O. **OFF-PREMISE SIGN, DIGITAL (DIGITAL BILLBOARD)**: A billboard displaying static images controlled by electronic communications.
- P. **PORTABLE SIGN**: Any sign not permanently attached to the ground or a building and is designed to be transported by trailer or wheels including such signs with wheels removed.
- Q. **PROJECTING SIGN**: A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the building or structure.
- R. **PYLON SIGN**: A freestanding sign which is an elevated sign supported by one (1) or more bearing columns.
- S. **ROOF SIGN**: A display sign which is erected, constructed, and maintained above the roof of the building provided, however, that this definition shall not include signs attached to the vertical face of a mansard roof.
- T. **TEMPORARY SIGN**: A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent, on-premise sign, except as permitted within this Ordinance.



U. **WALL SIGN:** A display sign which is attached directly to the building wall (including the vertical face of a mansard roof). A mural painted directly on the building wall is not considered a sign.



SINGLE OWNERSHIP: Ownership by a person or by two (2) or more members of the same family of a lot.

SITE CONDITIONS: Shall mean or refer to height and area regulations, parking area regulations, screening, landscaping, and all other items regulated by this Ordinance.

SITE CONDOMINIUM (CONDOMINIUM SUBDIVISION): A method of subdivision where the sale and ownership of sites is regulated by the [Condominium Act \(1978 PA 59\)](#), as amended MCLA 559.101) as opposed to the [Land Division Act 1967 PA 288](#) (MCL 560.101).

SITE CONDOMINIUM SUBDIVISION PLAN: Means the site, survey, and utility plans, floor plans, and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

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

SOLAR DEFINITIONS:

- A. **SOLAR ENERGY FACILITY (UTILITY-SCALE):** A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
- B. **SOLAR ENERGY PANELS, ACCESSORY USE:** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site.
 - 1. **BUILDING-INTEGRATED ACCESSORY SOLAR ENERGY PANELS:** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
 - 2. **GROUND-MOUNTED ACCESSORY SOLAR ENERGY PANELS:** Accessory solar energy panels mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

- 3. **BUILDING-MOUNTED ACCESSORY SOLAR ENERGY PANELS:** A solar energy system mounted on racking that is attached to the wall of a building or structure or is attached to or ballasted on the roof of a building or structure.

- C. **SOLAR COLLECTION DEVICE:** The actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

- D. **DUAL USE:** A solar energy system that employs one (1) or more of the following land management and conservation practices throughout the project site:
 - 1. **POLLINATOR HABITAT:** Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

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

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

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

- E. **MAXIMUM TILT:** The maximum angle of a solar collection device (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

- F. **MINIMUM TILT:** The minimal angle of a solar collection device (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

SOLID WASTE TRANSFER FACILITY: A tract of land, a building, and any appurtenances, or a container, or any combination of land, buildings, or containers that are used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but are not located at the site of generation or the site of disposal of the solid waste.

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

SOUND PRESSURE LEVEL: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

SPECIAL USE: A use which is subject to approval by the Township Planning Commission. A Special Use may be granted when specified by this Ordinance. A permitted Special Use is not considered to be a Nonconforming Use.

SPECIAL USE PERMIT: A permit issued by the Township to a person or persons intending to undertake the

operation of an activity upon land or within a structure which is classified in this Ordinance as a Special Use and which has been given approval by the Planning Commission.

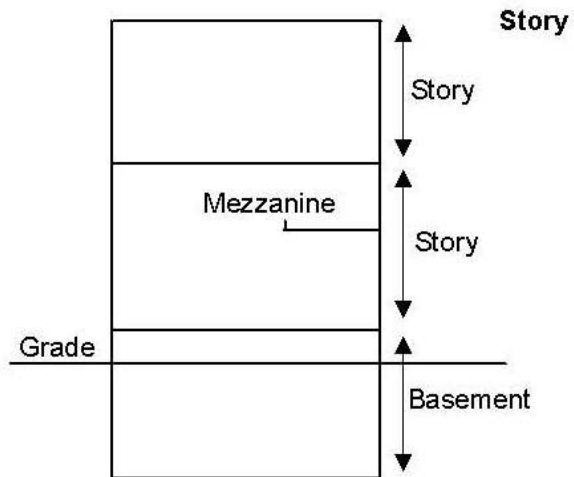
STABLE: A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

STABLE, COMMERCIAL: A building in which any horses are commercially boarded and/or kept for hire or sale.

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the State pursuant to **1979 PA 218 (Adult Foster Care Licensing Act)**, as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or **1973 PA 116 (Child Care Organizations)**, as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

STORAGE: To leave or deposit in a place for preservation or disposal in one or more of the following ways:

- A. **ACCESSORY STORAGE:** Storage which is accessory to the principal use of the premises.
- B. **MINI-STORAGE:** Mini-storage buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer's goods or wares.
- C. **STORAGE BUILDING:** A building in which storage is the principal activity.
- D. **STORAGE FACILITY:** A building or property on which storage is carried out as the principal use of the property.



STORY: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF: An uppermost story lying under a sloping roof the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it.

STORY, HEIGHT OF: The vertical distance from the top surface of one floor to the top surface of the next above.

STRIPPING: Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A structure may or may not be a building.

SUBDIVISION: The division of land, lot, tract, or parcel into two (2) or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, plat, or other instrument.

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

T

TEMPORARY SOIL EROSION CONTROL MEASURES: Interim control measures which are installed or constructed for the control of soil erosion until permanent soil erosion control is affected.

TEMPORARY USE OR BUILDING: A use or structure permitted to exist for one hundred eighty (180) days or less.

THEATER: An enclosed building used primarily for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

TOWNHOUSES: A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling on the ground floor. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

TRANSIT CENTER: A fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines, and other services.

TRANSITION: For the purposes of this Ordinance, the word or term transition or transitional shall mean a zoning district which may serve as a district of transition; i.e., a buffer zone between various land use districts or land use types.

TRAVEL TRAILER: See **RECREATIONAL VEHICLE.**

TRUCK WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing large vehicles designed for hauling goods.

TOURIST HOME: See **BED AND BREAKFAST ESTABLISHMENT OR TOURIST HOME.**

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

U

UNAUTHORIZED ACTIVITY: Any use contrary to the provisions of this Ordinance.

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

USE, PRINCIPAL: The primary use to which the premises are devoted.

V

VARIANCE: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty.

VARIANCE, DIMENSIONAL: A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or development requirement/limitation.

VARIANCE, USE: A variance to provide relief from the requirements of this Ordinance pertaining to uses of land.

VEHICLE: A conveyance that transports people or objects, operates by a motor, and requires a license to operate.

VETERINARY CLINIC: A building or group of buildings and/or structures where domestic animals are admitted for examination, treatment, and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

VIDEO ARCADE: See [AMUSEMENT ARCADE](#).

W

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

WAREHOUSE OR TRAFFIC TERMINAL: A building wherein goods, merchandise, and materials are stored for subsequent sale, distribution, or use other than on the site of said warehouse.

WATERS EDGE: A fluctuating line where the water and the land meet. May or may not be the ordinary high water line.

WATERFRONT SETBACK: The minimum required horizontal distance from the ordinary high water line of a waterfront lot within which no buildings or structures may be placed.

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

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

WHOLESALE TRADE: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WILDLIFE-FRIENDLY FENCING: A fencing system with openings that allow wildlife to traverse over or through a fenced area.

WIND ENERGY DEFINITIONS:

- A. **ANEMOMETER:** A device used to measure wind speed.
- B. **HUB HEIGHT:** The distance measured from the ground level to the center of the turbine hub.
- C. **SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- D. **WIND TURBINES, ACCESSORY:** A wind turbine used primarily to generate electricity or produce energy for use on the property where located.
- E. **WIND ENERGY FACILITY, UTILITY-SCALE:** A power generating facility consisting of one (1) or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose primary purpose is to supply electricity to off-site customers.
- F. **WIND TURBINE:** A wind energy conversion system which converts wind energy into power. May include a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 - 1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- G. **WIND TURBINE (HORIZONTAL AXIS):** A wind energy system in which the rotor(s) rotate around a horizontal shaft.
- H. **WIND TURBINE (VERTICAL AXIS):** A wind energy system in which the rotor rotates around a vertical shaft.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

I. **WIND TURBINE TOTAL HEIGHT:**

1. **HORIZONTAL AXIS WIND TURBINE ROTORS:** The distance between the ground and the highest point of the wind turbine, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine.
2. **VERTICAL AXIS WIND TURBINE:** The distance between the ground and the highest point of the wind turbine.

WIRELESS COMMUNICATIONS DEFINITIONS:

- A. **ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **ANTENNA:** Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals, or other communication signals.
- C. **ANTENNA ARRAY:** An Antenna Array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- D. **ATTACHMENT STRUCTURE:** Attachment Structures include but are not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.
- E. **CO-LOCATION:** Use of a common Wireless Communication Facility or common site by more than one (1) wireless communication license holder or by one (1) wireless license holder for more than one (1) type of communication technology or more than (1) antenna on one (1) support structure, and/or placement of a Wireless Communication Facility on a structure owned or operated by a utility or other public entity.
- F. **EQUIPMENT FACILITY:** An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.
- G. **FTA:** [Federal Telecommunications Act of 1996](#), as amended.
- H. **HEIGHT:** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.

- I. **SETBACK:** Setback shall mean the required distance from the lot line of the lot on which the Wireless Communication Facility is located to the base of the Support Structure and equipment shelter or cabinet where applicable.
- J. **SMALL CELL WIRELESS FACILITY:** A wireless facility that meets both of the following requirements:
 - 1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 - 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- K. **SUPPORT STRUCTURE:** A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, and other similar structures. Any device (Attachment Device) which is used to attach an Attachment Structure shall be excluded from this definition.
- L. **TEMPORARY WIRELESS COMMUNICATION FACILITY:** Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.
- M. **WIRELESS COMMUNICATIONS:** Any FCC-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.
- N. **WIRELESS COMMUNICATION FACILITY:** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).
- O. **WIRELESS COMMUNICATION FACILITY (GROUND-MOUNTED) – also called “EARTH STATION OR GROUND STATION”:** A wireless communication facility in which the antenna array is mounted to the ground or any other surface and does not use a wireless communications support structure (tower).

Y

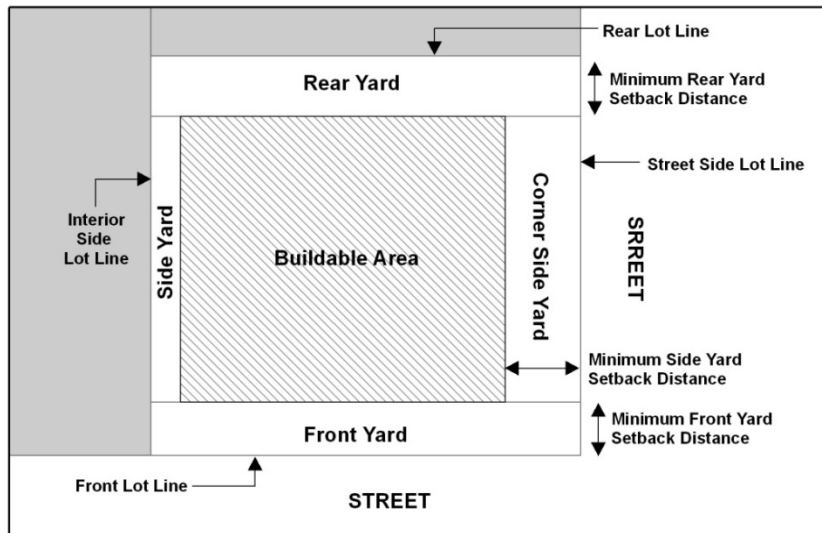
YARD: The space between a main building, excluding steps and unenclosed porches, and a lot line. Yards are further defined herein:

- A. **FRONT YARD:** The yard between the main building and the front lot line extending across the entire width

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

of the lot.

- B. **WATERFRONT YARD:** A yard, any part of which abuts on a lake, stream, or any other natural or artificial watercourse. For the purpose of this Ordinance, waterfront yards shall be treated as the Front Yard.
- C. **REAR YARD:** The yard between the main building and the rear lot line extending across the entire width of the lot. In the case of a corner lot, the rear yard is opposite from the front lot line.
- D. **SIDE YARD:** The yard between the main building and a side lot line extending between the front yard and the rear yard.
- E. **CORNER SIDE YARD:** An open space between a main building and the roadside lot line extending from the front yard to the rear yard.



Z

ZERO LOT LINE: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

ZONING ADMINISTRATOR: The person retained by the Township to administer and enforce this Zoning Ordinance.

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

ZONING BOARD OF APPEALS: As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

ZONING DISTRICT: A portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

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

ZONING PERMIT: A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, buildings, and structures thereon granting approval for the construction or use applied for.

Article 3 General Provisions

Sec	Name	Pg	Sec	Name	Pg
3.0	Effects of Zoning	3-1	3.15	Land Clearing/Removal or Dumping Of Material/Waste	3-17
3.1	Zoning Lots/Number of Dwelling Units/Illegal Dwellings	3-3	3.16	On-Site Drainage, Runoff & Stormwater Management	3-18
3.2	Barrier-Free Modifications	3-4	3.17	Exterior Site Lighting	3-18
3.3	Restoration of Unsafe Buildings	3-4	3.18	Fences	3-21
3.4	Access	3-4	3.19	Landscaping	3-23
3.5	Temporary Buildings for Construction Purposes	3-4	3.20	Screening & Buffering	3-28
3.6	Construction Debris	3-6	3.21	Circulation & Parking	3-30
3.7	Accessory Buildings & Accessory Uses	3-6	3.22	Signs	3-40
3.8	Recreational Vehicles & Equipment/Trailers	3-10	3.23	Nonconforming Structures, Uses and Lots	3-53
3.9	Corner and Driveway Clearance/ Residential Entranceway	3-12	3.24	General Exceptions	3-57
3.10	Relocation of Buildings	3-12	3.25	Pets & Livestock	3-57
3.11	Storage in Roadside Yards	3-13	3.26	Groundwater Protection	3-59
3.12	Riverfront Regulations & Overlay Zone	3-13	3.27	Private Roads	3-59
3.13	Manufactured Homes on Individual Lots	3-16	3.28	Garage Sales, Yard Sales, Rummage Sales & Auctions	3-65
3.14	Reserved	3-16			

Section 3.0 Effects of Zoning

A. Purpose.

It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted and special uses, except as noted herein.

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

C. Conformance to Zoning Required.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

Except as hereinafter specified, each building, structure, or lot shall hereafter be used or occupied, and each building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, in conformity with the regulations herein specified for the zoning district in which it is located. The applicable zoning permit or building permit shall be obtained.

No building or other structure shall hereafter be altered:

1. To accommodate or house a greater number of persons or families than permitted by the Zoning District or to provide less space per dwelling unit than is specified for the Zoning District in which such building is located.
 2. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
 3. To exceed the height limitations or to occupy a greater percentage of lot area than is specified for the Zoning District in which such building is located.
- D. No yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for roads. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

E. Uses/Construction Already Begun at the Time of Adoption.

1. If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that the exterior of such building shall be entirely completed within one (1) year from the effective date of this Ordinance or affecting amendment. The remainder of the building shall be completed within the timeframe set by the building permit. If the building permit is extended, the Zoning Permit expiration date may be extended by the Zoning Administrator. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
2. In the event that any lawful use, activity, building, or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming structure or use and shall be regulated by the provisions contained in [Section 3.22](#).

F. Maintenance of Required Elements.

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

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

G. Violations.

In case any building or part thereof is used, erected, altered, or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance. See [Section 9.10](#).

Section 3.1 Zoning Lots/Number of Dwelling Units/Illegal Dwellings

A. Zoning Lots.

1. When multiple lots are used together to meet the minimum requirements for width, area, setback, and other Ordinance requirements, the lots together are considered one (1) zoning lot for zoning purposes.
2. No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance. Exceptions to this subsection 2 are provided below:
 - a. **Outlots.** Lots described as "outlots" in a recorded plat which do not meet the minimum lot standards and are not suitable as a building site.
 - b. **Creation of a Temporary Nonconforming Lot.** A lot may be split which results in a nonconforming lot (a lot that does not meet the minimum lot width or area standards) only in the event that the resulting nonconforming portion of the lot is legally combined with another existing abutting lot. Until the lot is legally combined with another existing abutting lot, that newly created nonconforming lot shall not be developed.

B. Number of Dwelling Units on a Zoning Lot.

1. No one-family detached dwelling unit shall be erected upon a zoning lot with another one-family detached dwelling unit unless otherwise provided in this Ordinance. However, in the FF and FR Districts, more than one (1) detached one-family dwelling unit may be erected on a zoning lot if each dwelling unit meets setbacks and the lot contains sufficient area to contain the minimum required district lot size for each dwelling unit on the zoning lot.
2. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot or a building site as herein defined.

C. Illegal Dwellings.

The use of any portion of a basement or partially completed structure for dwelling purposes shall not be permitted unless a temporary certificate of occupancy has been issued. Garages, accessory buildings, motor homes, recreational vehicles, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

Section 3.2 Barrier-Free Modifications

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#).

Section 3.3 Restoration of Unsafe Buildings

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

Section 3.4 Access

Every main building hereafter erected or moved after the effective date of this Ordinance shall be located on a lot abutting a public road, with an easement which provides access to a public road, or with access to an approved private road, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection and required off-street parking.

Section 3.5 Temporary Buildings for Construction Purposes

A. Construction Offices and Storage of Construction Materials.

Temporary buildings may be utilized during construction for the storage of construction materials and for construction offices during a construction period as permitted herein. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work.

B. Temporary Dwellings During Construction.

No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes. No garage or other accessory building or structure, recreational vehicle, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling or construction purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator.

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

1. Temporary dwellings are permitted to be used during the construction of a dwelling. Temporary dwellings include but are not limited to a garage or other accessory building or structure, recreational vehicle, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction.
2. The location shall conform to the provisions governing setback requirements of standard dwellings in the district where located. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not possible or would cause practical difficulties.
3. The Zoning Administrator may allow temporary dwelling units which are less than the minimum required dwelling size in the district.
4. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection and completion but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator when he or she finds there is good cause for the extension. The temporary dwelling shall be removed within thirty (30) days of completion of construction of a dwelling complying with the requirements of this Ordinance except for structures which are legally sited accessory buildings or recreational vehicles which will serve a recreational purpose on the lot. Failure or refusal to remove the temporary dwelling within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.
5. Installation of a septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by **District Health Department #4** and shall precede occupancy of the temporary dwelling.
6. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose and on the copy retained for filing by the Township that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
7. No annexes or additions shall be added to temporary dwellings.

C. Dwellings Used as a Sales and Management Office.

The Zoning Administrator may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

1. The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.

2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

Section 3.6 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

Section 3.7 Accessory Buildings & Accessory Uses

This Section applies to accessory buildings which are on a permanent foundation, accessory buildings which require a building permit, and accessory uses in all districts.

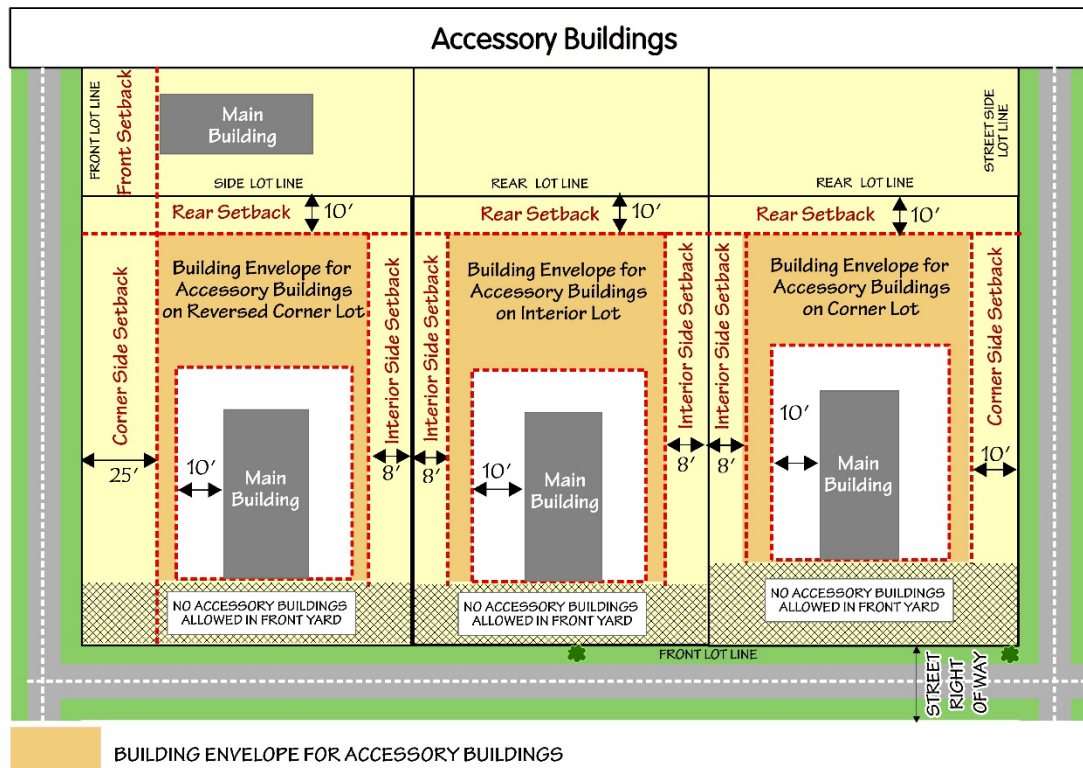
A. Accessory Buildings.

This Section regulates detached accessory buildings. Decorative accessory structures such as a trellis, statuary, archways, and similar structures shall not be subject to the standards in this Section except for [subsection A.8](#) (Accessory Building Height).

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. **Permits Required.** Accessory buildings under two hundred (200) square feet shall not require a zoning permit. Accessory buildings two hundred (200) square feet and larger require a zoning permit.
2. **Attached Accessory Buildings.** Where an accessory building is attached to a main building, such accessory building shall be considered part of the main building and shall be subject to and must conform to all regulations of this Ordinance applicable to the main building regardless of whether the accessory building was constructed as a detached building and then later attached to the main building.
3. **Relationship To Main Building.** No detached accessory building shall be located closer than ten (10) feet to any main building.
4. **Location in Yards.** Except as provided in subsection 5 and [subsection 6](#) below, all detached accessory buildings shall be located in the rear or side yard of the lot.
5. **Setbacks.**
 - a. **Rear Setback and Interior Side Setback.** Accessory buildings shall be setback a minimum of eight (8) feet from the interior side lot line and ten (10) feet from a rear lot line.

- b. **Setback Between Accessory Buildings.** Where there are existing accessory buildings on the same lot, such accessory building shall not be constructed closer than four (4) feet to such existing accessory building
 - c. **Accessory Buildings On Corner Lots.**
 - (1) **Standard Corner Lot (Rear Yards Abutting).** Accessory buildings shall be setback a minimum of ten (10) feet from a roadside lot line.
 - (2) **Reversed Corner Lot (Rear Yard Abutting Side Yard).** When an accessory building is located on a reversed corner lot, the side lot line of which is substantially a continuation of the front line of the lot to its rear, said building shall not project beyond the front setback required on the lot in the rear of such corner lot.
6. **Accessory Buildings On Waterfront Lots.** Accessory buildings are permitted in the front (waterfront side), rear (roadside side), and side yard of waterfront lots and shall maintain a twenty-five (25) foot setback from the water (lake or river). Accessory buildings in the roadside yard of waterfront lots shall not be located nearer than ten (10) feet to a road right-of-way line. Side setbacks shall be consistent with those listed in [subsection 5](#) (above).
7. **Accessory Buildings on Through Lots.** On a through lot, the accessory building setback along each road shall be equal to the front setback in the district in which it is located.



8. Accessory Building/Structure Height.

- a. **R-1 District.** No detached accessory building/structure shall exceed one (1) story or ten (10) feet in height to the eaves. A Special Use permit is required for detached accessory buildings/structures (including decorative accessory structures) which exceed this height limit.
- b. **R-2, FR, FF, B-1, B-2, and I Districts.** No detached accessory building/structure shall exceed the permitted building height in that district. Agricultural accessory buildings/structure such as barns and silos are exempt from this height limit. For all other buildings, a Special Use permit is required for detached accessory buildings/structures (including decorative accessory structures) which exceed this height limit.

9. **Number of Accessory Buildings.** No more than two (2) detached permanent accessory buildings shall be allowed on each zoning lot in the R-1 and R-2 Districts. There shall be no limit to the number of accessory buildings for all other districts.

10. **Floor Area.** There is no limit to the floor area of accessory buildings.

11. Nontraditional Storage Facilities.

- a. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage in R-1 and R-2 for up to thirty (30) days. For commercial and industrial uses in the commercial and industrial districts, semi-trailers can be located in the side and rear yard and may be used as permanent storage structures. In other districts, semi-trailers may be used for permanent storage and shall be located in rear yards.
- b. **Shipping Containers.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes only. Shipping containers which are visible from a neighboring property or from the road shall be either painted to blend in with the natural landscape or to match the main building or covered in a siding material that would typically be utilized for a main building. Shipping containers shall be placed on a foundation or gravel surface with adequate drainage pursuant to [Section 3.16](#). The following denotes the number of shipping containers allowed:
 - (1) **Lots less than One (1) Acre:** No shipping containers shall be permitted.
 - (2) **Lots from One (1) Acre to Five (5) Acres:** One (1) shipping container shall be permitted.
 - (3) **Lots Over Five (5) Acres to Twenty (20) Acres:** Two (2) shipping containers shall be permitted.
 - (4) **Lots over Twenty (20) Acres:** Five (5) shipping containers shall be permitted.

The Planning Commission may approve a greater number of shipping containers than listed above. The applicant shall submit an application for extra shipping containers and shall provide the reason the additional shipping containers are needed.

12. **Accessory Building as a Dwelling.** No detached accessory building shall be used for dwelling purposes unless issued a Special Use permit as an Accessory Dwelling Unit pursuant to [Section 7.27](#).
13. **Storage Buildings/Garages on Lots without a Residence.** The accessory/storage building shall be located on the lot so that there exists a location on the lot where a future main building, which meets the minimum required floor area of the zoning district, may be constructed in full compliance with the dimensional regulations (setbacks) of the zoning district in which located.
14. **Gazebos.** A gazebo shall not be included in or known as an accessory building and shall be defined as a structure separate from the main residential unit, with a floor and roof and structural support for the roof, but with all open sides and intended for casual use and not living quarters or storage. The following standards shall apply:
 - a. Maximum of fifteen (15) feet to the highest point.
 - b. Floor area not to exceed three hundred (300) square feet.
 - c. Side areas to include two-thirds (2/3) open space.
15. **Roadside Stands.** Roadside stands are permitted in all districts without a zoning permit and shall comply with the following standards. A farm market shall not be considered a roadside stand:
 - a. They shall be located out of the right-of-way.
 - b. They shall be no greater in size than eighty (80) square feet.
 - c. They shall be present on a property for no more than ninety (90) days in a calendar year.
 - d. They shall be used only for the sale of products grown on the property such as produce, flowers, or eggs. The sale of non-food items shall be considered a Cottage Industry.

B. Accessory Uses.

1. **Private Pools.** Permanent private pools shall be permitted as an accessory use in the rear yard only, provided they meet the following requirements:
 - a. There shall be a minimum distance of not less than ten (10) feet between the adjoining lot line or alley right-of-way and the outside of the pool wall. Side setbacks shall apply.

- b. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - c. No swimming pool shall be located in any easement.
 - d. **Conformance to Building Code.** Permanent pools as well as portable pools of a depth of twenty-four (24) inches or greater shall conform to the requirements of the current Building Code used by Alpena County.
2. **Outdoor Mechanical Equipment.** The following regulations shall apply to outdoor mechanical equipment (such as air conditioning units) on residential property or commercial property which abuts a residential use:
- a. Shall not be located in the front yard.
 - b. Shall be located so as to create the least disturbance to neighboring properties.
3. **Accessory Solar Energy Structures.** See [Section 7.34](#).
4. **Accessory Wind Turbines.** See [Section 7.30](#).
5. **Electric Vehicle Charging Stations Available to the Public.** Electric vehicle charging stations shall be considered an accessory structure. Electric vehicle charging stations shall be allowed in any yard and shall be set back at least ten (10) feet from all lot lines. Charging stations at a private residence are not covered by this subsection.

Section 3.8 Recreational Vehicles & Equipment/Trailers

This Section applies to recreational vehicles outside of a recreational vehicle park or a commercial recreational vehicle dealership or storage facility.

A. General.

- 1. No zoning permit is required for a recreational vehicle.
- 2. A recreational vehicle is not to be considered a residential dwelling unit except for recreational vehicles which are issued a temporary dwelling permit.
- 3. Recreational vehicles shall not become permanent structures on a lot. The wheels and/or towing mechanism shall not be removed from a recreational vehicle. No foundation shall be added to a recreational vehicle.

4. No permanent structures (such as decks or additions) shall be attached to a recreational vehicle. Freestanding stairs or deck which are not attached to the RV are permitted. A permanent pad below the recreational vehicle is permitted.
5. No recreational vehicle shall be placed on a lot and rented out as temporary or permanent living quarters for compensation.
6. **Setbacks.** The placement of RVs on the lot shall meet the setback requirements for the main building in the district.

B. Recreational Vehicle Occupancy.

1. No zoning permit is required for recreational vehicle occupancy in any district.
2. **Number of RVs.** No more than two (2) occupied recreational vehicles shall be permitted on any one (1) zoning lot. The Zoning Administrator may make a special exception to permit a larger number of RVs on a zoning lot for special events of no longer than two (2) weeks.
3. **Lots with a Main Building in R-1 and R-2.** Overnight camping in a recreation vehicle on a lot with a main building shall be permitted in the R-1 and R-2 Districts providing that the recreational vehicle shall be occupied for no more than two (2) weeks in any thirty (30) day period but not longer than thirty (30) days in a calendar year. The Zoning Administrator shall have the authority to increase the length of stay up to an additional seven (7) days in any thirty (30) day period. However, the additional seven (7) days shall not increase the total stay longer than thirty (30) days in a calendar year. Overnight camping in a recreational vehicle shall only occur on a lot with a main building or on a lot which is adjacent to another lot which is under the same ownership and contains a main building. Said lots shall not be separated by a public right-of-way.
4. **Vacant Lots in R-1 and R-2 Districts and All Lots (Vacant or Developed) in Other Districts.** Overnight camping in a recreational vehicle shall be permitted on vacant lots in the R-1 and R-2 Districts and on all lots (vacant or developed) in other districts for no more than six (6) months per calendar year.

C. Storage of Recreational Vehicles, Recreational Equipment, and Trailers. The open storage of any recreational vehicle or trailer such as but not limited to truck camper bodies, snowmobiles, boats, motor homes, camper trailers, recreational vehicles, all-terrain vehicles, utility trailers, boat trailers, and other similar conveyance, shall be permitted on any lot only within the confines of the side or rear yard and a five (5) foot setback shall be maintained. No zoning permit is required for recreational vehicles, recreational equipment, and trailer storage in any district.

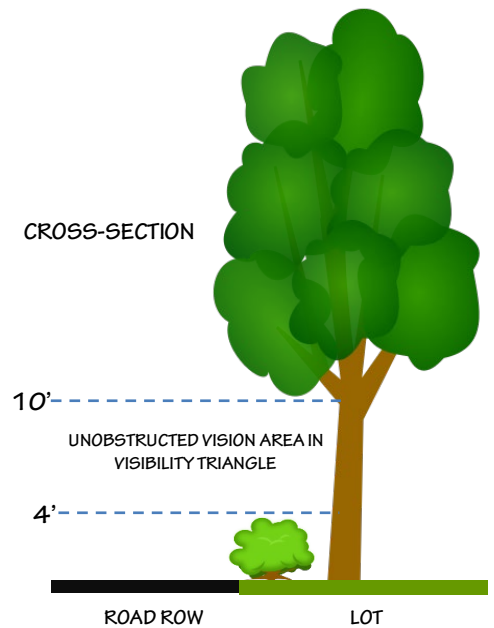
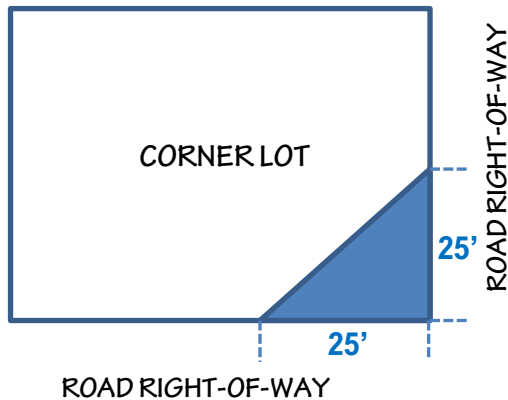
1. **Lots One (1) Acre or Less:** Two (2) recreational vehicles are permitted.
2. **Lots Over One (1) Acre up to Five (5) Acres:** Three (3) recreational vehicles are permitted.

- 3. **Lots Over Five (5) Acres:** Five (5) Recreational vehicles are permitted.
- 4. There is no limit to the number of trailers or recreational equipment.

Section 3.9 Corner and Driveway Clearance/Residential Entranceway

A. Corner Clearance.

No fence, wall, shrubbery, sign, or other structure or planting shall obstruct vision between the height of four (4) feet and ten (10) feet within the triangular area formed by the intersecting road right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and twenty-five (25) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the road center lines at the point of intersection. Driveways and alleys shall not be located within the intersection visibility triangle.



B. Residential Entranceway.

In all Districts, entrance-way structures, including but not limited to, walls, columns, and gates marking entrances to one-family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in **subsection A** above, provided that such entranceway structures shall be approved by Township during the required Planning Commission review.

Section 3.10 Relocation of Buildings

The relocation of a building to a different site shall be considered the same as the erection of a new building. All provisions, regulations, or requirements relative to the erection of a new building shall be applicable to a structure that is relocated. No building shall be moved onto a lot in Sanborn Township without first obtaining a zoning permit from the Zoning Administrator.

Section 3.11 Storage in Roadside Yards

The storage of goods or materials shall not be allowed in a roadside yard in the R-1 Districts unless otherwise allowed by this Ordinance.

Section 3.12 Riverfront Regulations & Overlay Zone

A. Description and Purpose of Riverfront Overlay Zone.

The purpose of this district is to provide for the preservation and enhancement of riparian corridors through the regulation of uses and activities of land within one hundred (100) feet of the North Branch and South Branch of the Devils River, Devils River, Brilinski Creek, and Holcomb Creek, as depicted on the official Sanborn Township Zoning Map. The provisions of the riverfront overlay zone are intended to protect the unique and sensitive natural environment of the areas abutting streams in Sanborn Township.

Its purpose is based on the recognition that:

1. The economic and environmental well-being and health, safety, and general welfare of Sanborn Township are dependent on, and connected with the preservation of its riverfront areas;
2. The riverfront overlay zone has unique physical, biological, economic, and social attributes;
3. Future land development and redevelopment should not be conducted at the expense of these attributes;
4. Property values will be enhanced when the natural features of the riverfront overlay zone are preserved; and
5. Pollution, impairment, or destruction of the riparian area and the adjacent bottomlands and waters should be prevented or minimized.

B. Use Regulations.

The uses allowed by the underlying zoning districts are not altered by the overlay zone. All allowable uses and uses subject to Special Use that are within the riverfront overlay zone shall also comply with the standards set forth in this Section. These requirements shall be considered in addition to use restrictions or other applicable

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

regulations for each zoning district. These requirements only apply to properties that fall within the riverfront overlay zone, as described in [Section 3.12.A](#) and shown on the zoning districts map.

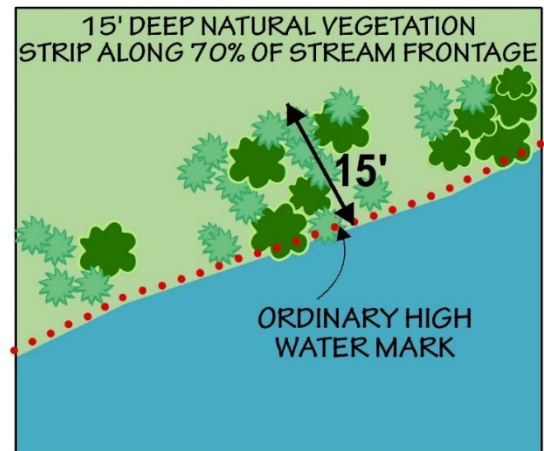
In the event that regulations imposed by this Section conflict with regulations of an underlying zoning district, the regulations established by this Section shall prevail to the extent of the conflict and no further.

C. Riverfront Setbacks.

1. To preserve natural resources, water quality, and community scenic and recreational values, a riverfront setback shall be established and maintained on all riverfront property. The setback area shall include all the land area located within twenty-five (25) feet of the ordinary high water line of a river abutting or traversing the property in question.
2. **Historical Setback Line.** A proposed building or structure may be located the same distance from a river as either an existing main building that has suffered either loss or removal due to casualty or demolition within one (1) year before the submission of an application for a building permit as long as such main building is or was a lawful nonconforming building. For a demolition, the one (1) year period begins running when the demolition permit is issued. For a casualty, the one (1) period shall run from the date of the casualty.

D. **Development Standards.** Within the riverfront setback of twenty-five (25) feet, the following development or use restrictions shall apply:

1. Within fifteen (15) feet of the ordinary high water line, a natural vegetation strip shall be established or maintained on at least seventy (70) percent of the river frontage for any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater. The natural vegetation strip shall consist of trees, shrubs, or herbaceous plants, excluding lawn shall be fifteen (15) feet deep commencing at the ordinary high water line and measured inland fifteen (15) feet.
2. Individual trees within the natural vegetation strip may be removed which are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the river.
3. The natural vegetation strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk, waste or garbage, or for any other use not otherwise authorized by this Ordinance.



4. No structures shall be allowed except for steps meeting the side setback for the district in which they are located.
 5. No burning of brush or leaves or stockpiling of grass, leaves, or compost is allowed in the natural vegetation strip.
 6. No dredging or filling shall be allowed except where permitted by state or federal law, with appropriate permits.
 7. The use of asphalt, concrete, wood or other similar surfaces shall be limited to walkways (four (4) foot maximum width) or stairs necessary for water access.
 8. The use of pesticides, herbicides, fungicides, and fertilizers is discouraged in the natural vegetation strip (per **item 1** above) or within twenty-five (25) feet of ordinary high water line, except for the allowed limited use of herbicides for the eradication of poison ivy, poison sumac or poison oak. Fertilizer used in the riverfront setback (twenty-five (25) feet), **shall be** zero phosphorus fertilizer.
 9. Setbacks for septic systems must meet minimum requirements set by the **Health Department**.
 10. Slopes created by the grading of the site should generally not exceed a slope ratio of one (1) foot of vertical slope to three (3) feet of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.
 11. The riverfront setback and natural vegetation strip shall be shown on any plot plan or site plan submitted for approval during the process of developing a river frontage lot.
 12. No Zoning Permit for any construction, or authorization for any grading, lot, or subdivision in preparation, shall be granted until it is first determined that any removal of ground cover conforms to the soil erosion and sedimentation control rules of Alpena County. Particular care shall be taken to provide protective measures to control erosion of raw earth over the winter months if not seeded and mulched by September 15th.
 13. Stairs, walkways, decks, and steps on embankments having a grade exceeding twelve (12) percent must be constructed above grade. Steps may not be embedded into the ground surface.
 14. Natural drainage courses shall be protected from grading activity.
- E. **Restrictions.** The temporary use of trailers, manufactured homes, campers, buses, or other recreational vehicles and tents shall not be permitted unless expressly permitted by this Ordinance for temporary purposes.

Section 3.13 Manufactured Homes on Individual Lots

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A. Manufactured homes shall be attached to an approved foundation or basement and shall be anchored using a system that meets the **Michigan Manufactured Housing Commission** requirements.
- B. The wheels and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C. Manufactured homes shall be installed according to the **United States Department of Housing and Urban Development (HUD)** regulations entitled “**Manufactured Home Installation Standards**”, and the construction of the unit shall comply with the **United States Department of Housing and Urban Development (HUD)** regulations entitled “**Manufactured Home Construction and Safety Standards**”, being 24 CFR part 3280, as amended.
- D. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.
- E. No manufactured home shall be located or placed in Sanborn Township without prior completion of site preparation to include electric, water, sewage disposal, and foundation to meet the current **HUD** rules and regulations and **District Health Department** regulations.
- F. Manufactured homes shall not be used as accessory buildings.
- G. A manufactured home shall not be placed on a lot if it is not already the minimum dwelling unit size required in the district at the time of placement on the lot.

Section 3.14 Reserved

This section is reserved for future use.

Section 3.15 Land Clearing/Removal or Dumping Of Material/Waste**A. Removal of Topsoil, Sand, Clay, Gravel or Similar Material.**

From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization to strip any topsoil, sand, clay, gravel, or similar material, or to use lands for filling within the area of the Township without first obtaining written permission from the Zoning Administrator.

1. Exceptions.

- a. Excavations for building construction purposes pursuant to a duly issued building permit.
- b. Where the moving, grading, or leveling of the aforesaid materials is carried on by the land owner for the immediate use or development of the land upon which these substances are found and according to a site plan approved by the Zoning Administrator or the Planning Commission.
- c. Mining (Resource Extraction) as a Special Use.

B. Dumping of Soil, Sand, Clay, Gravel, or Similar Material.

1. The dumping of any soil, sand, clay, gravel, or similar material on any lot within Sanborn Township is hereby prohibited, except where, within six (6) months following such dumping, such lot is graded in such manner as to prevent the collection of water, to provide proper drainage, and to leave the ground surface fit for the growing of turf and other land uses permitted in the district; provided, however, that no soil, sand, clay, gravel, trash, rubbish or waste material shall be dumped on the spillways or floodplains of any natural streams or water courses, or on any area between the lower and upper banks of such streams or water courses, except on recommendation of the Planning Commission and approval of the Township Board after a public hearing and on a satisfactory showing that such dumping will not result in damage to other property within Sanborn Township and will not be injurious to the public health, safety and welfare.
2. Material to be placed on a site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils, and surface waters. No dumping of soil, sand, clay, or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development lot, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.

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

The temporary storage, collection, or placing of used or discarded material, such as lumber, scrap iron, slag, ashes, or other such material shall be allowed only during demolition and or construction periods, not to exceed six (6) months. Temporary storage must comply with all federal and state regulations. After six (6) months, the Zoning Administrator shall require the removal of such material. Such removal shall take place in a time frame at the discretion of the Zoning Administrator after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him/her that such material must be removed and stating the date on which such materials must be removed from the premises.

- D. Dumping of hazardous substances and/or nuclear wastes shall not be allowed within Sanborn Township, except as permitted by [1978 PA 113 \(Radioactive Waste\)](#), State of Michigan.

Section 3.16 On-Site Drainage, Runoff & Stormwater Management

- A. No premises within a residential district shall be filled or graded so as to discharge surface runoff onto adjacent premises in excess of natural conditions or in an unnatural, concentrated manner that will cause damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.
- B. Where any lot has located upon it a duly recorded easement for any purpose whatsoever, that portion of such land whereupon the easement stands shall be graded so as not to obstruct or substantially slow down the natural flow or course of surface water across such easement.
- C. The property owner or developer is required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten-year design storm).

Section 3.17 Exterior Site Lighting

A. Intent and Purpose.

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

B. General Standards.

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

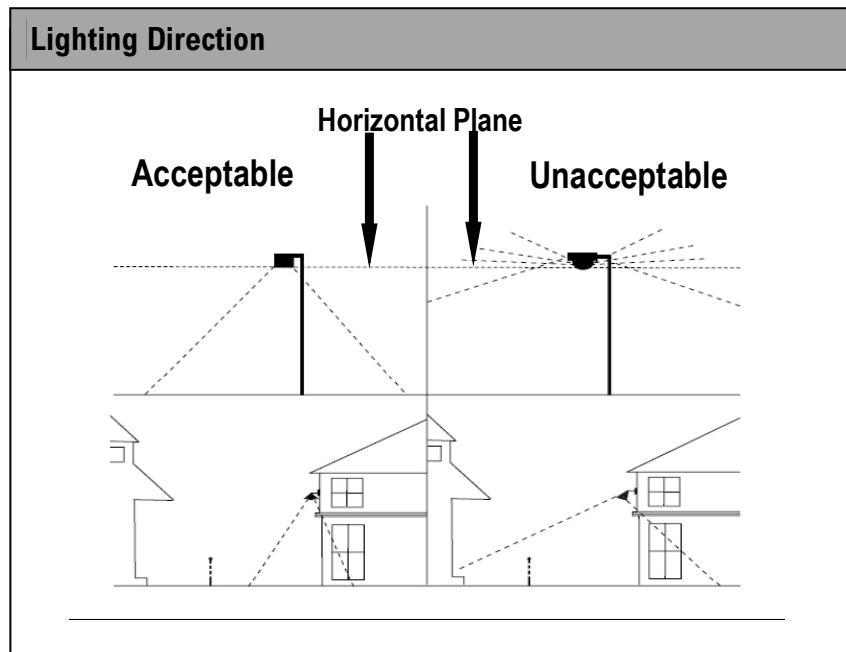
1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
 - a. Residential decorative lighting such as porch or entry lights, ground-level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
 - c. Temporary lighting needed for emergency services or to perform nighttime road construction.
 - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
 - e. Lighting required by the **Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations**, or other applicable federal or state agencies.
 - f. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the **Illuminating Engineering Society of North America (IESNA)** RP-6 Recommended Practice for Sports and Recreational Area Lighting and the **IESNA** Lighting Handbook.
2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:
 - a. Private parking lot lighting and site lighting for commercial, industrial, and institutional developments.
 - b. Multiple-family development parking lot lighting and site lighting.
 - c. Privately-owned street lighting.
 - d. Building facade lighting.
 - e. Security lighting, spotlights, and floodlights.
 - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, is similar in character, luminosity, and/or glare to the foregoing.
 - g. Standards related to the lighting of signs are contained in **Section 3.21**.
3. **Standards:** Lighting shall be designed and constructed as per the following requirements:
 - a. **Lighting Confined to Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be

oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

- b. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in **subsection c** below, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the lot line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
- c. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent roads or adjacent property.
- d. **Height.** Pedestrian lighting shall be no more than sixteen (16) feet in height. Parking lot lighting and lighting for public and private roads shall be no more than twenty-five (25) feet in height. The Planning Commission may permit taller fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or bulk of light fixtures; not adversely impact neighboring properties; and permit fixtures in proportion to the height and bulk of nearby buildings and other fixtures.
- e. **Location of Poles.** Lighting poles and structures shall be located within landscaped areas where possible.
- f. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and searchlights are not permitted.
- g. **Interference With Traffic Control Devices.** No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.

4. **Administrative and Planning Commission Departures.**

- a. Greater intensities may be allowed where additional security may be needed.
- b. Higher fixtures may be permitted for pole lighting if the fixture is located at least two hundred (200) feet from a Residential District or use.



Section 3.18 Fences

A. General Standards.

1. **Zoning Permit.** A zoning permit is required for fences.
2. **Lot Line Determination.** In the installation of any fence, the property owner is responsible for the location of lot lines and should obtain a professional survey, if necessary, to determine accurate lot lines. The Township may require a professional survey prior to issuing a zoning permit for a fence. The Township shall not be held responsible for any lot line or fence disputes between abutting property owners.

B. Construction and Maintenance.

1. **Materials.**
 - a. Fence materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, chain link, or any materials specifically designed for fence construction. Fences made from materials that are not specifically designed for fences shall not be permitted. Woven wire fences are permitted for agricultural purposes.
 - b. Ornamental fences located in front yards shall be constructed in a style similar to split rail, picket, wrought iron fences, or decorative masonry.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

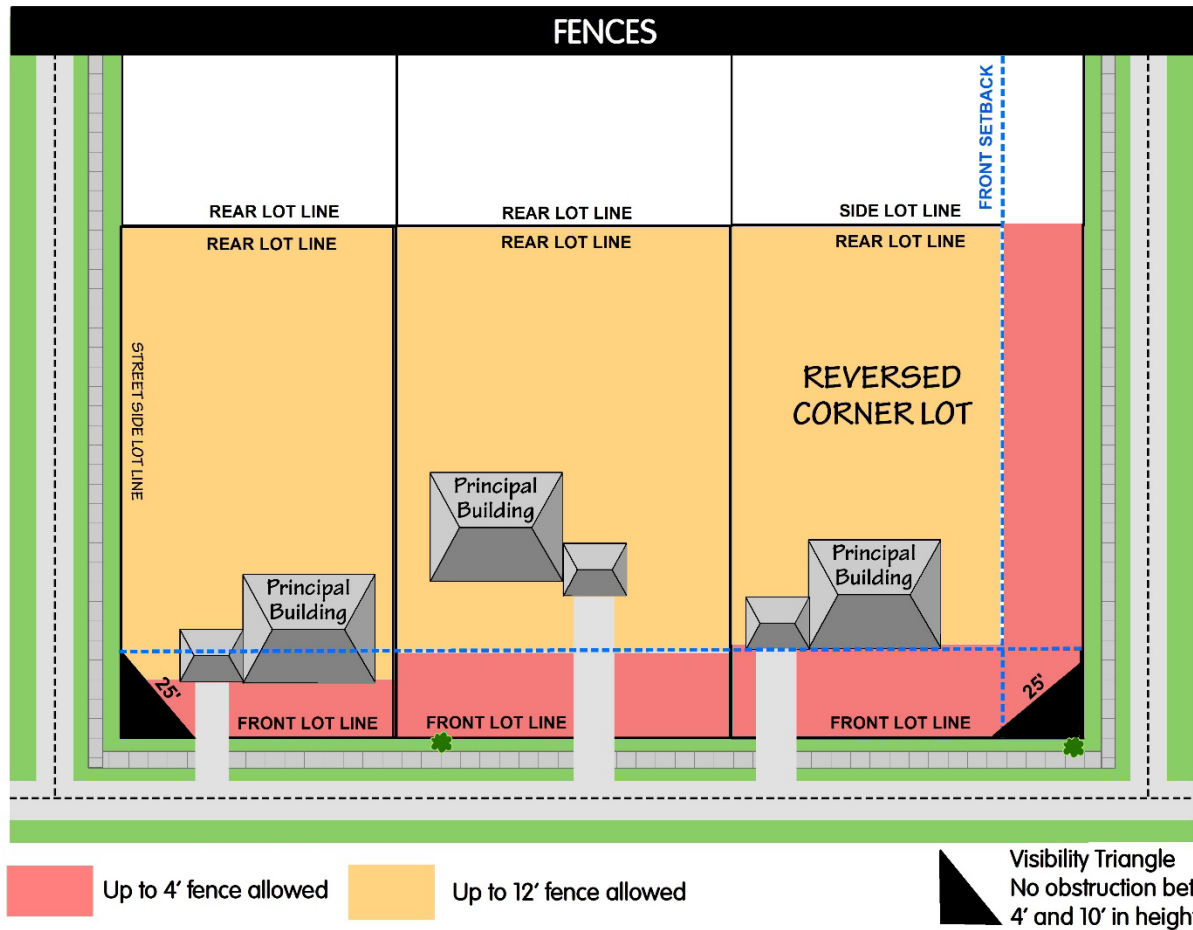
10 Amendments & Adoption

- c. Fences on residential or commercial lots shall not contain barbed wire, electric current or charge of electricity.
 - d. Fences located in the side or rear yard of industrial lots may contain barbed wire.
2. **Finished Side of Fence.** The portions of all fences facing property other than the property of the fence owner or facing a road right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the road right-of-way.
 3. **Maintenance.** Fences shall be maintained to retain their original appearance, shape, and configuration. Elements of a fence that are missing, damaged, destroyed, or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
 4. **Visibility Triangle.** Fences or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in [Section 3.9](#).

C. **Specific Standards.**

Fences shall comply with the following regulations and requirements:

Table 3.18: Fences	
Front Yard	<ul style="list-style-type: none"> ▪ Up to 4' high (maximum). ▪ Fences may be set on the lot line. ▪ Fences over 4' high may not extend toward the front of the lot nearer than the front of the house or the front setback, whichever is closer to the front lot line.
Rear Yard & Side Yard	<ul style="list-style-type: none"> ▪ Up to 12' high (maximum). ▪ Fences may be set on the lot line. ▪ Fences over 4' high may not extend toward the front of the lot nearer than the front of the house or the front setback, whichever is closer to the front lot line. ▪ Corner Side Yards on Reversed Corner Lots: Fences up to 4' high may abut lot line. Fences over 4' up to 12' high shall be set back a distance equal to the front setback of the lot to the rear or the setback of the main building of the lot to the rear, whichever is less.
<ul style="list-style-type: none"> • Waterfront: Fences along the waterfront lot line shall be allowed to a height up to 4' and shall be setback 25' from the ordinary high water line. • Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. 	



Section 3.19 Landscaping

These requirements apply to all uses for which site plan review is required in any District as well as nonresidential uses in residential districts.

A. Intent.

It is the intent of this Section to protect and manage vegetation to:

1. Contribute to air purification, oxygen regeneration, groundwater protection and recharge, and the control of stormwater runoff.
2. Safeguard and enhance private and public property values and encourage continued investment in the community.

3. Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale.
4. Provide visual screens between land uses of differing character and use intensities.
5. Provide for the preservation of native trees and vegetation.

B. Flexible Design Standards.

1. It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this Section be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this Section. The provisions of this Section shall be considered the minimum development standards and not a design goal.
2. The Planning Commission may approve variations from strict compliance with this Section when an applicant can demonstrate that any of the following apply to a specific development site:
 - a. When topography, shape, size, or other natural features make full compliance impractical or impossible.
 - b. When space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance for in-fill projects and redevelopment in older established areas of the Township.
 - c. When safety considerations warrant alternative compliance.
 - d. When there is not an alternative in the practical siting of a building, location of site access, or the location of underground utilities to service the site.
 - e. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this Section.

C. Landscaping Standards.

1. A landscaping plan shall be submitted at the time of site plan submittal. Such plan shall indicate areas of landscaping on the lot. A portion of the lot shall be landscaped.
2. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible.

3. The substitution of natural vegetation in lieu of landscaping may be approved on a case-by-case basis.
4. No synthetic plant material shall be used to fulfill any landscaping requirement.
5. All trees shall be located to allow sufficient room for growth.
6. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy or the next appropriate planting season, whichever comes first, and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, healthy and vigorous growing condition, and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.
7. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on-site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
8. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections, and not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.
9. Minimum plant sizes at time of installation:

Deciduous Canopy Trees	2½"	dbh (diameter at breast height)
Deciduous Ornamental Trees:	2"	dbh
Evergreen Tree:	5'	height
Narrow Evergreen Trees	3'	height
Deciduous Shrub:	2'	height
Large Evergreen Shrub:	2'	height
Spreading Evergreen Shrub:	18" – 24"	spread

10. **Plant Material Spacing.**

- a. Plant materials shall not be closer than four (4) feet from the fence or lot line.
- b. Where planting materials are planted in two (2) or more rows, plantings shall be staggered in rows.
- c. Evergreen trees and deciduous trees shall be planted not more than thirty (30) feet on centers.
- d. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- e. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

11. **Existing Vegetation.** Existing plant material, which complies with the standards and intent of the Ordinance, shall be credited toward meeting the landscape requirements.

- a. Existing healthy trees and shrubs in areas not required for development shall be preserved and incorporated into the final development plan where possible.
- b. Trees to be preserved shall be pruned to remove dead, diseased, or irregular branching, but the crown form characteristic of the respective species shall be maintained.
- c. Preserved trees shall be protected with sturdy, highly visible barriers around the tree or group of trees, at approximately the critical root zone or dripline.
- d. The critical root zone of the tree shall remain undisturbed by cutting, filling, or storage of materials and equipment during the development process.
- e. Healthy, younger trees on development sites shall be preserved wherever possible to allow normal succession as older trees are lost.

12. **Berms.**

- a. The berm shall be natural in appearance. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. The side slopes shall be protected from erosion by sodding or seeding.
- b. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio.
- c. Berms not containing planting beds shall be covered with grass or vegetative groundcover maintained in a healthy growing condition.
- d. Berms shall be constructed in a way that does not alter drainage patterns on-site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
- e. Trees shall be allowed to be placed on berms.
- f. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.

13. **Green Roofs and Permeable Pavement.** The area of a green roof or permeable pavement may be substituted for required landscape areas. Green roofs are permissible in all zoning districts.

D. Suggested Plant Materials.

EVERGREEN TREES:		
Balsam Fir	White Pine	Red Pine
White Spruce	Blue Spruce	Eastern Hemlock
NARROW EVERGREEN TREES		
Cedar	Junipers	Arborvitae
LARGE DECIDUOUS TREES		
Oaks	Sugar Maple	Red Maple
Black Cherry	Ginkgo (male only)	Basswood
Honey locusts (seedless & thornless)	Lindens	Birch
SMALL DECIDUOUS TREES		
Flowering Crabapple	Hawthorn	Serviceberry
River Birch	Mountain Ash	Hornbeam
Ironwood	Redbud	Highbush Cranberry
LARGE DECIDUOUS SHRUBS:		
Dogwood red & yellow osier, & grey	Flowering Quince	Lilac
Spirea	Barberry	Ninebark
Pyracantha	Sargent Crabapple	Hazelnut
Viburnum	Cotoneaster	Burning Bush
LARGE EVERGREEN SHRUBS:		
Irish Yew	Pfitzer Juniper	Mugo Pine
Hicks Yew	Savin Juniper	
SMALL DECIDUOUS SHRUBS:		
Potentilla	Japanese Quince	Cotoneaster
Compact Burning Bush	Regal Privet	
SMALL EVERGREEN SHRUBS:		
Spreading Yews (Dense, Brown's, Ward, etc.)	Low Spreading Junipers (Andora, Hughes, Tamarack, etc.)	Big Leaf Winter-creeper (Euonymus)
Dwarf Mugo Pine	Bird's Nest Spruce	
TREES NOT PERMITTED		
Box Elder	Ash	Catalpa
Soft Maples	Elms	Tree of Heaven
Willows	Cottonwoods	Scotch Pine
Horse Chestnut (nut bearing)	Jack Pine	Beech

Section 3.20 Screening & Buffering

A. Screening/Buffer Strip.

1. Whenever a nonresidential use abuts a residential district or use, there shall be provided and maintained, on each side lot line and the rear lot line of the property, an obscuring fence, wall, vegetative buffer, or a combination thereof. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way. Screening/buffering shall be of a minimum height as shown in the following Table 3.20.
2. The requirement for a screening between off-street parking areas or outdoor storage areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential use or district.

TABLE 3.20 Screening/Buffer Heights	
SIDE AND REAR YARD SCREENING REQUIREMENTS	
All off-street parking areas	4' high
B-1 and B-2 or office use	4' high
Commercial District or Commercial Use	6' high
Industrial District or Industrial Use	8' high (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas	6' high fence or wall; 8' high fence or wall if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high fence or wall

3. **Screening Fences and Walls.** Solid fences, walls, chain link, or other wire fences utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.
 - a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.

b. Walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface where uses to be screened do not generate noise which may impact abutting residential uses. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

Walls which screen uses that do generate noise which may impact abutting uses shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator.

c. Required walls shall be constructed of sound-absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.

d. **Location.** Required buffer strip/screening may abut the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front setback lines on abutting residential lots. Upon review of the site plan, the Planning Commission may approve an alternate location for the fence or wall or may waive the fence or wall requirement if in specific cases it would not serve the purpose of effectively screening the use.

4. **Vegetative Buffer Strip.** The Township may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence, wall, or berm to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.

a. The selection, spacing, and size of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required buffer area and a vertical obscuring effect of such height as is determined adequate by the Planning Commission for proper screening between land uses.

b. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

c. Vegetative buffer strips shall be reviewed by the Planning Commission to determine adequate width, length, and materials for screening purposes.

d. Berms shall adhere to the standards in [Section 3.19.C.12](#).

B. Waiver.

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

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

Section 3.21 Circulation & Parking

A. Purpose.

The purpose of parking regulations is to make Sanborn Township safe for and accessible to pedestrians, cyclists, and drivers. Equal consideration should be given to pedestrians, cyclists, and drivers in the design of all public and private parking areas. Site design should help to reduce the number of conflicts between the parking area users. Public rights-of-way shall be designed to ensure the movement of people safely. Design of parking areas and rights-of-way shall contribute to the walkability of Sanborn Township.

B. Motor Vehicle Parking: One-Family Residential Uses.

1. The off-street parking facilities required for residential dwellings shall be located on the same lot as the dwellings they are intended to serve and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.
2. Parking areas may be located in the front, side, or rear yard but may not occupy more than fifty (50) percent of any yard. Such parking area shall provide two (2) parking spaces per dwelling unit where no garage is provided.

C. Motor Vehicle Parking: Multi-Family and Nonresidential Uses.

1. **Compliance Required.** Off-street parking and loading provisions of this Section shall apply to the following:
 - a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this chapter.
 - b. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
 - c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

d. **Parking Area Construction And Expansion (For all new parking areas and whenever existing parking areas are expanded or upgraded).** Normal maintenance, such as re-grading of legal non-conforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete, or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.

(1) Regulations pertaining to off-street parking shall not apply to Commercial buildings in existence at the time of adoption of this Ordinance unless b-d above occurs;

2. **Permit Required.** No parking lot shall be constructed unless and until a zoning permit therefore is issued. Applications for a permit shall be submitted with five (5) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with. If the application is for a project in which more than just a parking lot is being developed, the submittal requirements in [Article 5](#) shall be followed.

3. **Plan Review.** Any off-street parking lots, parking structures, or loading areas required under this Section shall be required to submit a plan for review and approval of applicable regulations. All elements shall be dimensioned on the plan and distances from lot lines and structures shall be noted. The plan may be submitted as part of the site plan. The plan shall show the following:

- a. Total number of parking spaces provided, existing and proposed; and total required by Ordinance;
- b. Location and size of spaces;
- c. Parking aisles;
- d. Vehicle circulation;
- e. Ingress and egress;
- f. Sidewalks and pedestrian circulation;
- g. Signage;
- h. Lighting;
- i. Stormwater retention areas;
- j. Proposed and existing grades;
- k. Landscaping islands;
- l. Landscape and buffer areas; and
- m. Any other information deemed necessary by Sanborn Township.

4. **Owned or Leased Parking.** The owner or occupier of the property to be served shall own or lease all property utilized to meet minimum parking requirements. A five (5) year lease on such property shall be required. At least six (6) months before the lease expires, an extension or renewal of the lease shall be required. At least six (6) months before the lease expires, an extension or renewal of the lease shall be acquired or other parking shall be made available. The lease shall include a provision that advance notice of cancellation shall be given one hundred eighty (180) days prior to cancellation of the lease. The lease agreement shall be kept on file with the Township.

5. **Loading Space.** Loading space as required by this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
6. **Changes To Required Parking.** Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Section are provided and approved at a differing location on the property or elsewhere as permitted within this Ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas shall be revised and approved by the Zoning Administrator.
7. **Excessive Parking Space.** A maximum of one hundred twenty (120) percent of the required number of parking spaces may be provided (rounded down to the nearest whole number). Provision of more than one hundred twenty (120) percent of the requirement will require a variance from the Zoning Board of Appeals.
8. **Collective Parking.** Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.
9. **Shared Parking.** Joint use of the same parking areas may be permitted for two (2) or more uses located on the same, adjacent, or nearby lots provided that the developer or owner demonstrates to the satisfaction of the Township that the uses will not overlap in hours of operation or in demand for shared spaces. The owners of all lots used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(s) and shall be recorded with the Register of Deeds. Shared parking areas shall be located not more than three hundred (300) feet from the uses they are intended to serve. If shared parking is utilized, the required parking number of parking spaces shall be reduced by thirty (30) percent.
10. **Ingress/Egress.**
 - a. A maximum of one (1) ingress and egress driveway for each sixty-six (66) feet of lot width shall be allowed in commercial and industrial zones. Modification of this standard shall only be allowed where the plan for such access can be demonstrated to the satisfaction of the Planning Commission that traffic movement and traffic safety can better be served by such modification.
 - b. Entrances shall be designed to allow vehicles entering the site to be stacked to prevent backup on the adjacent road. Parking lot entrances and exits shall be consolidated, when possible, to limit the number of access points to the site. In instances where parking areas are one hundred (100) feet or more wide, the parking lot entrance shall be a minimum of fifty (50) feet from the nearest existing access drive.
 - c. Ingress/egress to parking lots shall be located as far away from road intersections as possible to

prevent impeding the flow of traffic in the parking lot and prevent hazards in the road.

- 11. **Display and Storage.** Off-street parking facilities required herein shall not be used for the storage, repair, dismantling, or wrecking of any vehicles, equipment, or material. Display of products in a parking lot is permitted if it does not reduce the number of parking spaces available for use below the minimum required by this Section unless a reduction has been approved by the Planning Commission. Planned display areas shall be shown on the site plan.

- 12. **Off-Site Locations.** All off-street parking areas shall be located on the immediate premises or within three hundred (300) feet for commercial and industrial uses as measured from the nearest point of the parking area to the nearest point of the building intended to be served. Either proof of ownership or evidence of at least a five (5) year lease must be provided.

- 13. **Use of Parking Area.**
 - a. The parking area shall be used solely for parking of private passenger vehicles for periods of less than twenty-four (24) hours and shall not be used as an off-street loading area.

 - b. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.

- 14. **Surface.**
 - a. An entire parking area, including parking spaces, maneuvering lanes, and ingress and egress driveways required under this Section, shall be provided with asphalt, concrete, brick, or other similar hard surface. Such concrete pavement shall be of a minimum thickness of six (6) inches and any bituminous paving shall be of a minimum thickness of two (2) inches and shall be placed upon a base of limestone or gravel of a minimum thickness of six (6) inches. All parking paving shall be completed within a period of twenty-four (24) months after site plan approval. Off-street parking for one (1) and two (2) family dwellings need not be surfaced with concrete or bituminous material. In those instances where a parking area is nonconforming, the expansion or significant improvement of the use of the land or structure shall require the paving of such parking area to conform to this Section. This surface shall be striped and maintained in good condition and free of weeds, dirt, trash, and debris.

 - b. The use of pervious concrete and other pervious surfaces may be permitted for specific uses as approved by the Planning Commission.

 - c. For industrial uses, storage yards for construction equipment, raw materials, or partially or fully finished product may be surfaced with gravel or slag when located in a rear yard. The storage yard shall be properly graded and maintained to ensure proper drainage and shall be kept free of weeds, trash, and other debris.

15. **Screening.** Parking areas shall conform to the requirements set forth in [Section 3.20](#).

16. **Design Standards.**

a. **Parking Space Design.**

Table 3.21 A: Parking Space Design				
Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space		
		Width	Length	Total Width of 2 Parking Stalls Plus Maneuvering Aisle
0 degrees (parallel parking)	12'	8'	22'	28' (one-way) 38' (two-way)
30 degrees	12'	9'	18'	48' (one-way)
45 degrees	14'	9'	18'	52' (one-way)
60 degrees	18'	9'	18'	58' (one-way)
90 degrees	22'	10'	19'	60' (two-way)

b. **Parking Lot Design.** All parking areas shall be provided with circulation aisles of adequate dimension to ensure efficient internal circulation.

c. **Drainage.** Except for one- or two-family dwellings, off-street parking areas shall be drained with internal site drainage so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

Stormwater retention or detention facilities on-site shall be provided to ensure stormwater runoff at a rate of flow in keeping with Township standards and with the capacity of existing public stormwater drainageways.

d. All spaces shall be provided adequate access by means of maneuvering lanes. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.

e. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

f. Ingress and egress to a parking lot lying in an area zoned for other than one-family or two-family residential use shall not be across land zoned for one-family or two-family residential use.

17. **Parking Lot Landscaping.** Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

18. Parking Spaces Required.

- a. **Computing the Number of Spaces.** For the purpose of determining off-street parking requirements, usable floor area shall be calculated.
- b. **Fractional Spaces.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.
- c. **Uses Not Listed.** For those uses not specifically listed, the requirements for off-street parking facilities shall be in accordance with the use which the Zoning Administrator considers to be similar in type.
- d. **Handicap-Accessible Spaces.** Off-street parking facilities shall provide spaces for the handicapped in accordance with the provisions of state and federal regulations.
- e. **Number of Spaces Required:** See Table 3.21.B below.

Table 3.21 B: Number of Parking Spaces Required	
<i>Residential</i>	
Bed and Breakfasts/Rooming houses	1 for each sleeping room and 2 for the owner/resident manager
Group child care homes	2 in addition to the 2 required for the residence
Housing for the elderly	1 for each unit and 1 for each employee on the largest shift
Manufactured Homes located in a Manufactured Housing Community	2 for each manufactured home site and 1 for each employee
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms and 1 for each employee
One-family and two-family	2 for each dwelling unit
<i>Commercial</i>	
Auto service station and repair	1 space per pump, plus 2 spaces per service bay, plus 1 for each employee, plus 1 for each 250 square feet of gross floor area devoted to retail sales
Auto body shop	1 space for each 500 square feet of gross floor area plus 1 space for each employee
Auto wash; auto reconditioning; auto cleaning	1 space per employee on the largest shift plus a minimum of 7 stacking spaces

Automobile, manufactured home, truck, recreational vehicle, boat and farm implement sales and rental	1 space per 500 square feet of showroom floor area plus 1 space per 2,000 square feet of outdoor sales area
Bank	1 per 200 square feet of gross floor area
Beauty parlor or barber shop	2 per chair
Bowling alley	5 spaces per lane
Dance Halls, Exhibition Halls, Pool Halls without fixed seats	1 per every 3 persons allowed within the maximum occupancy load
Dry cleaners	2 for every 1000 square feet of gross floor area
Furniture and appliance sales and service, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 850 feet of gross floor area
Greenhouse	1 space per 1,000 square feet gross floor area
Laundromats and coin-operated dry cleaners	1 for each 3 washing or dry cleaning machines
Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code
Medical and dental offices or similar offices	1 for each employee plus 1 for each examination room
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Funeral home; mortuary	1 per 3 persons based on maximum occupancy code plus one for each employee
Open air business	1 for each 600 square feet of lot area
Professional offices	1 for each employee plus 1 per 500 square feet gross floor area
Research, medical or optical laboratory	1 space per 350 square feet
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for every 2 persons of seating capacity plus 1 space per employee on the largest shift
Restaurants with drive-in, drive-through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive-through operation is present.
Retail sales unless otherwise specified herein; shopping center	1 space per 200 square feet

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

Taverns; cocktail lounges; and nightclubs	1 space per 100 square feet
Veterinary clinics; animal hospitals	3 for every employee plus 1 per examination room
<i>Institutional</i>	
Assisted living facility, Nursing Homes, Convalescent Homes	1 for every 2 dwellings plus 1 for each employee on the largest shift
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 4 seats or 8 linear feet of benches in the main unit, plus 1 for each employee. If no permanent seats are provided, then 1 space for each 35 square feet of gross floor area.
High Schools	1 for each teacher, employee, or administrator, and 1 for each 5 students
Elementary, middle, and junior high schools	1 for each teacher, employee, or administrator, plus 1 space for each 4 seats in the auditorium or 1 for each 35 square feet where no fixed seating exists in the auditorium. If no such auditorium exists, then 2 spaces per classroom in addition to that for each teacher, employee or administrator
Government offices; libraries; museums	1 for every 400 square feet of gross floor area
Hospitals	1 for every 2 beds plus 1 for every employee based upon the largest shift
Jails	1 space for each staff member plus 1 space for every 5 cells in addition to off-street loading spaces for delivery and transport vehicles.
Nursery schools, day nurseries, or child day care centers (non-residential)	1 for each employee plus 1 space for each 5 children of licensed authorized capacity or 1 space for every 10 children if adequate drop-off facilities are provided.
Post offices	1 space per official vehicle plus 1 space per employee on the largest shift plus 1 space per 200 square feet
Private clubs or lodges	1 for every 3 persons allowed within the maximum occupancy load as established by building or health codes

<i>Industrial</i>	
Industrial Establishments	1 space per employee on the largest shift, plus 1 space per 300 square feet of public office area
Mineral extraction, borrow pit, topsoil removal and storage	1 space per employee on the largest shift
Sanitary landfill or refuse dump; sewage, trash, garbage disposal or recycling plant	1 space per employee on the largest shift
Truck terminal	1 space per 1,000 square feet

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

Warehouse and/or storage building	1 space per 2,000 square feet
Water treatment or wastewater facility	1 space per employee on the largest shift
Wholesale establishments	1 space per 600 square feet plus 1 space per employee on the largest shift
Misc	
Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee
Boat Launch Ramps; Marinas	1 per boat slip plus 20 for launch ramps
Cemetery	1 space per employee on the largest shift
Golf Courses	4 spaces per hole plus 1 for each employee
Mini Golf Courses	2 spaces per hole plus 1 for each employee
Private club or lodge	1 space per 3 persons up to maximum capacity
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift

D. Off-Street Loading and Unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise on a regular basis, there shall be provided and maintained, on the lot, adequate space for standing and off-street loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

Required Off-Street Loading Berths

Off-Street Loading & Unloading	
Gross Floor Area	Loading & Unloading Space Required
0 – 4,999 square feet	None
5,000 – 20,000 square feet	One (1) space
20,001 – 50,000 square feet	Two (2) spaces
50,001 – 100,000 square feet	Three (3) spaces
100,001 and up	One (1) additional space for each additional 100,000 square feet

1. Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.
2. Such space may occupy all or any part of any required setback or court space, except the front yard.
3. Where an alley exists or is provided at the rear or side of buildings, loading spaces shall be computed from the center of the alley.
4. Loading areas shall be designed to provide internal drainage.

5. The Planning Commission may permit the modification of loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of these requirements.

E. Snow Storage Areas.

Snow storage areas shall be provided for all nonresidential uses as an unobstructed area of not less than ten (10) percent of the surface area of all paved or surfaced areas such as but not limited to: parking areas, loading and service areas, driveways, etc. Such area may be lawn or landscaped areas, parking lot divider strips, or tree planting areas in parking lots provided plantings are adequately protected. Snow storage areas shall not include public sidewalks and road rights-of-way.

F. Flexibility in Parking Requirements.

The Township recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to accommodate the specific parking needs of a particular use, prevent traffic congestion, prevent unauthorized parking on adjacent roads or a neighboring site, prevent excessive paving and stormwater runoff, and prevent the misuse of space which could otherwise be left as open space. For the purposes of this subsection, the approving authority is the Planning Commission for those uses which require Planning Commission approval and is the Zoning Administrator for those uses which require Zoning Administrator approval.

1. The approving authority for a specific use may permit deviations from the requirements of this Section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. The applicant may be required to provide documentation justifying the requested deviation.
2. The approving authority may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the approving authority may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed. No structure shall be permitted within the reserved area.
3. A deviation from this Section may only be granted upon the following findings:
 - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - b. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.

4. If the approving authority declines to allow the requested deviation, the applicant may appeal the decision to the Zoning Board of Appeals.

Section 3.22 Signs

A. Purpose.

The purpose of this Section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the mass communications needs of both businesses and other parties and creating a more attractive business environment. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this Section are intended to apply the minimum amount of regulation in order to protect property values and neighborhood character; create a more attractive business environment; promote pedestrian and traffic safety by reducing sign distractions, obstructions, and other hazards; promote pleasing community aesthetics; and protect the dark night sky.

B. Application of Regulations.

No sign, except those indicated in [subsection D.4](#) (below), shall be erected, altered, replaced, or relocated until approved by the Zoning Administrator and a sign permit issued. A property owner may maintain an existing conforming sign without a sign permit provided the type, size, shape, and height do not change and the classification of use as residential or non-residential remains the same.

C. Application Requirements.

Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:

1. Name, address, and telephone number of the applicant.
2. Location of building, structure, or lot to which the sign is to be attached or erected.
3. Site plan showing the location of the sign and nearby structures.
4. Two (2) blueprints or drawings of the plans and specifications and methods of construction and attachment to the building or in the ground.
5. Name of person, firm, corporation, or association erecting structure.
6. Written consent of the owner where the sign is to be erected on vacant land.
7. Such other information as the Zoning Administrator shall require to show full compliance with this and all other ordinances of the Township.
8. Fee as described in the currently adopted fee schedule.
9. In all cases where wiring is to be used in connection with the sign, it shall comply with the National Electrical Code and the necessary permits shall be obtained.

D. Approval Procedures.

1. **Sign Permit.** It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and, if it shall appear that the proposed structure is in compliance with all requirements of this Ordinance, the permit shall be issued.
2. **Sign Permit Fee.** It shall be unlawful for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Zoning Administrator for such erection or alteration, and a permit fee paid according to the schedule shall be established from time to time by resolution of the Township Board.
3. **Sign Permit Revocable At Any Time.** All rights and privileges accrued under the provisions of this Ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within twelve (12) months after the date of issuance, said permit shall become null and void.
4. **Signs Which Do Not Require a Permit.** The following signs are permitted in all districts except where restrictions are indicated, in accordance with the provisions of this Section, and shall not require permits for erection:
 - a. On nonresidential property, permanent, freestanding accessory signs that do not exceed six (6) square feet each.
 - b. Wall signs not exceeding two (2) square feet in area.
 - c. Plaques when cut into any masonry surface or when constructed of non-ferrous metal and attached to a building.
 - d. Signs erected by an official governmental body, public utility, or historic agency.
 - e. Flags.
 - f. Signs erected by any organization, firm, or corporation which is charged with warning the public of dangerous conditions and unusual hazards including but not limited to road hazards, high voltage, fire danger, explosives, severe visibility, etc.
 - g. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain moving parts or lights.
 - h. Signs less than two (2) square feet in size and located on the perimeter (along a zoning lot boundary).

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

- i. Awning signs, canopy signs, and marquee signs.
- j. Permanent signs on accessory structures such as gas pumps or storage sheds.
- k. Banners across public rights-of-way subject to any terms or conditions the Township Board or its designee deems appropriate.
- l. Temporary signs or attention-getting devices.
- m. Signs in windows.
- n. Bulletin boards erected by public, charitable, or religious institutions when they are located on the premises of such institutions.
- o. Signs not visible to motorists or pedestrians on any road, alley, water body, public lands, or adjacent lots.
- p. Signs required by law.

E. General Sign Standards.

1. **Signs in Right-of-Way.** No sign, except those established and maintained by township, county, state or federal governments, shall be erected in, nor project into, or overhang a right-of-way except as otherwise allowed in this Ordinance. The owner of any sign which has been removed by the Township from the right-of-way because it is in violation of this provision shall pay to the Township the sum of Five Dollars (\$5.00) before recovering said sign. If any sign is not claimed within thirty (30) days, it shall be destroyed.
2. **Signs Not to Constitute a Traffic Hazard.** No sign shall be erected at the intersection of any roads in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
3. **Signs Affixed to Nontraditional Surfaces.** No sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects except signs of any political subdivision of this State. No sign shall be affixed to a fence without first being approved by the Zoning Administrator as meeting a special purpose. No sign shall be affixed to a stationary motor vehicle or other similar object not usually used for signage and put on non-mobile display.
4. **Illumination/Glare.** Internally and externally lighted reflective, glowing, and other forms of illumination shall be permitted on all signs except where specifically prohibited. All illumination shall be concentrated on the area of the sign or landscape feature or directed or shielded so as to not interfere with the vision of persons on the adjacent roads or adjacent property. Illumination shall not constitute a traffic hazard.

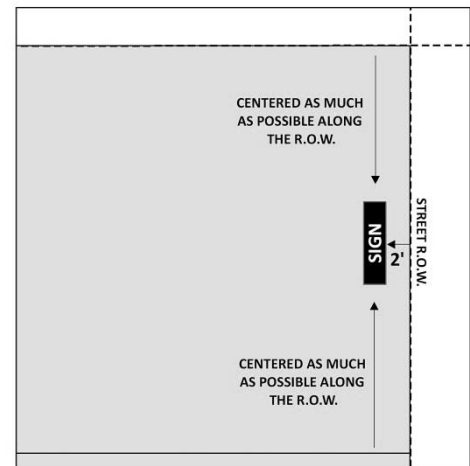
No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code.

5. **Flashing/Moving Signs.** Illuminated signs shall not be of the flashing, moving, or intermittent type unless elsewhere allowed in this Ordinance or approved by the Zoning Administrator, who shall find that the lighting is non-glaring and does not interfere with traffic control devices.
6. **Obstructions to Doors, Windows, and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
7. **Free-Speech/Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
8. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.
9. **Sign Construction.**
 - a. No nails, tacks, or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the structure. Signs shall be comparable to a professionally designed and constructed sign.
 - b. All pylon signs shall be securely built, constructed, and erected upon posts and standards sunk at least forty-two (42) inches below the material surface of the ground embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment. A lightning grounding device shall be provided.
 - c. **Sign Face Elements.** All letters, figures, characters, or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
 - d. **Distance between Faces.** The distance measured between the principal faces of any freestanding sign shall not exceed eighteen (18) inches.
 - e. Non-rigid material which is used to cover an existing permanent sign shall be placed on the sign on a temporary basis not to exceed six (6) months. Such material shall not be considered a temporary sign and shall not be affixed permanently to the sign.

10. **Sign Maintenance.** The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.

- a. All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be maintained in good working order, and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, materials, and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes, and wiring used in the illumination of the sign must be well maintained and in good repair.
- b. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary, and healthful condition.

11. **Sign Setbacks.** Primary, permanent freestanding signs shall be set back at least two (2) feet from the lot line and shall be centered as much as possible along the road frontage.



12. **Size Limitations, General.**

- a. Size limitations apply to the sign face only, not the support structure.
- b. **Multi-Sided Signs:** In the case of a sign with more than two (2) sides, the applicable square footage for a two (2) sided sign shall apply.
- c. The base upon which a monument sign is erected shall not count toward the allowable sign area but shall count toward the allowable sign height.

F. **Sign Regulations, Specific.**

Signs are permitted per zoning lot according to [Table 3.22](#). The existence of a particular sign type does not preclude the existence of other sign types on the same lot.

- 1. **Allowable Sign Size Increase.** The Planning Commission may increase the allowable sign sizes and heights listed in this Section by up to fifteen (15) percent. The following factors shall be considered by the Planning Commission when determining allowable increases:
 - a. Relationship of the sign to surrounding properties and rights-of-way.
 - (1) Compatibility with adjacent land uses and signs.

- (2) Visibility of neighboring signs or buildings.
- (3) Visibility and legibility of the sign for pedestrian and vehicular traffic.
- (4) Lighting trespass impacts.
- b. Relationship of the sign to features on the site of the sign installation.
 - (1) Suitability of the sign and its location relative to particular site characteristics such as yard areas, vegetation, topography, and the like.
 - (2) Compatibility of the sign with the size, location, and character of the main building(s) on-site.
 - (3) Impact of the sign upon on-site vehicular and pedestrian circulation.
- c. Impacts of the sign on public safety.
 - (1) Visibility of traffic safety devices.
 - (2) Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.
 - (3) Impacts of sign lighting upon vehicular traffic.
 - (4) The safety of the placement of the sign.

If the applicant is denied a sign size increase by the Zoning Administrator or if the requested size increase exceeds fifteen (15) percent, the applicant may appeal to the Zoning Board of Appeals using the standards listed above.

NOTE: All standards are maximums unless indicated otherwise

Table 3.22 A – Residential Uses - All Districts

Sign Type	Single-Family & Two-Family Uses	Uses: Multiple-Family, Subdivisions, Residential Developments & Manufactured Housing Communities
Primary Sign, Freestanding <i>(permanent)</i>	<p>Size: 12 sq ft</p> <p>Number Allowed: 1 per dwelling unit</p> <p>Height: 4 ft</p>	<p>Size: 32 sq ft</p> <p>Number Allowed: 1 double-sided or 2 single-sided per entrance</p> <p>Height: 6 ft</p>
Wall Signs (Primary) <i>(permanent)</i>	<p>Size: 4 sq ft</p> <p>Number Allowed: 1 per dwelling unit</p>	<p>Size: Can occupy 25% of one wall.</p> <p>Number Allowed: 1</p>
Temporary Signs	Total square footage of all temporary signage shall not exceed 32 sq ft	
Digital or Static Message Boards <i>(permanent)</i> <i>(see subsection K below)</i>	Not allowed	
Cluster Signs <i>(permanent)</i>	Not allowed	
Projecting Signs <i>(permanent)</i>	Not allowed	
Large Off-Premise Signs (Billboards) <i>(see subsection L below)</i>	Not allowed	
Small Off-Premise Signs	Not allowed	
Attention-Getting Devices	Number Allowed: 1 per zoning lot (does not count toward the limit of temporary signs)	

NOTE: All standards are maximums unless indicated otherwise

Table 3.22 B – Uses: Commercial, Governmental, Industrial, & Commercial Farms

Sign Type	Commercial & Governmental Districts	Industrial District	Nonresidential Uses & Commercial Farms in R-1, R-2, FF, and FR District
Primary Sign, Freestanding <i>(permanent)</i>	Size: 40 sq ft Number Allowed: 1 per road frontage Height: 8 ft	Size: 100 sq ft Number Allowed: 1 per road frontage Height: 12 ft	Size: 24 sq ft Number Allowed: 1 Height: 6 ft
Wall Signs (Primary) <i>(permanent)</i>	Wall signs can occupy at equivalent of 25% of one (1) wall. See subsection G .		
Temporary Signs	Total square footage of all temporary signage shall not exceed 32 sq ft (including portable signs and A-frame signs) Portable Changeable Copy Message Board: 1 allowed at 32 sq ft A-Frame Sign: 1 per road frontage allowed at 2 ft wide X 4 ft high See subsection J .		
Digital or Static Message Boards <i>(permanent)</i> <i>(see subsection K below)</i>	Size: 32 sq ft Number Allowed: 1 Height: 8 ft	Size: 32 sq ft Number Allowed: 1 Height: 12 ft	Size: 32 sq ft Number Allowed: 1 Height: 6 ft Static Message Center Only
Cluster Signs <i>(permanent)</i>	A development containing multiple buildings, separate parties, tenants, or uses shall be considered a single development and shall adhere to the following, regardless of the number of buildings, separate parties, tenants, or uses contained therein. The primary sign in the cluster shall not exceed the maximum square footage for an allowable freestanding primary sign in each district. Each tenant shall be allowed an additional individual sign of fifteen (15) square feet/side to be incorporated in the cluster sign. The total allowable height of the sign cluster shall be twenty (20) feet.		
Projecting Signs <i>(permanent)</i>	Size: 10 sq ft Number Allowed: 1 Height: 8 ft minimum above the ground or public sidewalk and 15 ft above a driveway, alley, or road.		
Large Off-Premise Signs (Billboards)	See subsection L		
Small Off-Premise Signs	See subsection M		
Attention-Getting Devices	Number Allowed: Unlimited (does not count toward the size limits of temporary signs)		

G. Walls Signs – Additional Standards.

1. **Materials Required.** All wall signs shall have a surface or facing of noncombustible material.
2. **Limitation on Placement.** No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
3. **Projection and Height.** No wall sign shall have a greater thickness than twelve (12) inches measured from the wall to which it is attached to the outer surface. Wall signs may project over the public right-of-way not to exceed twelve (12) inches and shall not extend below a minimum height of eight (8) feet above the ground level.
4. **Supports and Attachments.** All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, strips of wood, or nails.

H. Projecting Signs – Additional Standards.

1. The Planning Commission may authorize a sign to project into the public right-of-way.
2. The distance measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.
3. Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
4. All projecting signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, supports, rods, or braces.

I. Marquee, Awning or Canopy Signs – Additional Standards.

1. Signage shall be attached directly to the marquee, awning, or canopy.
2. Letters shall not project above, below, or beyond the physical dimensions of the awning or canopy.
3. A marquee may extend above the building to which it is attached.
4. No marquee, awning, or canopy sign shall extend below a minimum height of eight (8) feet.
5. Every marquee sign shall be constructed entirely of noncombustible materials.

- 6. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods, braces, or other means as approved by the Zoning Administrator.

J. A-Frame Signs – Additional Standards.

- 1. No more than one (1) sign per business per road frontage.
- 2. Shall be constructed of durable materials.
- 3. Sign shall be removed when business is closed.
- 4. Shall be located on or adjacent to the lot in which the business it is advertising is located.
- 5. Sign shall not be illuminated.
- 6. Shall count toward the maximum number of temporary signs permitted at any one time on a property.
- 7. Sign may be located in a right-of-way as a directional off-premise sign upon approval by the Zoning Administrator.

K. Digital Message Centers.

- 1. A digital message center shall be allowed to have changing messages, scrolling messages, and animation, but shall not be allowed to contain flashing elements.
- 2. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect the safe vision of pedestrians or operators of vehicles on public or private roads, driveways, or parking areas.
- 3. A digital message center shall contain a default mechanism that freezes the sign in one (1) position if a malfunction occurs.
- 4. A digital message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
- 5. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered a digital message center and shall be subject to all provisions of this Ordinance.

L. Large Off-Premise Signs.

The regulation of off-premise signs is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's

attention and blockage of sight distances. Off-premise sign regulations address the location, size, height, and related characteristics of such signs. Off-premise advertising signs require a Special Use Permit.

1. **Area and Height Limitations.** No off-premise sign may be erected or maintained of a greater surface area than three hundred (300) square feet for each side of such sign. The top of the sign shall be no more than fifteen (15) feet above the ground and the bottom of the sign shall be at least three (3) feet above the ground. Double-faced off-premise sign structures (i.e., structures having back-to-back faces) and V-type structures having only one (1) face visible to traffic proceeding from any given direction on a road shall be considered as one (1) off-premise sign.
2. **Location.** Static and digital off-premise signs may be erected only in the Commercial and Industrial Districts. No off-premise sign may be erected or maintained within fifty (50) feet of road right-of-way lines at any road intersection and shall have a minimum setback from the front lot line of twenty-five (25) feet. No off-premise sign shall be installed or placed on top of, cantilevered, or otherwise suspended above the roof of any building.
3. **Spacing.** Off-premise signs shall be located no closer to one another than two thousand (2,000) feet.
4. **Construction.** All off-premise signs shall have a surface or facing of non-combustible material and shall be securely constructed and erected upon posts and standards sunk at least four (4) feet below the natural surface of the ground. All posts, anchors, and bracings of wood shall be treated to protect them from moisture by creosoting or other approved methods where they rest upon or enter the ground.
5. **Illumination.** An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent road, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
6. **Maintenance.** The site upon which the off-premise sign is placed shall be maintained by the owner thereof in clean, sanitary, and inoffensive condition and free and clear of all noxious substances, rubbish, and weeds.
7. **Digital Large Off-Premise Signs.**
 - a. **Rate Of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per eight (8) seconds. Each change shall be completed in one (1) second or less.
 - b. **Luminance.** The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance of one hundred fifty (150) feet for those sign faces less than or equal to three hundred (300) square feet.

- c. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.
- 8. An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An off-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).
- 9. An off-premise sign, as defined in the [Highway Advertising Act \(1972 PA 106](#), as amended) bordering interstate highways, freeways, or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.

M. Small, Private Off-Premise Signs On Private Property.

Private off-premise signs shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with the Township of Sanborn.

- 1. Small off-premise signs shall be no greater than six (6) square feet.
- 2. Small off-premise signs must be located at intersections.
- 3. One (1) small off-premise sign is permitted per commercial or industrial zoning lot.

N. Private Off-Premise Signs in the Public Right-Of-Way.

Private A-frame signs may be allowed in the public right-of-way. The following regulations shall apply:

- 1. Signs shall be approved by the Township Board.
- 2. Signs shall be removed each night.
- 3. Maximum size two (2) feet wide by four (4) feet in total height for each panel with a maximum of two (2) panels per sign.

O. Nonconforming Signs.

- 1. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.

2. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. No illumination may be added to any nonconforming sign.
3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.
4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
5. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
6. If a nonconforming off-premise sign remains blank for a continuous period of one hundred eighty (180) days, that off-premise sign shall be deemed abandoned and shall be subject to subsection P.

P. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:
 - a. The sign is located on a property on which the use has been abandoned.
 - b. The sign has remained blank over a period of one (1) year (or one hundred eighty (180) days for abandoned non-conforming signs).
 - c. The sign’s message becomes illegible in whole or substantial part.
 - d. The sign has fallen into disrepair.
2. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign has not been removed upon the expiration of thirty (30) days from the date of the second notice, the Township may pursue enforcement of this Ordinance.

Q. Removal of Unsafe or Damaged Signs.

In the event that any sign becomes insecure, in danger of falling, unsafe, or damaged, the owner or lessee shall, within ten (10) days of receipt of a written notice from the Zoning Administrator that the sign is in violation of this Ordinance, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists.

R. Severability Clause For Signs.

Provisions of this Section shall be deemed to be severable, and should any section, subsection, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular lot, lot use, building, or structure, such ruling shall not affect the application of said provision to any other lot, lot use, building, or structure not specifically included in said ruling.

Section 3.23 Nonconforming Structures, Uses & Lots

A. Intent.

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage them. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Elimination of Nonconformities.

The existence of nonconforming uses and structures is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the Township as expressed in this Ordinance to discontinue nonconforming uses and structures in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses which constitute a nuisance or are detrimental to the public health and general welfare, Sanborn Township, pursuant to Section 208 (3) and (4) of **2006 PA 110**, as amended, may acquire by purchase; condemnation or otherwise private property for the removal of nonconforming uses and structure; provided, however, that such

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

property shall not be used for public housing. The Township Board may, in its discretion provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof be assessed to a special district.

C. Change in Tenancy or Ownership.

There may be a change of tenancy, ownership, or management of any existing nonconformities which does not alter the nonconforming status.

D. Nonconforming Structures.

Where a lawful structure exists on the effective date of adoption or amendment of this Ordinance which could not be built under the requirements of this Ordinance by reason of restrictions in area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued subject to the following provisions:

1. Maintenance of Nonconforming Structures.

- a. Nothing in this Ordinance shall prevent such necessary repairs, reinforcement, and incidental alterations of a nonconforming structure existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code in effect in Alpena County relative to the maintenance of structures.
- b. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the [Americans with Disabilities Act](#). Nothing in this Ordinance shall prevent any alteration, improvement, or repair as required by the [Health Department](#) as necessary to protect the public health, safety, and welfare.

2. Alterations To Nonconforming Structures.

- a. Alterations to a nonconforming structure are permitted, however, no nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- b. Should such structure which is nonconforming due to setbacks be moved for any reason for any distance whatsoever, it shall thereafter conform to the setback regulations for the district in which it is located after it is moved.
- c. The Zoning Board of Appeals may allow an alteration, extension, or enlargement of a nonconforming structure which does increase the nonconformity provided that it is shown that such alteration, extension, or enlargement:

- (1) Will not further reduce the value or otherwise limit the lawful use of adjacent premises.
- (2) Will essentially retain the character and environment of abutting premises.
- (3) Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion, land overcrowding, and related).

3. Damage or Total Destruction of Nonconforming Structures.

- a. In the event any nonconforming building or structure shall be damaged by fire, wind, or an Act of God or the public enemy, the same shall be permitted to be rebuilt provided it does not exceed the size, floor area, height, and placement of the original building or structure. Restoration of a nonconforming structure pursuant to this subsection shall not increase the degree of nonconformance or noncompliance existing prior to such damage.
- b. In the event that a nonconforming building or structure or portion thereof is willfully removed, the nonconformity shall not be re-established and the building or structure shall conform to this Ordinance.
- c. A nonconforming building or structure may be lifted up and have its foundation replaced without altering its nonconforming status.

E. Nonconforming Uses of Land.

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. Expansion of Nonconforming Use.

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except for the following:
 - (1) The expansion of a nonconforming use may be permitted using the Special Use approval procedures under the following additional conditions (the Special Use standards in [Section 6.2](#) do not apply):
 - (a) Any permitted expansion shall not be for the accommodation of any type of use or activity which is not currently engaged in within the existing structure.
 - (b) No expansion shall reduce or eliminate any Ordinance requirements regarding setback, open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height,

pollution, or other safeguards or protection requirements.

- (c) Any expansion of a structure or use permitted hereunder shall terminate at the time of termination of the original nonconforming use or structure and shall not be allowed to continue independently of such original use or structure.
- (d) Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations, or conditions pertaining to the existing nonconforming use or structure which shall remain in full force and effect.

(2) The erection of any accessory building, including a private garage incidental to an existing dwelling.

b. Any nonconforming use may be extended throughout any parts of a *building* which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance.

2. **Destruction of Nonconforming Use.** In the event any nonconforming use of a building or use of land shall be damaged by fire, wind, other natural disaster or Act of God, the public enemy, or willful removal of a structure, it may be rebuilt or restored.

3. **Change of Nonconforming Use.** Any nonconforming use may be changed to another nonconforming use provided the new use is equally or more appropriate to the district than the existing nonconforming use. The Planning Commission shall have the authority to make the determination of whether a new use is more appropriate based on an evaluation of whether or not the new use will cause nuisance conditions to adjacent property owners due to the separation distance of the use, screening, and operating conditions of the use.

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

- a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
- b. Whether the property, buildings, and grounds have fallen into disrepair.
- c. Whether signs or other indications of the existence of the nonconforming use have been removed.
- d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.

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

F. Nonconforming Lots.

Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that setbacks or other requirements not involving area or width of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

Section 3.24 General Exceptions

A. Essential Services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. Utility facilities, including transformers, pump stations, substations, and buildings necessary to house utility equipment (“Utility Improvements”), shall be a permitted use in any district when the locating of such Utility Improvements are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. When this is the case, this Section shall supersede the **Tables of Permitted and Special Uses in Article 4**. Utility Improvements shall undergo site plan review pursuant to **Article 5** and shall adhere to setback requirements of the district in which they are proposed to be located. Screening may be required pursuant to **Section 3.20**. This Section shall not apply to storage yards and office buildings.

B. Voting Place.

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

C. Access Through Yards.

For the purpose of this Ordinance, access drives may be placed in the required front or side setbacks so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side setbacks. Further, any walk, terrace, or other surface servicing a like function, and not in excess of twelve (12) inches above the grade upon which placed, shall, for the purpose of this Ordinance, not be considered to be a structure, and shall be permitted in any required setback.

Section 3.25 Pets & Livestock

- A. Domestic household pets, including dogs, cats, birds, and fish, but not including poisonous or dangerous reptiles, wild or dangerous animals may be kept as an accessory residential use on any premises without a

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

zoning permit, but subject to state and county canine licensing requirements.

B. Livestock in R-1 and R-2.

The raising and keeping of livestock is prohibited on properties in the R-1 and R-2 Districts. The Planning Commission may make special provisions for 4-H projects and similar activities so long as:

1. Adequate space shall be provided for the clean and healthful keeping of such animals.
2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
3. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.

C. Livestock in FF and FR.

The raising and keeping of livestock is allowed in the FF and FR Districts. In addition:

1. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.

D. Chickens, Ducks, Turkeys, and Geese on Category 4 Sites in R-1 and R-2.

Chickens, ducks, turkeys, guineafowl, or geese may be kept on lots in the R-1 and R-2 Districts which are classified as Category 4 sites by the [Michigan Department of Agriculture and Rural Development’s “GAAMP for Site Selection and Odor Control for New and Expanding Livestock Facilities.”](#) This shall be considered a Permitted Use with Zoning Administrator approval.

1. Roosters are prohibited.
2. Chickens, ducks, turkeys, guineafowl, or geese must be kept in and confined in a properly designed and constructed coop or a fenced and covered enclosure, which may be located only in the rear yard of the property.
3. Each fenced and covered enclosure shall be designed with adequate yard space for each bird, and the coop and the fenced and covered enclosure combined shall not cover more than fifty (50) percent of the rear yard. Enclosures must be clean and resistant to predators and rodents.
4. Enclosures shall be located at least twenty-five (25) feet from any lot line.
5. No chickens, ducks, turkeys, guineafowl, or geese shall be kept on zoning lots with more than one (1) dwelling.

Section 3.26 Groundwater Protection

These provisions apply to persons, businesses, or entities that use, generate, or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current **USEPA** and/or State of Michigan standards and applicable sections of the Michigan Building Code, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the Township as part of the site and plan review process.

- A. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.27 Private Roads

A. Driveways Which Provide Access to One (1) Lot.

Driveways that provide access to one (1) lot shall meet the following standards:

1. Access to the main buildings(s) shall require a driveway which has fifteen (15) feet horizontal and twelve (12) feet vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (this Section does not cover or require snow removal).
2. A vehicle turn-around area shall be provided within one hundred (100) feet of the main buildings(s) capable of handling thirty (30) foot vehicles (Minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. County or townships cannot be held responsible for non-maintenance of access.

B. Easements Which Provide Access to Two (2) to Four (4) Lots.

1. Easements that provide access to at least two (2) but not more than four (4) lots shall meet the following standards:

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

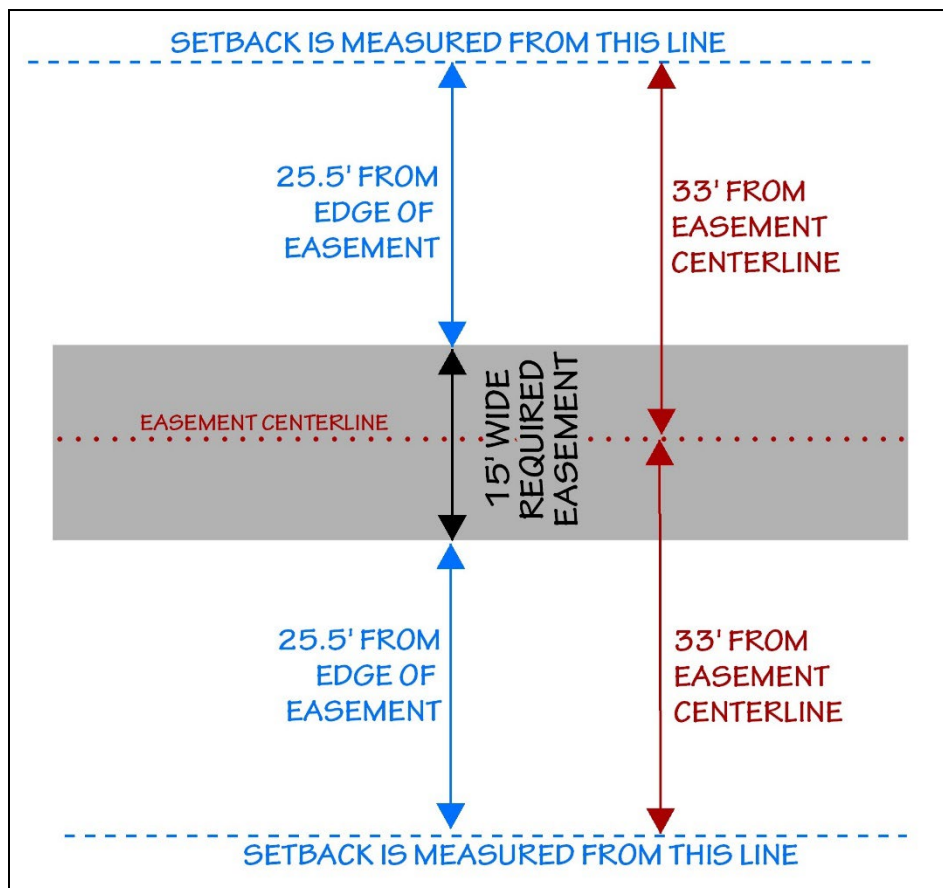
7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

- a. Access to the main buildings(s) shall require an easement which has fifteen (15) feet horizontal and twelve (12) feet vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (this Section does not cover or require snow removal).
 - b. A vehicle turn-around area shall be provided within one hundred (100) feet of the main buildings(s) capable of handling thirty (30) foot vehicles (minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. County or townships cannot be held responsible for non-maintenance of access.
2. **Setbacks.** For the purposes of measuring building setbacks for zoning permits on easements providing access to two (2) to four (4) lots, the following process shall be used: from the edge of the fifteen (15) foot wide easement, twenty-five and a half (25.5) feet shall be added and the setback shall be measured from that point (or thirty-three (33) feet from the easement centerline). See diagram below:



C. Nonconforming Private Roads.

In the case of private roads built prior to this Ordinance, such roads may be used but the use may not be increased without coming into compliance. No zoning permit shall be issued for additional development utilizing a nonconforming private road until the existing private road is in compliance with the standards of this Section. In cases where the nonconforming road cannot comply with the standards of this Ordinance, the Planning Commission shall have the authority to waive particular standards of this Section, where the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of the private road provisions will still be achieved.
3. No nuisance will be created.

D. Private Roads.

Private roads, providing access to five (5) or more lots, are permitted provided they conform to the requirements of this Section. No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. **Private Road Standards.** The proposed private road shall meet the following standards:
 - a. All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current **County Road Commission's** designated right-of-way width for local residential roads, whichever is greater. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. If a private road is proposed to become a public road in the future, the road must meet **County Road Commission** design standards and be constructed to those standards prior to acceptance by the Road Commission.
 - b. The maximum grade for roadways shall be seven (7) percent. The maximum grade within one hundred (100) feet of an intersection shall be five (5) percent.
 - c. No fence, wall, sign, landscape screen, or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve or within twenty (20) feet of the right-of-way of a road.
 - d. No more than twenty (20) lots may gain access to a single private road if only one (1) point of intersection is provided between the private road and a public road. No more than fifty (50) lots may gain access to a private road where two (2) or more points of intersection are provided between

the private road and public roads. Where more than fifty (50) lots are served, the road shall be a paved road built to **County Road Commission** standards.

- e. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public road or private road.
 - (1) Not more than four (4) lots shall have frontage on a cul-de-sac.
 - (2) The minimum radius for circular cul-de-sacs roadway is sixty-six (66) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is not less than twenty-five (25) feet in width.
- f. Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.
- g. Construction authorization from the **County Road Commission** is required for connection to a road under the Commission's jurisdiction, and from the **Michigan Department of Transportation** if connected to a state trunkline. When applicable, a permit is also required from the county under **Part 91 of the Natural Resources and Environmental Protection Act, 1994 PA 451 (Soil Erosion and Sedimentation Control)**.
- h. Intersections of private roads with public roads shall be at an angle, as close to ninety (90) degrees as possible, but in no case shall it be less than eighty (80) degrees or more than one hundred (100) degrees.
- i. Private roads shall have a six (6) inch compacted 22A gravel base or a four (4) inch pit-run gravel base, with an additional four (4) inches of 22A gravel, or a paved surface. The gravel or paved surface shall have a width of at least twenty-two (22) feet with shoulders of five (5) feet on each side, totaling thirty-two (32) feet.
- j. Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing county or state road stormwater system, the stormwater plan for the private road shall be submitted to the **County Drain Commissioner** and the **County Road Commission, Michigan Department of Transportation**, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.
- k. Lots fronting on private roads shall meet the required front setback and lot width for the zoning district where located.

2. **Road Construction Approval Procedures.** No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.
- a. Application for approval of a private road shall include ten (10) copies of a site plan sealed by a professional engineer showing:
 - (1) Existing and proposed lot lines.
 - (2) The location of existing and proposed structures.
 - (3) The width and location of the private road easement.
 - (4) A cross-section of the proposed road, showing the type of material the road base and surface will consist of.
 - (5) Utility plans including the location and size/capacity of stormwater drainage systems, sewer or septic system, water lines or private wells, and private utilities such as telephone, electric, and cable service.
 - (6) Any existing or proposed structures, trees, or other obstructions within the proposed right-of-way.
 - (7) All divisions of land shall be in compliance with this Ordinance.
 - (8) If the grade exceeds five (5) percent the above-listed site plan shall be sealed by an engineer.
 - b. All plans as submitted for approval shall show the private road easement including a legal description, and must include the grade for these roads (if the grade exceeds five (5) percent).
 - c. Road maintenance agreement or covenants running with the land signed by the proprietor(s) shall be recorded with the Township Clerk and the **County Register of Deeds** providing for:
 - (1) A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
 - (2) A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - (3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Township road standards for private roads and assess owners of lots on the private road for the improvements, plus an administration fee in the amount of twenty-five (25) percent of the total costs.

(4) No public funds of Township will be used to build, repair, or maintain the private road.

d. Road easement agreement signed by the proprietor(s) shall be recorded with the Township Clerk and the **County Register of Deeds** providing for:

(1) Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.

(2) A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons and others bound to or returning from any of the properties having a need to use the road.

3. Application Review and Approval or Denial.

a. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the **County Drain Commissioner**, to the **County Road Commission** if connected to a county public road and to **MDOT** if connected to a state trunkline for review and comment. The proposed road maintenance agreement, road easement agreement, and covenants running with the land shall be sent to the Township Attorney for review and comment.

b. **County Road Commission, MDOT, County Drain Commissioner**, Emergency Services and Fire Protection agencies, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road.

c. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.

d. The Zoning Administrator may arrange for inspections by an Engineer during construction or, and upon completion of the private road.

4. **Failure to Perform.** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the **County Road Commission, MDOT**, or the Township in its standards and specifications for road construction and development.

5. **Issuance of Building Permits for Structures on Private Roads.** No building permit shall be issued for a structure on any private road until the construction of such private road is given final approval by the Zoning Administrator.

- 6. **Posting of Private Roads.** All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners’ association or proprietors. The applicant shall check with the County Emergency Services Department to avoid a duplication of road names.
- 7. **Notice of Easements.** All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
 - a. This lot has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.
 - b. This notice is to make purchaser aware that this lot has ingress and egress over this easement only.
 - c. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.
 - d. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.
- 8. **Fees.** Before final approval, an application fee established by the Township Board and the cost for the Township Engineer to review the plans and inspect the construction shall be paid by the proprietor(s).
- 9. **Final Construction Approval.** The Zoning Administrator shall grant final construction approval of a private road upon inspection and finding that the road is constructed according to the approved permit.
- 10. **Setbacks.** For zoning permit purposes on private roads, setbacks shall be measured from the edge of the private road right-of-way.

Section 3.28 Garage Sales, Yard Sales, Rummage Sales & Auctions

Not more than four (4) garage sales, yard sales, rummage sales, or auctions shall be conducted on a zoning lot during a calendar year. Said garage sale, yard sale, rummage sale, or auction shall not exceed four (4) days duration. No sale merchandise shall be brought onto the premises for the sale, except in cases where multiple families are conducting a joint sale or auction. Garage sales, yard sales, rummage sales, or auctions that occur on a residential property more than four (4) times in a calendar year shall be considered a Cottage Industry and shall comply with the regulations therein.

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

Article 4 District Regulations

Sec	Name	Pg
4.0	Creation of Zoning Districts	4-1
4.1	Zoning Map	4-1
4.2	Zoning District Boundaries	4-2
4.3	Zoning of Annexed, Vacated or Filled Areas	4-2
4.4	Application of District Regulations	4-3
4.5	(R-1) One-Family Residential District	4-6
4.6	(R-2) General Residential District	4-10
4.7	(FR) Forest Recreational District	4-14
4.8	(FF) Farm & Forest District	4-18
4.9	(B-1) Restricted Business District	4-24
4.10	(B-2) General Business District	4-29
4.11	(I) Industrial District	4-35
4.12	Full Table of Permitted & Special Uses	4-40
4.13	Zoning District Descriptions	4-51

Section 4.0 Creation of Zoning Districts

Sanborn Township is hereby divided into the following zoning districts:

Sanborn Township Zoning Districts	
R-1	One-Family Residential District
R-2	General Residential District
FR	Forest Recreation District
FF	Farm & Forest District
B-1	Restricted Business District
B-2	General Business District
I	Industrial District

Section 4.1 Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Sanborn

Township Zoning Map" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance. The official Zoning Map shall be located in Sanborn Township Hall and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and Planning Commission Chair. See [Section 4.13](#) for text descriptions of zoning districts.

Section 4.2 Zoning District Boundaries

The boundaries of these districts are hereby established as shown on the "Sanborn Township Zoning Map", which accompanies this Ordinance, and which with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

- A. Boundaries indicated as approximately following the center lines of roads, streets, highways, or alleys, shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
- D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- F. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.
- G. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

Section 4.3 Zoning of Annexed, Vacated or Filled Areas

A. Annexed Areas.

Whenever any area is annexed to Sanborn Township, one of the following conditions will apply:

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

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve the same.
2. Land not zoned prior to annexation shall be automatically classified as R-1 District until a Zoning Map for said area has been adopted by the Township Board. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the Township Board.

B. Vacated Areas.

Whenever any road or other public right-of-way within Sanborn Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of an abandoned right-of-way which also served as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line, and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

C. Filled Areas.

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

Section 4.4 Application of District Regulations

A. General.

1. Lot area, lot width, setbacks, floor area, and height limitations for main buildings, erected, altered, removed, or enlarged after the effective date of this Ordinance must conform to the standards shown in the individual district regulations tables found within this Article.
2. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.

B. Application of Use Regulations.

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

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the specific zoning district table or **Table 4.12** or are similar to such listed uses, as determined by the Planning Commission.
2. **Special Uses.** Special Uses are permitted after review and approval by the Planning Commission only if specifically listed as a Special Use in the specific zoning district or **Table 4.12** or are similar to such listed uses, as determined by the Planning Commission.
3. **Unlisted Uses.** The Township Planning Commission shall have the power, on written request of a property owner in a zoning district, to classify a use not listed with a comparable permitted use or Special Use in the district. Petition for such classification shall be made through the office of the Zoning Administrator. If it is determined, by the Planning Commission, that there is no comparable use, then the use shall be allowed only by amendment of this Ordinance.

C. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every new lot shall meet the minimum lot width requirements set forth in this Article and shall have frontage on and/or access to a public road.
3. **Lot Width Measurement.** Lot width is the horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

D. Application of Setback Regulations.

1. **Official Setback Lines.** Setback shall be measured from the foundation of the building.
2. **Corner Lots.** In the case of a corner lot, the front lot line is that line separating said lot from the road that is designated as the front road in the plat and in the application for a zoning permit.
3. **Through Lots.** Through lots shall have a front yard on each adjacent road. In the case of a row of through lots, all yards of said lots adjacent to roads shall be considered frontage, and front setbacks shall be provided as required.
4. **Water Frontage Lots.** On all lots abutting lakes or streams, the line separating the lot from the ordinary high water mark and the lot line abutting the road shall both be considered a front lot line.

E. Application of Height Regulations.

1. Building height is measured from the established grade.

2. The height limitations of this Ordinance shall not apply to any portion of a structure that could not be used for living or commercial space such as chimneys, church spires, flag poles, and public monuments; provided, however, the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Use.
3. The height limitations of this Ordinance shall not apply to ground mounted amateur radio transmitting and receiving towers.
4. These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, wireless support structures and related facilities which are regulated by [Article 7: Supplemental Regulations](#).

Section 4.5 (R-1) One-Family Residential District

R-1

A. Intent.

This residential district is designed to provide for one-family dwelling sites and residentially-related uses. This district is designed to accommodate a series of support uses typically regarded as part of the structure of low to medium-density neighborhoods. These support uses contribute to neighborhood amenities by providing cultural, religious, or educational services to residents. The uses permitted by right and as Special Uses are intended to promote a compatible arrangement of land uses for homes keeping neighborhoods quiet and free of unrelated traffic influences.

B. Uses Permitted by Right & Special Uses.

Permitted and Special Uses shall be limited to the following table (also listed in [Section 4.12: Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Uses](#), and [Article 7: Supplemental Development Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1
Accommodation & Food/Event Services	
Bed & Breakfasts/Tourist Homes §7.3	S
Cabin Courts	S
Resorts; Vacation Lodges & Farms	S
Short Term Rentals	S
Agriculture, Animal Services & Forest Products	
Farm Markets - on property controlled by the affiliated farm	P
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	P
Roadside Stands - on property not controlled by a farm §3.7.A.15	P
Arts, Entertainment & Recreation	
Boat/Canoe/Kayak Liveries	S
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a one-family residence)	S
Nature Areas, Parks, Playgrounds, Recreation Area & Wildlife Preserves §7.22	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1
Commercial, Services & Retail	
Medical Marijuana Primary Caregiver Facilities §7.14	P
Personal Services (beauty shops, tailoring, massage)	S
Small Engine Repair	S
Educational Services & Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public & private)	S
Public or private schools	P
Religious Institutions	S
Human Care & Social Assistance	
Adult Day Care Facility - (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facility - (greater than 6 adults) – IN PRIVATE HOME	S
Adult Foster Care Family Homes, Nursing/Convalescent Home, Assisted Living Home - (6 or less adults) §7.18	P
Child Care Services (see following):	
Family Child Care Home (6 or less)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1
Human Care & Social Assistance (cont.)	
Group Child Care Home (7 -12) §7.7	S
Child Care Center/Nursery School (not in home) §7.7	S
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	P
Industrial, Mining & Waste Management	
Resource Extraction §7.15	S
Miscellaneous	
Accessory Buildings & Uses §3.7	P
Planned Unit Developments §7.23	S
Cemeteries including Columbaria & Mausoleums	S
Site Condominium Development	S
Public Facilities	
Community Centers (public)	S
Government Offices	S
Libraries	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1
Public Facilities (cont.)	
Police/Fire Stations	S
Post Office	S
Residential Uses	
Accessory Dwelling Units §7.27	S
Home Occupations §7.11	P
Cottage Industries §7.11	S
One-Family Dwelling (year-round & seasonal)	P
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities (without storage yards)	S
Solar Energy Panels (Accessory) §7.34	P
Wireless:	
Antenna Co-Location §7.32	P

C. Development Standards.

R-1

1. Lot & Structure Standards

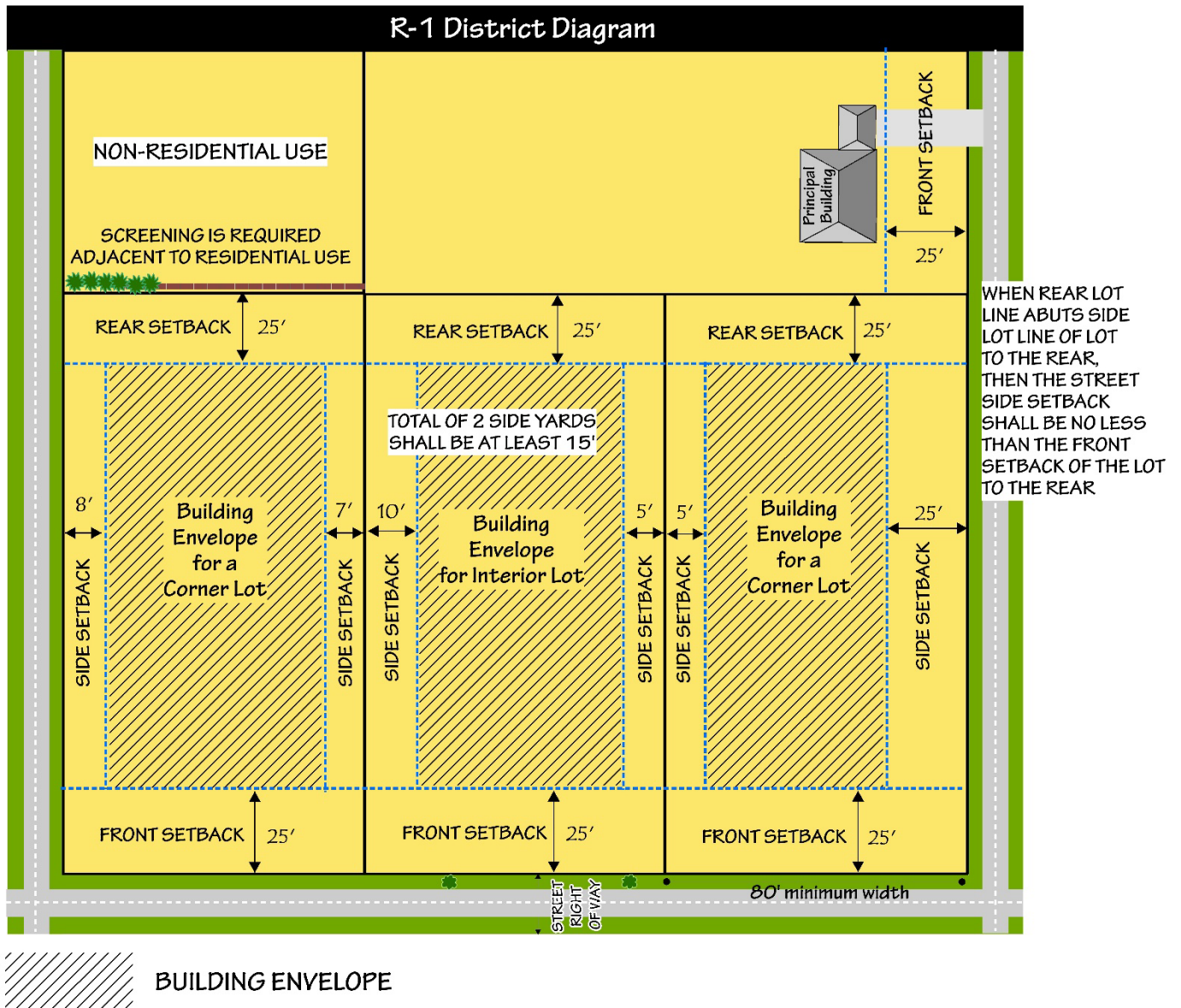
a. Lot Area (minimum)	12,000 sq ft
b. Lot Width (minimum)	80 ft
c. Building Height (maximum)	30 ft or 2 stories whichever is less Height regulations shall apply to any portion of a structure that could be used as living or commercial space but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wireless support structures and related facilities which are regulated by Article 7: Supplemental Regulations .
d. Ground Floor Area (minimum per dwelling unit)	720 sq ft Minimum ground floor area shall apply to permanent dwelling units only.
e. Lot Coverage (maximum)	50% This provision shall not apply to structures four (4) feet in height or less.

2. Setbacks

a. Front (minimum)	25 ft
b. Side (minimum)	5 ft on one (1) side with total of 15 ft for two (2) sides Reversed Corner Lots: In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a road shall not be less than the required front yard of that district.
c. Rear (minimum)	25 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.20 . A vegetative buffer strip may be used per §3.20 .
c. Fences	See §3.18 .
d. Signs	See §3.22 .
e. Parking	See §3.21 .
f. Projections	(1) Roofed Porch: A roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained. (2) Open Porches and Decks: An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained. (3) Patios and Grade-Level Decks: A patio or grade-level deck shall maintain a two (2) foot setback from all lot lines. (4) Architectural Features: Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twelve (12) inches. (5) Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the lot line.



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

Section 4.6 (R-2) General Residential District

R-2

A. Intent.

The R-2 General Residential District is designed to provide for multiple-family structures which may be necessary to meet the needs of the apartment dwelling. The district is further intended to be a transition-use district.

B. Uses Permitted by Right & Special Uses.

Permitted and Special Uses shall be limited to the following table (also listed in [Section 4.12: Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Uses](#), and [Article 7: Supplemental Development Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Accommodation & Food/Event Services	
Bed & Breakfasts/Tourist Homes §7.3	S
Cabin Courts	S
Hotels & Motels (attached or detached units) §7.16	S
Resorts; Vacation Lodges & Farms	S
Rooming & Boarding Houses §7.24	S
Short Term Rentals	S
Agriculture, Animal Services & Forest Products	
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only) – State license required	P
Farm Markets - on property controlled by the affiliated farm	P
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	P
Roadside Stands - on property not controlled by a farm §3.7.A.15	P
Arts, Entertainment & Recreation	
Campgrounds §7.5	S
Nature Areas, Parks, Playgrounds, Recreation Area & Wildlife Preserves §7.22	P
Private Clubs; Lodges; Sportsmen's Associations; Fraternal Organizations	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Commercial, Services & Retail	
Medical Marijuana Primary Caregiver Facilities §7.14	P
Personal Services (beauty shops, tailoring, massage)	S
Professional Offices	S
Real Estate Sales Office	S
Small Engine Repair	P
Educational Services & Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public & private)	S
Public or private schools	P
Religious Institutions	S
Human Care & Social Assistance	
Adult Day Care Facility - (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facility - (greater than 6 adults) – IN PRIVATE HOME	S
Adult Foster Care Family Homes, Nursing/ Convalescent Home, Assisted Living Home - (6 or less adults) §7.18	P
Adult Foster Care Facility, Nursing/ Convalescent Home, Assisted Living Home - (greater than 6 adults) §7.18	S
Child Care Services (see following):	
Family Child Care Home (6 or less)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Human Care & Social Assistance	
Group Child Care Home (7 -12) §7.7	S
Child Care Center/Nursery School (not in home) §7.7	S
Health Care/Dental/Optical Clinics	S
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	P
Industrial, Mining & Waste Management	
Resource Extraction §7.15	S
Miscellaneous	
Accessory Buildings & Uses §3.7	P
Planned Unit Developments §7.23	S
Cemeteries including Columbaria & Mausoleums	S
Site Condominium Development	S
Public Facilities	
Community Centers (public)	S
Government Offices	S
Libraries	S
Police/Fire Stations	S
Post Office	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Residential Uses	
Accessory Dwelling Units §7.27	S
Home Occupations §7.11	P
Cottage Industries §7.11	S
One-Family Dwelling (year-round & seasonal)	P
Multiple-Family Dwelling Units §7.17	P
Townhouses; Condominiums (connected)	P
Two-Family Dwelling (duplex)	P
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities (without storage yards)	S
Solar Energy Panels (Accessory) §7.34	P
Wireless:	
Antenna Co-Location §7.32	P

C. Development Standards.

1. Lot & Structure Standards

a. Lot Area (minimum)	12,000 sq ft
b. Lot Width (minimum)	80 ft
c. Building Height (maximum)	30 ft or 2 stories whichever is less Height regulations shall apply to any portion of a structure that could be used as living or commercial space but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wireless support structures and related facilities which are regulated by Article 7: Supplemental Regulations .
d. Ground Floor Area (minimum per dwelling unit)	600 sq ft Minimum ground floor area shall apply to permanent dwelling units only.
e. Lot Coverage (maximum)	35% This provision shall not apply to structures four (4) feet in height or less.

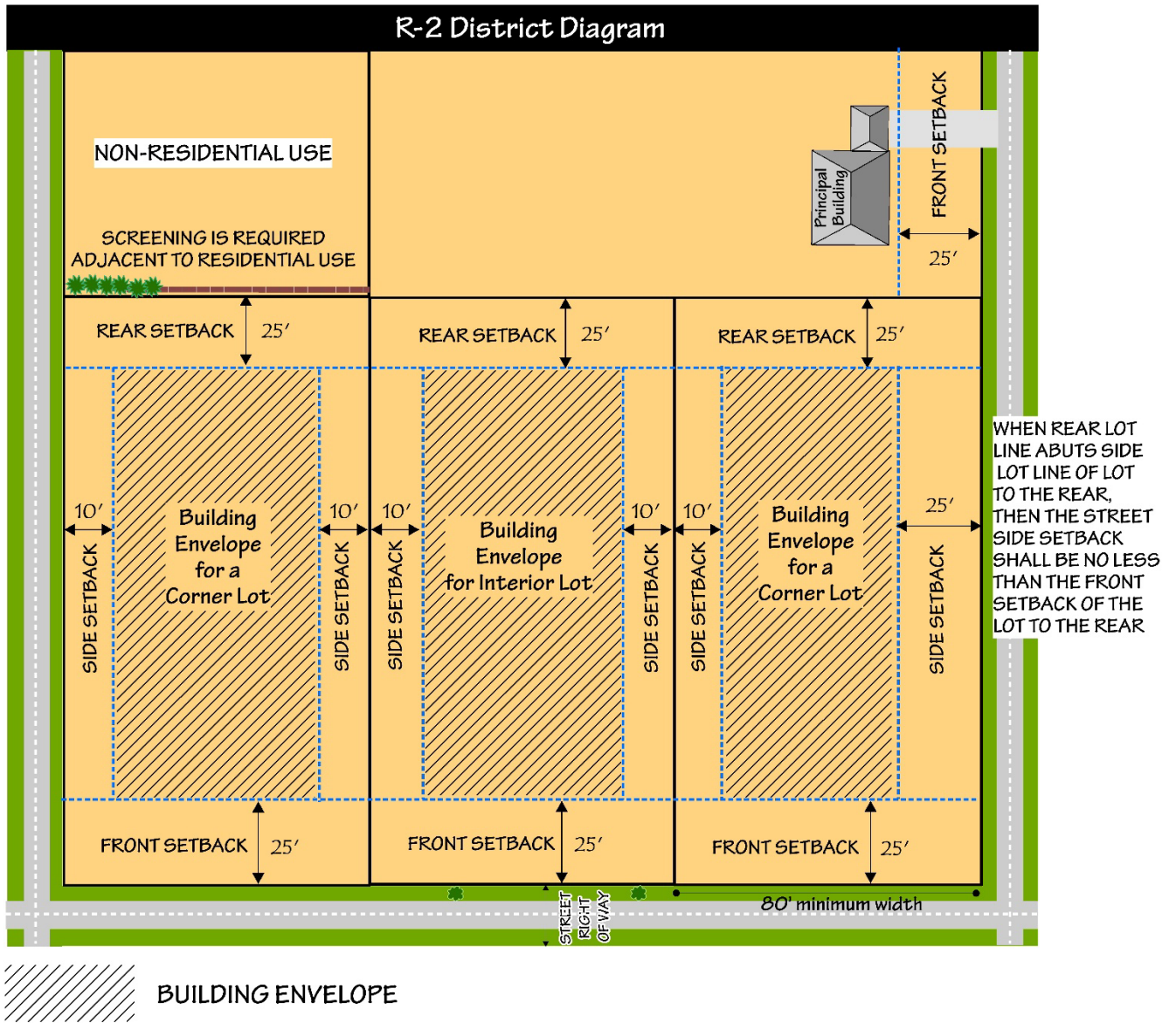
2. Setbacks

a. Front (minimum)	25 ft
b. Side (minimum)	10 ft Reversed Corner Lots: In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a road shall not be less than the required front yard of that district.
c. Rear (minimum)	25 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.20 . A vegetative buffer strip may be used per §3.20 .
c. Fences	See §3.18 .
d. Signs	See §3.22 .
e. Parking	See §3.21 .
f. Projections	(1) Roofed Porch: A roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained. (2) Open Porches and Decks: An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained. (3) Patios and Grade-Level Decks: A patio or grade-level deck shall maintain a two (2) foot setback from all lot lines. (4) Architectural Features: Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twelve (12) inches. (5) Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the lot line.

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



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

Section 4.7 (FR) Forest Recreational District

FR

A. Intent.

The Forest Recreational District is designed to accommodate cottage and seasonal home developments. It is intended that the seasonal home areas be reasonably homogeneous by discouraging the mixing of recreational home areas with incompatible commercial services and major institutional or community services.

B. Uses Permitted by Right & Special Uses.

Permitted and Special Uses shall be limited to the following table (also listed in [Section 4.12: Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Uses](#), and [Article 7: Supplemental Development Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Accommodation & Food/Event Services	
Bed & Breakfasts/Tourist Homes §7.3	S
Cabin Courts	S
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.38	P
Inns	S
Resorts; Vacation Lodges & Farms	S
Rooming & Boarding Houses §7.24	S
Short Term Rentals	S
Agriculture, Animal Services & Forest Products	
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) - may not be accessory use to hobby or commercial farms	S
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only) – State license required	P
Animal Services (such as dog grooming, animal day care, & dog clubs)	P
Farms & Agricultural Operations	P
Farm Markets - on property controlled by the affiliated farm	P
Farm Product Sales (Fruit/Vegetable Market – products not affiliated with a specific farm)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Agriculture, Animal Services & Forest Products (cont.)	
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood) §7.25	S
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	P
Roadside Stands - on property not controlled by a farm §3.7.A.15	P
Arts, Entertainment & Recreation	
Campgrounds §7.5	P
Country Clubs	S
Equipment Rental, Motorized (ORV, Snowmobile)	S
Equipment Rental, Non-Motorized (Outfitter)	S
Golf Courses/Golf Driving Ranges §7.10	S
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, displays of historical artifacts related to the premises & re-enactments) – open to the public	S
Hunting Camps	P
Nature Areas, Parks, Playgrounds, Recreation Area & Wildlife Preserves §7.22	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Arts, Entertainment & Recreation (cont.)	
Private Clubs; Lodges; Sportsmen’s Associations; Fraternal Organizations	P
Recreational Facilities, Outdoor, Commercial (ex: go-karts, mini-golf, disc golf) §7.20	S
RV Parks §7.5	S
Shooting Range (indoor)	P
Shooting Range (outdoor)	S
Theaters & Performing Arts Facilities, Outdoor (Commercial events Facilities)	P
Commercial, Services & Retail	
Contractors with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor’s Equipment (with outdoor storage)	S
Medical Marijuana Primary Caregiver Facilities §7.14	P
Retail:	
Firearms Store	P
Small Engine Repair	P
Educational Services & Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public & private)	S
Public or private schools	P
Religious Institutions	S
Human Care & Social Assistance	
Adult Day Care Facility - 6 or less adults – IN PRIVATE HOME	P
Adult Day Care Facility - greater than 6 adults – IN PRIVATE HOME	S
Adult Foster Care Family Homes, Nursing/Convalescent Home, Assisted Living Home - 6 or less adults §7.18	P
Adult Foster Care Facility, Nursing/Convalescent Home, Assisted Living Home - greater than 6 adults §7.18	S
Child Care Services (see following):	
Family Child Care Home (6 or less)	P
Group Child Care Home (7 -12) §7.7	S
Child Care Center/Nursery School (not in home) §7.7	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Human Care & Social Assistance	
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	P
Industrial, Mining & Waste Management	
Machine Shops	S
Portable & Temporary Hot & Cold Mix Asphalt Plants, Ready-Mix Concrete Plants & Similar Uses	S
Resource Extraction §7.15	S
Tool & Die Shops	S
Miscellaneous	
Accessory Buildings & Uses §3.7	P
Planned Unit Developments §7.23	S
Cemeteries including Columbaria & Mausoleums	S
Site Condominium Development	S
Residential Uses	
Accessory Dwelling Units §7.27	S
Home Occupations §7.11	P
Cottage Industries §7.11	S
One-Family Dwelling (year-round & seasonal)	P
Transportation, Storage & Wholesale	
Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & Other Aviation Functions	S
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities (without storage yards)	P
Solar Energy Panels (Accessory) §7.34	P
Wind Energy Facilities and Anemometer Towers (Utility-Scale) §7.31	S
Wind Turbines (small on-site) §7.30	P
Wireless:	
Antenna Co-Location §7.32	P
Small Cell Wireless Facilities §7.33	S

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Utility, Energy & Communications (cont.)	
Wireless Communications Facilities with Support Structures (i.e., cell towers) §7.32	S
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed §7.32	S

FR

C. Development Standards.

1. Lot & Structure Standards

a. Lot Area (minimum)	5 acres
b. Lot Width (minimum)	330 ft
c. Building Height (maximum)	30 ft or 2 stories whichever is less Height regulations shall apply to any portion of a structure that could be used as living or commercial space but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wireless support structures and related facilities which are regulated by Article 7: Supplemental Regulations .
d. Ground Floor Area (minimum per dwelling unit)	600 sq ft Minimum ground floor area shall apply to permanent dwelling units only. Dwelling units less than 600 sq ft shall require a Special Use Permit. Hunting camps shall be no greater in total area than 600 sq ft, shall meet building code, and shall not become permanent dwelling units.
e. Lot Coverage (maximum)	35% This provision shall not apply to structures four (4) feet in height or less.

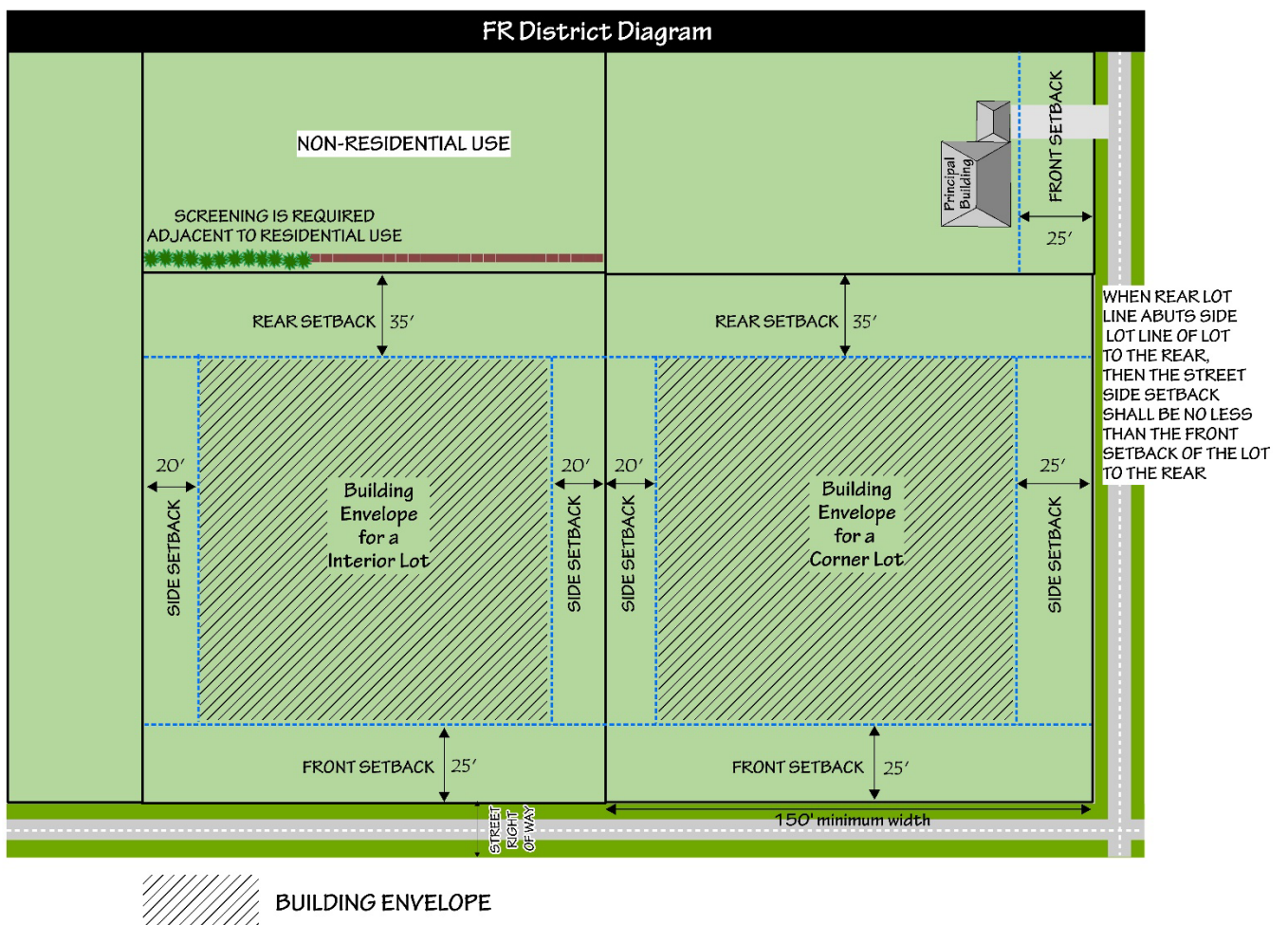
2. Setbacks

a. Front (minimum)	25 ft
b. Side (minimum)	20 ft Reversed Corner Lots: In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a road shall not be less than the required front yard of that district.
c. Rear (minimum)	35 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.20 . A vegetative buffer strip may be used per §3.20 .
c. Fences	See §3.18 .
d. Signs	See §3.22 .
e. Parking	See §3.21 .

<p>f. Projections</p>	<ol style="list-style-type: none"> (1) Roofed Porch: A roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained. (2) Open Porches and Decks: An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained. (3) Patios and Grade-Level Decks: A patio or grade-level deck shall maintain a two (2) foot setback from all lot lines. (4) Architectural Features: Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twelve (12) inches. (5) Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the lot line.
-----------------------	--



Section 4.8 (FF) Farm & Forest District

FF

A. Intent.

The FF Farm and Forest District is designed to promote the use of wooded and rural areas in a manner that will retain the basic attractiveness of natural resources and provide enjoyment for both visitors and the community at large. The intent of the district is to hold rural areas for resource purposes and to allow multiple uses of farm-forest lands. The intent is designed to serve farm and agricultural uses in areas which are rural in character.

B. Uses Permitted by Right & Special Uses.

Permitted and Special Uses shall be limited to the following table (also listed in [Section 4.12: Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Uses](#), and [Article 7: Supplemental Development Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	P
Bed & Breakfasts/Tourist Homes §7.3	S
Cabin Courts	S
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.38	P
Inns	S
Resorts; Vacation Lodges & Farms	S
Rooming & Boarding Houses §7.24	S
Short Term Rentals	S
Agriculture, Animal Services & Forest Products	
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)	S
Agricultural Equipment Dealers/Repair	S
Agricultural Products Processing & Storage	P
Agricultural Tourism Uses:	
Bakeries Selling Goods Grown Primarily On-Site	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Agriculture, Animal Services & Forest Products (cont.)	
Educational Tours, Classes, Lectures, & Seminars	P
Family-Oriented Animated Barns (Haunted Houses)	P
Farm Stays	P
Gift Shops for Agriculturally-Related Products, Crafts	P
Historical Agricultural Exhibits	P
Organized Meeting Space (Weddings, Birthdays, Corporate Picnics) – Commercial Event Facility on a Farm §7.38	P
Petting Farms, Animal Display, & Pony Rides	P
Picnic Areas (Including Rest Rooms)	P
Playgrounds, Wagon/Sleigh Rides, Nature Trails	P
Restaurants Related To The Agricultural Use of the Site	S
Seasonal Outdoor Mazes of Agricultural Origin	P
Small-Scale Entertainment (Concert, Car Show, Art Fair)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Agriculture, Animal Services & Forest Products (cont.)	
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	S
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only) – State license required	P
Animal Services (such as dog grooming, animal day care, & dog clubs)	P
Animal Shelter/Kennels §7.1	S
Biofuel Production Facilities on Farms §7.4	PS
Boarding Stables; Riding Arenas	P
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	S
Cider Mills	P
Composting Facilities (large scale facilities – compost material brought in & deposited)	P
Farms & Agricultural Operations	P
Farm Markets - on property controlled by the affiliated farm	P
Farm Product Sales (Fruit/Vegetable Market – products not affiliated with a specific farm)	P
Feedlots (large scale commercial)	S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood) §7.25	S
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	P
Game Preserves	P
Grain Elevators	S
Greenhouses/Nurseries/Landscaping Establishments	P
Lumber Yards	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Agriculture, Animal Services & Forest Products (cont.)	
Roadside Stands - on property not controlled by a farm §3.7.A.15	P
Slaughter Houses	S
U-Pick Operations	P
Veterinary Clinic	P
Veterinary Hospital	S
Wineries/Distilleries/Breweries	S
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use to a business)	P
Campgrounds §7.5	S
Country Clubs	S
Equipment Rental, Motorized (ORV, Snowmobile)	S
Equipment Rental, Non-Motorized (Outfitter)	S
Golf Courses/Golf Driving Ranges §7.10	S
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, displays of historical artifacts related to the premises & re-enactments) – open to the public	S
Hunting Camps	P
Nature Areas, Parks, Playgrounds, Recreation Area & Wildlife Preserves §7.22	P
Private Clubs; Lodges; Sportsmen's Associations; Fraternal Organizations	S
Race Tracks (motorized)	S
Race Tracks (non-motorized)	S
Recreational Facilities, Outdoor, Commercial (ex: go-karts, mini-golf, disc golf) §7.20	S
RV Parks §7.5	P
Shooting Range (indoor)	P
Shooting Range (outdoor)	S
Theaters & Performing Arts Facilities, Outdoor (Commercial events Facilities)	P
Tours (commercial operations)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Commercial, Services & Retail	
Contractors with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber /Contractor's Equipment (with outdoor storage)	S
Medical Marijuana Primary Caregiver Facilities §7.14	P
Personal Services (beauty shops, tailoring, massage)	S
Retail:	
Firearms Store	P
Seasonal Use Sales §7.26	P
Septic Services	P
Small Engine Repair	P
Educational Services & Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public & private)	S
Public or private schools	P
Religious Institutions	S
Trade Schools	S
Human Care & Social Assistance	
Adult Day Care Facility - (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facility - (greater than 6 adults) – IN PRIVATE HOME	S
Adult Foster Care Family Homes, Nursing/Convalescent Home, Assisted Living Home - (6 or less adults) §7.18	P
Adult Foster Care Facility, Nursing/Convalescent Home, Assisted Living Home - (greater than 6 adults) §7.18	S
Child Care Services (see following):	
Family Child Care Home (6 or less)	P
Group Child Care Home (7 -12) §7.7	S
Child Care Center/Nursery School (not in home) §7.7	S
Residential Human Care & Treatment Facility	S
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Industrial, Mining & Waste Management	
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards §7.12	S
Machine Shops	S
Portable & Temporary Hot & Cold Mix Asphalt Plants, Ready-Mix Concrete Plants & Similar Uses	S
Resource Extraction §7.15	S
Tool & Die Shops	S
Miscellaneous	
Accessory Buildings & Uses §3.7	P
Planned Unit Developments §7.23	S
Cemeteries including Columbaria & Mausoleums	S
Site Condominium Development	S
Public Facilities	
Community Centers (public)	S
Correctional Facilities	S
Government Offices	S
Libraries	S
Police/Fire Stations	S
Post Office	S
Residential Uses	
Accessory Dwelling Units §7.27	P
Home Occupations §7.11	P
Cottage Industries §7.11	S
Manufactured Housing Community (& accessory uses such as laundry, office building & community building) §7.13	S
One-Family Dwelling (year-round & seasonal)	P
Transportation, Storage & Wholesale	
Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & Other Aviation Functions	S
Freight Terminals/Trucking Facilities/ Distribution Centers	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FF
Utility, Energy & Communications	
Battery Energy Storage Systems §7.36	S
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities (without storage yards)	P
Public Utility Facilities (with storage yards)	S
Solar Energy Facility (Utility-Scale) §7.35	S
Solar Energy Panels (Accessory) §7.34	P
Wind Energy Facilities and Anemometer Towers (Utility-Scale) §7.31	S
Wind Turbines (small on-site) §7.30	P
Wireless:	
Antenna Co-Location §7.32	P
Small Cell Wireless Facilities §7.33	S
Wireless Communications Facilities with Support Structures (i.e., cell towers) §7.32	S
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed §7.32	S

C. Development Standards.

1. Lot & Structure Standards

a. Lot Area (minimum)	40,000 sq ft
b. Lot Width (minimum)	150 ft
c. Building Height (maximum)	30 ft or 2 stories whichever is less Height regulations shall apply to any portion of a structure that could be used as living or commercial space but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wireless support structures and related facilities which are regulated by Article 7: Supplemental Regulations .
d. Ground Floor Area (minimum per dwelling unit)	600 sq ft Minimum ground floor area shall apply to permanent dwelling units only. Dwelling units less than 600 sq ft shall require a Special Use Permit. Hunting camps shall be no greater in total area than 600 sq ft, shall meet building code, and shall not become permanent dwelling units.
e. Lot Coverage (maximum)	35% This provision shall not apply to structures four (4) feet in height or less.

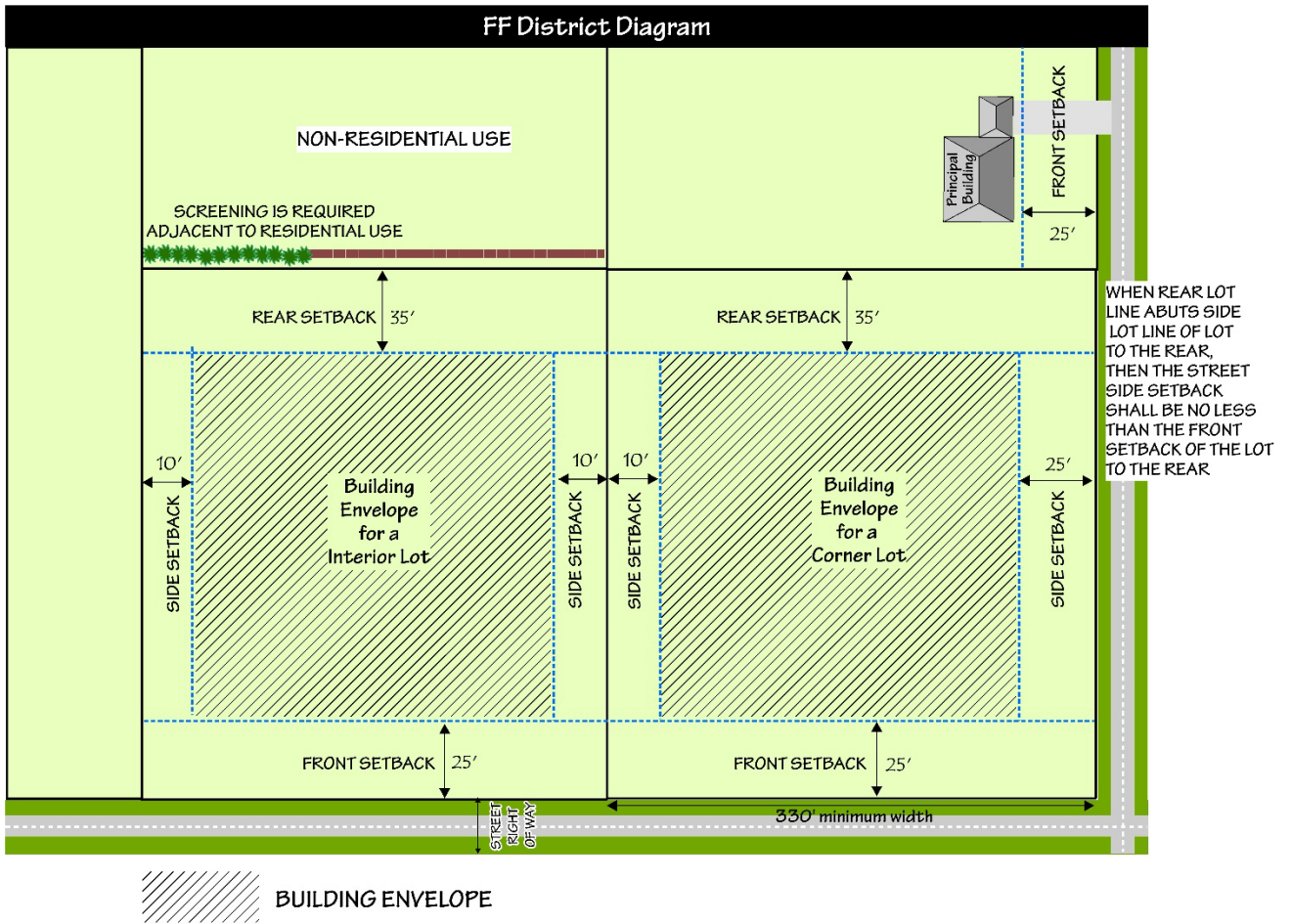
2. Setbacks

a. Front (minimum)	25 ft
b. Side (minimum)	10 ft Reversed Corner Lots: In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a road shall not be less than the required front yard of that district.
c. Rear (minimum)	35 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.20 . A vegetative buffer strip may be used per §3.20 .
c. Fences	See §3.18 .
d. Signs	See §3.22 .
e. Parking	See §3.21 .
f. Projections	(1) Roofed Porch: A roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained. (2) Open Porches and Decks: An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained. (3) Patios and Grade-Level Decks: A patio or grade-level deck shall maintain a two (2) foot setback from all lot lines. (4) Architectural Features: Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twelve (12) inches. (5) Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the lot line.

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



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

Section 4.9 (B-1) Restricted Business District

B-1

A. Intent.

The B-1 Restricted Business District establishes a business district that is more selective than a general business district. It provides for the establishment of neighborhood shopping areas, personal services, tourist services, and professional office areas that are compatible with, and of service to, residential uses.

B. Uses Permitted by Right & Special Uses.

Permitted and Special Uses shall be limited to the following table (also listed in [Section 4.12: Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Uses](#), and [Article 7: Supplemental Development Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	P
Bed & Breakfasts/Tourist Homes §7.3	S
Cabin Courts	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.38	P
Drinking Establishments/Taverns	P
Hotels & Motels (attached or detached units)	S
Inns	P
Microbreweries (serving directly to the public)	P
Resorts; Vacation Lodges & Farms	S
Restaurants without Drive-Through	S
Rooming & Boarding Houses §7.24	P
Short Term Rentals	S
Agriculture, Animal Services & Forest Products	
Farm Product Sales (Fruit/Vegetable Market – products not affiliated with a specific farm)	P
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Agriculture, Animal Services & Forest Products (cont.)	
Veterinary Clinic	P
Veterinary Hospital	S
Arts, Entertainment & Recreation	
Art Studios	P
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)	P
Museums & Galleries	P
Nature Areas, Parks, Playgrounds, Recreation Area & Wildlife Preserves §7.22	P
Private Clubs; Lodges; Sportsmen’s Associations; Fraternal Organizations	P
Theaters & Performing Arts Facilities, Outdoor (Commercial events Facilities)	P
Commercial, Services & Retail	
Business Services & Computer Repair	P
Business, Labor, Political & Like Organizations	P
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	P
Financial Institutions; Banks	P
Gas Station §7.2	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Commercial, Services & Retail (cont.)	
Health Spa	P
Interior Designers/Showrooms <i>§7.19</i>	P
Locksmiths	P
Medical Marijuana Primary Caregiver Facilities	P
Movie Rental Stores	P
Personal Services (beauty shops, tailoring, massage)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Professional Cleaning Services	P
Professional Offices	P
Real Estate Sales Office	P
Repair Stores (not automotive-related)	P
Retail:	
Art & Photography Shops	P
Automotive Accessory Sales	P
Antique Stores/Second-Hand Stores	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Clothing & Clothing Accessories Stores	P
Convenience Stores	P
Department Stores	P
Electronics & Appliance Stores	P
Farm & Feed Supply Stores	P
Farm Market	P
Firearms Store	P
Florists	P
Food & Beverage Stores/Grocery Stores	P
Furniture & Home Furnishings Stores; Antique Stores	P
General Merchandise Stores	P
Gift Shops/Curio Shops	P
Hardware Stores	P
Health & Personal Care Stores	P
Office Supply Stores	P
Jewelry Stores	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Commercial, Services & Retail (cont.)	
Liquor Stores (where liquor is the primary item for sale)	P
Outdoor Vendors	P
Pet & Pet Care Stores (except Veterinary & Animal Shelters)	P
Pharmacies/Medical & Optical Supplies	P
Sporting Goods, Hobby, Book & Music Stores	P
Seasonal Use Sales <i>§7.26</i>	P
Small Engine Repair	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for Dance, Physical Exercise & Music	P
Tattoo/Piercing Parlor	P
Taxidermy Shops	P
Upholstery Shop	P
Educational Services & Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public & private)	S
Public or private schools	P
Religious Institutions	S
Human Care & Social Assistance	
Adult Day Care Facility - NOT IN PRIVATE HOME	P
Adult Foster Care Family Homes, Nursing/Convalescent Home, Assisted Living Home <i>§7.18</i>	P
Child Care Services (see following):	
Child Care Center/Nursery School (not in home) <i>§7.7</i>	P
Health Care/Dental/Optical Clinics	P
Hospitals	P
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	P

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right	B-1
S = Permitted with a Special Use Permit	
§7.x indicates supplemental regulations apply	
Industrial, Mining & Waste Management	
Machine Shops	P
Resource Extraction §7.15	S
Tool & Die Shops	P
Miscellaneous	
Accessory Buildings & Uses §3.7	P
Planned Unit Developments §7.23	S
Public Facilities	
Community Centers (public)	P
Government Offices	P
Libraries	P
Police/Fire Stations	P
Post Office	P
Residential Uses	
Home Occupations §7.11 (in existing homes)	P
Cottage Industries §7.11 (in existing homes)	S
Living Quarters in conjunction w/ permitted business use	P
One-Family Dwelling (year-round & seasonal)	P
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities (without storage yards)	P
Public Utility Facilities (with storage yards)	P
Solar Energy Panels (Accessory) §7.34	P
Wind Turbines (small on-site) §7.30	P
Wireless:	
Antenna Co-Location §7.32	P

C. Development Standards.

B-1

1. Lot & Structure Standards

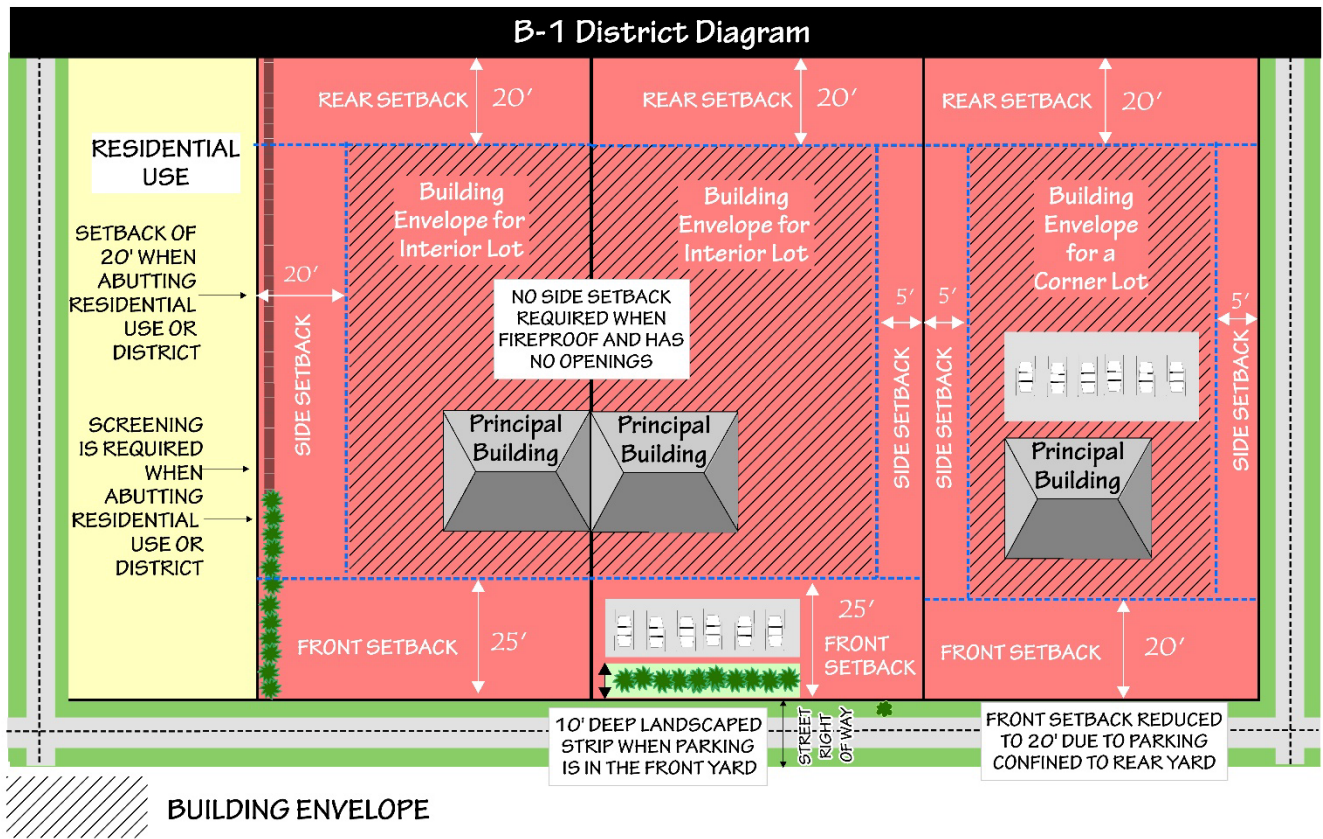
a. Lot Area (minimum)	None
b. Lot Width (minimum)	None
c. Building Height (maximum)	30 ft or 2 stories whichever is less Height regulations shall apply to any portion of a structure that could be used as living or commercial space but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wireless support structures and related facilities which are regulated by Article 7 .
d. Ground Floor Area (minimum per dwelling unit)	None
e. Lot Coverage (maximum)	None

2. Setbacks

a. Front (minimum)	25 ft Parking lots may be permitted in the front yard provided that there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot. If parking and loading spaces are confined to a rear or side yard, the required front setback may be reduced to twenty (20) feet, provided a reasonable sense of consistency is established with abutting properties.
b. Side (minimum)	5 ft (1) Side yards may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. (2) On the exterior side yard which borders a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential district.
c. Rear (minimum)	20 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.20 . A vegetative buffer strip may be used per §3.20 .
c. Fences	See §3.18 .
d. Signs	See §3.22 .
e. Parking	See §3.21 .
f. Projections	(1) Roofed Porch: A roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained. (2) Open Porches and Decks: An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained. (3) Patios and Grade-Level Decks: A patio or grade-level deck shall maintain a two (2) foot setback from all lot lines. (4) Architectural Features: Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twelve (12) inches. (5) Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the lot line.



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

Section 4.10 (B-2) General Business District

B-2

A. Intent.

The B-2 General Business District is designed to provide sites for more diverse business types than B-1. This district is intended to cater to the business needs of the entire community and is often located to serve highway traffic.

B. Uses Permitted by Right & Special Uses.

Permitted and Special Uses shall be limited to the following table (also listed in [Section 4.12: Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Uses](#), and [Article 7: Supplemental Development Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	P
Bed & Breakfasts/Tourist Homes §7.3	S
Cabin Courts	S
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.38	P
Drinking Establishments/Taverns	P
Food Trucks	P
Hotels & Motels (attached or detached units) §7.16	P
Inns	P
Microbreweries (serving directly to the public)	P
Restaurants without Drive-Through	P
Restaurants with Drive-Through (Drive-In or Eat in Car) §7.8	P
Rooming & Boarding Houses §7.24	P
Short Term Rentals	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Agriculture, Animal Services & Forest Products (cont.)	
Agricultural Equipment Dealers/Repair	P
Agricultural Tourism Uses:	
Family-Oriented Animated Barns (Haunted Houses)	P
Small-Scale Entertainment (Concert, Car Show, Art Fair)	P
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)	S
Animal Services (such as dog grooming, animal day care, & dog clubs)	P
Farm Product Sales (Fruit/Vegetable Market – products not affiliated with a specific farm)	P
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	P
Greenhouses/Nurseries/Landscaping Establishments	P
Lumber Yards	P
Veterinary Clinic	P
Veterinary Hospital	S
Wineries/Distilleries/Breweries	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Arts, Entertainment & Recreation	
Amusement Arcades	P
Archery Ranges (& as accessory use to a business)	P
Art Studios	P
Billiards Halls	P
Bowling Centers	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)	P
Museums & Galleries	P
Nature Areas, Parks, Playgrounds, Recreation Area & Wildlife Preserves §7.22	P
Private Clubs; Lodges; Sportsmen's Associations; Fraternal Organizations	P
Recreational Facilities, Indoor, Commercial (ex: arcades, billiards, bowling)	P
Recreational Facilities, Outdoor, Commercial (ex: go-karts, mini-golf, disc golf) §7.20	S
Skating Rinks (indoor)	S
Shooting Range (indoor)	P
Spectator Sports Arenas	S
Swimming Pool Clubs	S
Theaters; Performing Arts Facilities; Assembly Halls	P
Theaters & Performing Arts Facilities, Outdoor (Commercial events Facilities)	P
Theaters (Drive-In)	S
Tours (commercial operations)	S
Commercial, Services & Retail	
Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change; Tire Sales/Installation §7.2	S
Automotive Equipment Rental & Leasing	S
Automotive Towing Businesses	S
Boat/RV/Recreational Equipment Repair & Storage	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Commercial, Services & Retail (cont.)	
Building & Garden Equipment & Supplies Dealers	P
Business Services & Computer Repair	P
Business, Labor, Political & Like Organizations	P
Car Washes §7.6	P
Cash Advance Stores	P
Cleaning Services	P
Commercial Equipment Repair & Maintenance	P
Contractors, Special Trade (ex: electrical, plumbing, heating – indoor storage of materials/equipment)	P
Drive-Through Establishments §7.8	P
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	P
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Extermination & Pest Control Services	P
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	P
Financial Institutions; Banks	P
Flea Market	P
Funeral Homes & Mortuaries §7.9	P
Furniture Refinishing	P
Gas Station §7.2	S
General Rental Centers/Rent-To-Own	P
Health Spa	P
Interior Designers/Showrooms §7.19	P
Locksmiths	P
Lumber Yards	P
Medical Equipment Sales	P
Medical Marijuana Primary Caregiver Facilities	P
Movie Rental Stores	P
Personal Services (beauty shops, tailoring, massage)	P
Photofinishing/Photographers	P

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	B-2
Commercial, Services & Retail (cont.)	
Printing/Binding/Publishing of Printed Materials	P
Professional Cleaning Services	P
Professional Offices	P
Real Estate Sales Office	P
Retail:	
Art & Photography Shops	P
Automotive Accessory Sales	P
Antique Stores/Second-Hand Stores	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Clothing & Clothing Accessories Stores	P
Convenience Stores	P
Department Stores	P
Electronics & Appliance Stores	P
Farm & Feed Supply Stores	P
Farm Market	P
Firearms Store	P
Florists	P
Food & Beverage Stores/Grocery Stores	P
Furniture & Home Furnishings Stores; Antique Stores	P
General Merchandise Stores	P
Gift Shops/Curio Shops	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Office Supply Stores	P
Jewelry Stores	P
Liquor Stores (where liquor is the primary item for sale)	P
Malls, Shopping Centers, or Shopping Plazas	S
Marijuana Provisioning Center/Retailer – limit of one in Township (shall comply with the Sanborn Township Marijuana Licensing Ordinance) §7.37	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	B-2
Commercial, Services & Retail (cont.)	
Outdoor Sales/Rental of automobiles, boats, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, and manufactured homes §7.21	S
Outdoor Vendors	P
Pet & Pet Care Stores (except Veterinary & Animal Shelters)	P
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops/Pawn Shop	P
Sporting Goods, Hobby, Book & Music Stores	P
Repair Stores (not automotive-related)	P
Retail Uses with Outdoor Storage	S
Seasonal Use Sales §7.26	P
Sexually Oriented Businesses §7.28	S
Shopping Center – Multiple Businesses	S
Small Engine Repair	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for Dance, Physical Exercise & Music	P
Tattoo/Piercing Parlor	P
Taxidermy Shops	P
Upholstery Shop	P
Educational Services & Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public & private)	S
Public or private schools	P
Religious Institutions	S
Trade Schools	P
Human Care & Social Assistance	
Adult Day Care Facility - NOT IN PRIVATE HOME	P
Adult Foster Care Facility, Nursing/Convalescent Home, Assisted Living Home §7.18	P
Child Care Center/Nursery School (not in home) §7.7	P
Child Caring Institution	S
Health Care/Dental/Optical Clinics	P

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Human Care & Social Assistance (cont.)	
Hospitals	P
Rehabilitation Institutions	S
Residential Human Care & Treatment Facility	S
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	P
Industrial, Mining & Waste Management	
Machine Shops	P
Resource Extraction §7.15	S
Tool & Die Shops	P
Miscellaneous	
Accessory Buildings & Uses §3.7	P
Planned Unit Developments §7.23	S
Public Facilities	
Auditoriums	P
Community Centers (public)	P
Government Offices	P
Libraries	P
Police/Fire Stations	P
Post Office	P
Public Works Facilities with Outdoor Storage	S
Residential Uses	
Home Occupations §7.11 (in existing homes)	P
Cottage Industries §7.11 (in existing homes)	S
Living Quarters in conjunction w/ permitted business use	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-2
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/ Delivery Establishments	P
Freight Terminals/Trucking Facilities/ Distribution Centers	S
Mail Order Establishments	P
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	P
Truck Washes §7.6	P
Warehousing & Storage (including mini-storage) §7.29	P
Wholesale Trade	P
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities (without storage yards)	P
Public Utility Facilities (with storage yards)	P
Solar Energy Panels (Accessory) §7.34	P
Wind Turbines (small on-site) §7.30	P
Wireless:	
Antenna Co-Location §7.32	P
Small Cell Wireless Facilities §7.33	S
Television/Radio Broadcasting Stations §7.32	P
Wireless Communications Facilities with Support Structures (i.e., cell towers) §7.32	S
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed §7.32	S

C. **Development Standards.**

B-2

1. Lot & Structure Standards

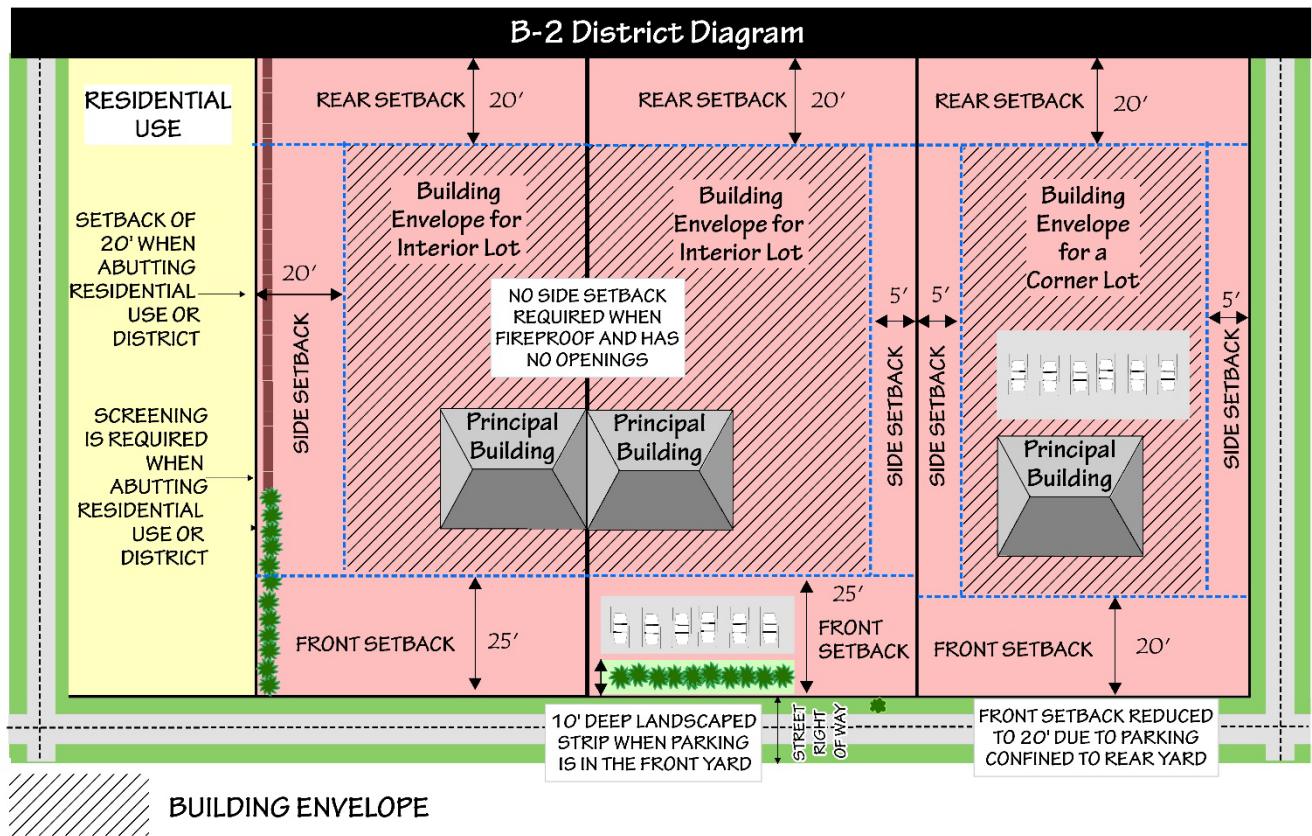
a. Lot Area (minimum)	None
b. Lot Width (minimum)	None
c. Building Height (maximum)	30 ft or 2 stories whichever is less Height regulations shall apply to any portion of a structure that could be used as living or commercial space but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wireless support structures and related facilities which are regulated by Article 7 .
d. Ground Floor Area (minimum per dwelling unit)	None
e. Lot Coverage (maximum)	None

2. Setbacks

a. Front (minimum)	25 ft Parking lots may be permitted in the front yard provided that there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot. If parking and loading spaces are confined to a rear or side yard, the required front setback may be reduced to twenty (20) feet, provided a reasonable sense of consistency is established with abutting properties.
b. Side (minimum)	5 ft (1) Side yards may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. (2) On the exterior side yard which borders a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential district.
c. Rear (minimum)	20 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.20 . A vegetative buffer strip may be used per §3.20 .
c. Fences	See §3.18 .
d. Signs	See §3.22 .
e. Parking	See §3.21 .
f. Projections	(1) Roofed Porch: A roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained. (2) Open Porches and Decks: An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained. (3) Patios and Grade-Level Decks: A patio or grade-level deck shall maintain a two (2) foot setback from all lot lines. (4) Architectural Features: Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twelve (12) inches. (5) Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the lot line.



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

Section 4.11 (I) Industrial District



A. Intent.

The Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing, and other industrial activities whose external physical effects may need to be restricted to avoid detrimentally affecting the surrounding districts.

B. Uses Permitted by Right & Special Uses.

Permitted and Special Uses shall be limited to the following table (also listed in [Section 4.12: Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Uses](#), and [Article 7: Supplemental Development Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	I
Agriculture, Animal Services & Forest Products	
Agricultural Equipment Dealers/Repair	P
Agricultural Products Processing & Storage	P
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood) §7.25	S
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	P
Grain Elevators	P
Lumber Yards	P
Meat Packing Plants	P
Wineries/Distilleries/Breweries	P
Commercial, Services & Retail	
Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change; Tire Sales/Installation §7.2	S
Automotive Equipment Rental & Leasing	P
Automotive Towing Businesses	S
Boat/RV/Recreational Equipment Repair & Storage	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	I
Commercial, Services & Retail (cont.)	
Building & Garden Equipment & Supplies Dealers	P
Car Washes §7.6	P
Cleaning Services	P
Commercial Equipment Repair & Maintenance	P
Contractors, Special Trade (ex: electrical, plumbing, heating – indoor storage of materials/equipment)	P
Contractors with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber/Contractor's Equipment (with outdoor storage)	S
Drive-Through Establishments §7.8	P
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	P
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Extermination & Pest Control Services	P
Film Production Facilities/Recording Facilities (including sound stages & other related activities)	P

Sanborn Township Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	I
Commercial, Services & Retail (cont.)	
Furniture Refinishing	P
Gas Station §7.2	S
General Rental Centers/Rent-To-Own	P
Medical Laboratories	P
Printing/Binding/Publishing of Printed Materials	P
Professional Cleaning Services	P
Retail:	
Convenience Stores	P
Resale Shops/Thrift Shops/Pawn Shop	P
Retail Uses with Outdoor Storage	S
Septic Services	P
Small Engine Repair	P
Small-Scale Craft Making	P
Educational Services & Religion	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public & private)	S
Industrial, Mining & Waste Management	
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products.	
Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	P
Manufacturing, Heavy – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products.	
Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	S
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	I
Industrial, Mining & Waste Management (cont.)	
Central Dry Cleaning Plants (not dealing directly with customers)	P
Crematoriums §7.9	S
Incinerator Plant (non-pyrolysis)	S
Incinerator Plant (pyrolysis type)	S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards §7.12	S
Laboratories (research & experimental)	P
Machine Shops	P
Oil Refinery & Gasoline Processing Facilities	S
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S
Portable & Temporary Hot & Cold Mix Asphalt Plants, Ready-Mix Concrete Plants & Similar Uses	P
Recycling Facilities; Resource Recovery Facilities; Transfer Stations; Waste Collection	P
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Resource Extraction §7.15	S
Sanitary Landfills	S
Smelting Industries	S
Tool & Die Shops	P
Miscellaneous	
Accessory Buildings & Uses §3.7	P
Planned Unit Developments §7.23	S
Public Facilities	
Public Works Facilities with Outdoor Storage	S
Residential Uses	
Home Occupations §7.11 (in existing homes)	P
Cottage Industries §7.11 (in existing homes)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	I
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/ Delivery Establishments	P
Freight Terminals/Trucking Facilities/ Distribution Centers	S
Mail Order Establishments	P
Rail yards	P
Transit Facilities including Scenic/Sightseeing, Passenger Transportation	P
Truck Washes §7.6	P
Warehousing & Storage (including mini-storage) §7.29	P
Wholesale Trade	P
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Heating & Electric Power Generating Plants	P
Public Utility Facilities (without storage yards)	P
Public Utility Facilities (with storage yards)	P
Solar Energy Panels (Accessory) §7.34	P
Wireless:	
Antenna Co-Location §7.32	P
Television/Radio Broadcasting Stations §7.32	P



C. Development Standards.

1. Lot & Structure Standards

a. Lot Area (minimum)	None
b. Lot Width (minimum)	None
c. Building Height (maximum)	30 ft Height regulations shall apply to any portion of a structure that could be used as living or commercial space but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wireless support structures and related facilities which are regulated by Article 7: Supplemental Development Regulations.
d. Ground Floor Area (minimum per dwelling unit)	None
e. Lot Coverage (maximum)	None

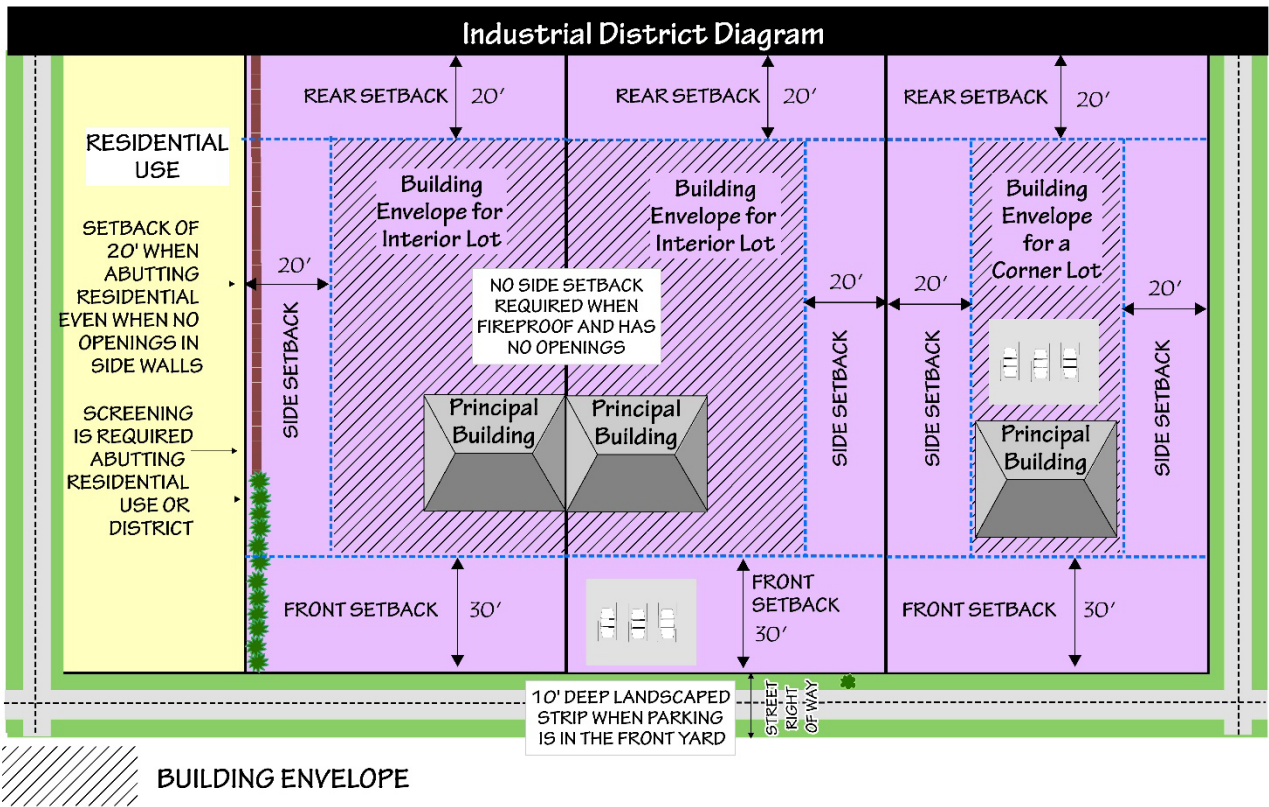
2. Setbacks

a. Front (minimum)	30 ft
b. Side (minimum)	20 ft (1) Side yards may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. (2) On the exterior side yard which borders a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential district.
c. Rear (minimum)	20 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.7 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.20 . A vegetative buffer strip may be used per §3.20 .
c. Fences	See §3.18 .
d. Signs	See §3.22 .
e. Parking	See §3.21 .
f. Other	In addition to all of the requirements in Article 5 , the proposed user shall guarantee that: (1) No use shall constitute a nuisance to adjacent premises, nor defeat the purpose of this Ordinance. (2) No use shall discharge any produced dust, odorous matter, noxious, corrosive or toxic fumes, or physical vibrations, or heat or glare, or intolerable noise beyond the premises on which it is located. (3) Every premise within the Industrial District having a common boundary line with a District other than Industrial shall provide and maintain a screening evergreen hedge and/or approved fence or screen of no less than six (6) feet in height. The application shall include a statement of the effects of the operation in terms of the following

	<p>issues: traffic, water, air, noise, glare, fire and safety hazards, omission of dangerous or obnoxious matter, and on the proposed treatment of any such conditions to maintain the same within the limitations of this Ordinance. It shall show the plans for the disposal of sewage and all industrial wastes. It shall specify the fuels to be used, including plans for smoke control. No deviation shall be made without prior approval. All of the above factors shall comply with minimum state and federal pollution control standards.</p>
<p>g. Projections</p>	<p>(1) Roofed Porch: A roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained.</p> <p>(2) Open Porches and Decks: An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained.</p> <p>(3) Patios and Grade-Level Decks: A patio or grade-level deck shall maintain a two (2) foot setback from all lot lines.</p> <p>(4) Architectural Features: Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twelve (12) inches.</p> <p>(4) Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the lot line.</p>



Section 4.12 Full Table of Permitted & Special Uses

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district Section (above). Uses not listed are not permitted. Unlisted uses are subject to [Section 4.4.B.3](#). In the event of a conflict between the regulations in this Section and the regulations contained in [Section 4.5](#) through [4.11](#), then [Table 4.12](#) shall control.

Sanborn Township Zoning Districts	
R-1	One-Family Residential District
R-2	General Residential District
FR	Forest Recreation District
FF	Farm & Forest District
B-1	Restricted Business District
B-2	General Business District
I	Industrial District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-40
Agriculture, Animal Services & Forest Products	4-41
Arts, Entertainment & Recreation	4-42
Commercial, Services & Retail	4-44
Educational Services & Religion	4-47
Human Care & Social Assistance	4-47
Industrial, Mining & Waste Management	4-48
Miscellaneous	4-49
Public Facilities	4-49
Residential Uses	4-49
Transportation, Storage & Wholesale	4-50
Utility, Energy & Communications	4-50

Table 4.12: Table of Permitted Uses & Special Uses							
	R-1	R-2	FF	FR	B-1	B-2	I
P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply							
Accommodation & Food/Event Services							
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops			P		P	P	
Bed & Breakfasts/Tourist Homes §7.3	S	S	S	S	S	S	
Cabin Courts	S	S	S	S	S	P	
Caterers/Food Service Contractors					P	P	
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.38			P	P	P	P	
Drinking Establishments/Taverns					P	P	
Food Trucks						P	
Hotels & Motels (attached or detached units) §7.16		S			S	P	
Inns			S	S	P	P	
Microbreweries (serving directly to the public)					P	P	
Resorts; Vacation Lodges & Farms	S	S	S	S	S		
Restaurants without Drive-Through					S	P	
Restaurants with Drive-Through (Drive-In or Eat in Car) §7.8						P	
Rooming & Boarding Houses §7.24		S	S	S	P	P	
Short Term Rentals	S	S	S	S	S	S	

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

Table 4.12: Table of Permitted Uses & Special Uses

	R-1	R-2	FF	FR	B-1	B-2	I
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>							
Agriculture, Animal Services & Forest Products							
Agricultural Business (related to the sale of field crops, forest products, & livestock raised or cultivated on the property)			S				
Agricultural Equipment Dealers/Repair			S			P	P
Agricultural Products Processing & Storage			P				P
Agricultural Tourism Uses:							
Bakeries Selling Goods Grown Primarily On-Site			P				
Educational Tours, Classes, Lectures, & Seminars			P				
Family-Oriented Animated Barns (Haunted Houses)			P			P	
Farm Stays			P				
Gift Shops for Agriculturally-Related Products, Crafts			P				
Historical Agricultural Exhibits			P				
Organized Meeting Space (Weddings, Birthdays, Corporate Picnics) – Commercial Event Facility on a Farm §7.38			P				
Petting Farms, Animal Display, & Pony Rides			P				
Picnic Areas (Including Rest Rooms)			P				
Playgrounds, Wagon/Sleigh Rides, Nature Trails			P				
Restaurants Related To The Agricultural Use of the Site			S				
Seasonal Outdoor Mazes of Agricultural Origin			P				
Small-Scale Entertainment (Concert, Car Show, Art Fair)			S			P	
Animal Attractions (such as zoos, animal tours & other animal visitation establishments) (may not be accessory use to hobby or commercial farms)			S	S		S	
Animal Rescue Facilities, Animal Sanctuaries, & Animal Rehabilitation Establishments (shall be rehab and release only) – State license required		P	P	P			
Animal Services (such as dog grooming, animal day care, & dog clubs)			P	P		P	
Animal Shelter/Kennels §7.1			S				
Biofuel Production Facilities on Farms §7.4			P S				
Boarding Stables; Riding Arenas			P				
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)			S				P
Cider Mills			P				
Composting Facilities (large scale facilities – compost material brought in & deposited)			P				

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

Table 4.12: Table of Permitted Uses & Special Uses							
P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	R-1	R-2	FF	FR	B-1	B-2	I
Agriculture, Animal Services & Forest Products (continued)							
Farms & Agricultural Operations			P	P			
Farm Markets on property controlled by the affiliated farm	P	P	P	P			
Farm Product Sales (Fruit/Vegetable Market – products not affiliated with a specific farm)			P	P	P	P	
Feedlots (large scale commercial)			S				
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) INCLUDING Firewood Sales - Commercial - (does not include small bundles of firewood) §7.25			S	S			S
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	P	P	P	P	P	P	P
Game Preserves			P				
Grain Elevators			S				P
Greenhouses/Nurseries/Landscaping Establishments			P			P	
Lumber Yards			P			P	P
Meat Packing Plants							P
Roadside Stands - on property not controlled by a farm §3.7.A.15	P	P	P	P			
Slaughter Houses			S				
U-Pick Operations			P				
Veterinary Clinic			P		P	P	
Veterinary Hospital			S		S	S	
Wineries/Distilleries/Breweries			S			P	P

Table 4.12: Table of Permitted Uses & Special Uses							
P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	R-1	R-2	FF	FR	B-1	B-2	I
Arts, Entertainment & Recreation							
Amusement Arcades						P	
Archery Ranges (& as accessory use to a business)			P			P	
Art Studios					P	P	
Billiards Halls						P	
Bowling Centers						P	
Campgrounds §7.5		S	S	P			
Boat/Canoe/Kayak Liveries	S						
Country Clubs			S	S			

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

Table 4.12: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	R-1	R-2	FF	FR	B-1	B-2	I
Arts, Entertainment & Recreation (continued)							
Dock/Launch Ramp & Marina Facilities, Private or Public (including incidental & related retail facilities & boat repair & storage; not including private use for a one-family residence)	S						
Equipment Rental, Motorized (ORV, Snowmobile)			S	S		P	
Equipment Rental, Non-Motorized (Outfitter)			S	S		P	
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)					P	P	
Golf Courses/Golf Driving Ranges §7.10			S	S			
Historical Restoration/Renovation Facilities (including historic communities, archeological excavations, displays of historical artifacts related to the premises & re-enactments) – open to the public			S	S			
Hunting Camps			P	P			
Museums & Galleries					P	P	
Nature Areas, Parks, Playgrounds, Recreation Area & Wildlife Preserves §7.22	P	P	P	P	P	P	
Private Clubs; Lodges; Sportsmen’s Associations; Fraternal Organizations		S	S	P	P	P	
Race Tracks (motorized)			S				
Race Tracks (non-motorized)			S				
Recreational Facilities, Indoor, Commercial (ex: arcades, billiards, bowling)						P	
Recreational Facilities, Outdoor, Commercial (ex: go-karts, mini-golf, disc golf) §7.20			S	S		S	
RV Parks §7.5			P	S			
Skating Rinks (indoor)						S	
Shooting Range (indoor)			P	P		P	
Shooting Range (outdoor)			S	S			
Spectator Sports Arenas						S	
Swimming Pool Clubs						S	
Theaters; Performing Arts Facilities; Assembly Halls						P	
Theaters & Performing Arts Facilities, Outdoor (Commercial Events Facilities)			P	P	P	P	
Theaters (Drive-In)						S	
Tours (commercial operations)			S			S	

Table 4.12: Table of Permitted Uses & Special Uses

	R-1	R-2	FF	FR	B-1	B-2	I
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>							
Commercial, Services & Retail							
Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change; Tire Sales/Installation §7.2						S	S
Automotive Equipment Rental & Leasing						S	P
Automotive Towing Businesses						S	S
Boat/RV/Recreational Equipment Repair & Storage						S	P
Building & Garden Equipment & Supplies Dealers						P	P
Business Services & Computer Repair					P	P	
Business, Labor, Political & Like Organizations					P	P	
Car Washes §7.6						P	P
Cash Advance Stores						P	
Cleaning Services						P	P
Commercial Equipment Repair & Maintenance						P	P
Contractors, Special Trade (ex: electrical, plumbing, heating – indoor storage of materials/equipment)						P	P
Contractors with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber/Contractor's Equipment (with outdoor storage)			S	S			S
Drive-Through Establishments §7.8						P	P
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)					P	P	P
Electronic & Precision Equipment Repair & Maintenance						P	P
Equipment Rental & Sales						P	P
Extermination & Pest Control Services						P	P
Film Production Facilities/Recording Facilities (including sound stages & other related activities)						P	P
Financial Institutions; Banks					P	P	
Flea Market						P	
Funeral Homes & Mortuaries §7.9						P	
Furniture Refinishing						P	P
Gas Station §7.2					S	S	S
General Rental Centers/Rent-To-Own						P	P
Health Spa					P	P	

Table 4.12: Table of Permitted Uses & Special Uses

	R-1	R-2	FF	FR	B-1	B-2	I
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>							
Commercial, Services & Retail (continued)							
Interior Designers/Showrooms §7.19					P	P	
Locksmiths					P	P	
Lumber Yards						P	
Medical Equipment Sales						P	
Medical Laboratories							P
Medical Marijuana Primary Caregiver Facilities §7.14	P	P	P	P	P	P	
Movie Rental Stores					P	P	
Personal Services (beauty shops, tailoring, massage)	S	S	S		P	P	
Photofinishing/Photographers					P	P	
Printing/Binding/Publishing of Printed Materials					P	P	P
Professional Cleaning Services					P	P	P
Professional Offices		S			P	P	
Real Estate Sales Office		S			P	P	
Repair Stores (not automotive-related)					P	P	
Retail:							
Art & Photography Shops					P	P	
Automotive Accessory Sales					P	P	
Antique Stores/Second-Hand Stores					P	P	
Bait & Tackle Shops					P	P	
Bicycle Shops					P	P	
Book Stores					P	P	
Clothing & Clothing Accessories Stores					P	P	
Convenience Stores					P	P	P
Department Stores					P	P	
Electronics & Appliance Stores					P	P	
Farm & Feed Supply Stores					P	P	
Farm Market					P	P	
Firearms Store			P	P	P	P	
Florists					P	P	
Food & Beverage Stores/Grocery Stores					P	P	
Furniture & Home Furnishings Stores; Antique Stores					P	P	
General Merchandise Stores					P	P	
Gift Shops/Curio Shops					P	P	
Hardware Stores					P	P	

Table 4.12: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	R-1	R-2	FF	FR	B-1	B-2	I
Commercial, Services & Retail (continued)							
Health & Personal Care Stores					P	P	
Home Improvement Centers (lumber stored in enclosed structure)						P	
Office Supply Stores					P	P	
Jewelry Stores					P	P	
Liquor Stores (where liquor is the primary item for sale)					P	P	
Malls, Shopping Centers, or Shopping Plazas						S	
Marijuana Provisioning Center/Retailer – limit of one in Township (shall comply with the Sanborn Township Marijuana Licensing Ordinance) §7.37						S	
Outdoor Sales/Rental of automobiles, boats, trucks, motorcycles, ATVs, marine craft, farm implements, contractor’s equipment, and manufactured homes §7.21						S	
Outdoor Vendors					P	P	
Pet & Pet Care Stores (except Veterinary & Animal Shelters)					P	P	
Pharmacies/Medical & Optical Supplies					P	P	
Resale Shops/Thrift Shops/Pawn Shop						P	P
Sporting Goods, Hobby, Book & Music Stores					P	P	
Retail Uses with Outdoor Storage						S	S
Seasonal Use Sales §7.26			P		P	P	
Septic Services			P				P
Sexually Oriented Businesses §7.28						S	
Shopping Center – Multiple Businesses						S	
Small Engine Repair	S	P	P	P	P	P	P
Small-Scale Craft Making					P	P	P
Sporting Goods, Hobby, Book & Music Stores					P	P	
Studios for Dance, Physical Exercise & Music					P	P	
Tattoo/Piercing Parlor					P	P	
Taxidermy Shops					P	P	
Upholstery Shop					P	P	

Table 4.12: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1	R-2	FF	FR	B-1	B-2	I
Educational Services & Religion							
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public & private)	S	S	S	S	S	S	S
Public or private schools	P	P	P	P	P	P	
Religious Institutions	S	S	S	S	S	S	
Trade Schools			S			P	
Human Care & Social Assistance							
Adult Day Care Facility - (6 or less adults) – IN PRIVATE HOME	P	P	P	P			
Adult Day Care Facility - (greater than 6 adults) – IN PRIVATE HOME	S	S	S	S			
Adult Day Care Facility - NOT IN PRIVATE HOME					P	P	
Adult Foster Care Family Homes, Nursing/Convalescent Home, Assisted Living Home - (6 or less adults) §7.18	P	P	P	P			
Adult Foster Care Facility, Nursing/Convalescent Home, Assisted Living Home - (greater than 6 adults) §7.18		S	S	S	P	P	
Child Care Services (see following)							
Family Child Care Home (6 or less)	P	P	P	P			
Group Child Care Home (7 -12) §7.7	S	S	S	S			
Child Care Center/Nursery School (not in home) §7.7	S	S	S	S	P	P	
Child Caring Institution						S	
Health Care/Dental/Optical Clinics		S			P	P	
Hospitals					P	P	
Rehabilitation Institutions						S	
Residential Human Care & Treatment Facility			S			S	
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	P	P	P	P	P	P	

Table 4.12: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1	R-2	FF	FR	B-1	B-2	I
Industrial, Mining & Waste Management							
Manufacturing, Light – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.							P
Manufacturing, Heavy – including the production, processing, packaging, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.							S
Accessory Uses on the same Zoning Lot (offices, foods services, caretaker buildings)	Permitted in districts where all uses within the “Manufacturing, Industrial, Mining, Waste Management” category are allowed						
Blast Furnace, Steel Furnace, Blooming or Rolling Mill							S
Central Dry Cleaning Plants (not dealing directly with customers)							P
Crematoriums §7.9							S
Incinerator Plant (non-pyrolysis)							S
Incinerator Plant (pyrolysis type)							S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards §7.12			S				S
Laboratories (research & experimental)							P
Machine Shops			S	S	P	P	P
Oil Refinery & Gasoline Processing Facilities							S
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution							S
Portable & Temporary Hot & Cold Mix Asphalt Plants, Ready-Mix Concrete Plants & Similar Uses			S	S			P
Recycling Facilities; Resource Recovery Facilities; Transfer Stations; Waste Collection							P
Research/Design/Experimental Product Development (within a completely enclosed building)							P
Resource Extraction §7.15	S	S	S	S	S	S	S
Sanitary Landfills							S
Smelting Industries							S
Tool & Die Shops			S	S	P	P	P

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

Table 4.12: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1	R-2	FF	FR	B-1	B-2	I
Miscellaneous							
Accessory Buildings & Uses §3.7	P	P	P	P	P	P	P
Planned Unit Developments §7.23	S	S	S	S	S	S	S
Cemeteries including Columbaria & Mausoleums	S	S	S	S			
Site Condominium Development	S	S	S	S			
Public Facilities							
Auditoriums						P	
Community Centers (public)	S	S	S		P	P	
Correctional Facilities			S				
Government Offices	S	S	S		P	P	
Libraries	S	S	S		P	P	
Police/Fire Stations	S	S	S		P	P	
Post Office	S	S	S		P	P	
Public Works Facilities with Outdoor Storage						S	S
Residential Uses							
Accessory Dwelling Units §7.27	S	S	P	P			
Home Occupations §7.11 (allowed in existing homes in B-1, B-2, & I)	P	P	P	P	P	P	P
Cottage Industries §7.11 (allowed in existing homes in B-1, B-2, & I)	S	S	S	S	S	S	S
Living Quarters in conjunction w/ permitted business use					P	P	
Manufactured Housing Community (& accessory uses such as laundry, office building & community building) §7.13			S				
One-Family Dwelling (year-round & seasonal)	P	P	P	P	P		
Multiple-Family Dwelling Units §7.17		P					
Townhouses; Condominiums (connected)		P					
Two-Family Dwelling (duplex)		P					

Table 4.12: Table of Permitted Uses & Special Uses

	R-1	R-2	FF	FR	B-1	B-2	I
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>							
Transportation, Storage & Wholesale							
Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & Other Aviation Functions			S	S			
Couriers/Parcel Packing/Shipping/ Delivery Establishments						P	P
Freight Terminals/Trucking Facilities/Distribution Centers			S			S	S
Mail Order Establishments						P	P
Railyards							P
Transit Facilities including Scenic/Sightseeing, Passenger Transportation						P	P
Truck Washes §7.6						P	P
Warehousing & Storage (including mini-storage) §7.29						P	P
Wholesale Trade						P	P
Utility, Energy & Communications							
Battery Energy Storage Systems §7.36			S				
Essential Services	P	P	P	P	P	P	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S	S	S	S	S	S	S
Heating & Electric Power Generating Plants							P
Public Utility Facilities (without storage yards)	S	S	P	P	P	P	P
Public Utility Facilities (with storage yards)			S		P	P	P
Solar Energy Facility (Utility-Scale) §7.35			S				
Solar Energy Panels (Accessory) §7.34	P	P	P	P	P	P	P
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.31			S	S			
Wind Turbines (small on-site) §7.30			P	P	P	P	
Wireless:							
Antenna Co-Location §7.32	P	P	P	P	P	P	P
Small Cell Wireless Facilities §7.33			S	S		S	
Television/Radio Broadcasting Stations §7.32						P	P
Wireless Communications Facilities with Support Structures (i.e., cell towers) §7.32			S	S		S	
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed §7.32			S	S		S	

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

Section 4.13 Zoning District Descriptions

While the Zoning Map in Sanborn Township Hall is the official record of zoning district boundaries in the Township, the following text descriptions of zoning districts is intended to supplement the official zoning map. In the event of a conflict between this Section and the Official Zoning Map, the Zoning Map shall prevail.

R-1 - One-Family Residential District

T29NR8E

All that part of Section 2 easterly of US-23 and northerly of Old Ossineke Rd.

That part of the S 1/2 of the S 1/2 of Section 11 lying east of US-23, south of the South Branch Devils River, and south and west of the Devils River.

The plat of Ossineke Beach Subdivision, and the plat of Hiawatha Woods Subdivision, and all that part of the plat of the Village of Ossineke lying north of State St in Section 11.

All that part of the NE 1/4 of the SE 1/4 of Section 11 bound by Old Ossineke Rd on the west, Washington Ave on the east, and State St on the south.

All that part of the E 1/2 of the E 1/2 of Section 11 lying west of Old Ossineke Rd.

All that part of the NW 1/4 of the NE 1/4 of Section 11 lying north and west of the plat of Hiawatha Woods Subdivision, and land lying between the NE line of Hiawatha Woods Subdivision and the SW line of Ossineke Beach Subdivision.

A parcel of land in Section 11 described as commencing at the intersection of the center of the North Branch Devils River and the ELY ROW line of US-23, then N12o 10' 30" E 120.73' M/L to the POB, then N 12o 10' 30" E 294.57' to southerly line of clear vision area, then S 76o E 342.2' to SWLY ROW of RR, then SELY along RR ROW 138', then S 42o 30' W 311.47' M/L, then N 69o 40' 35" W 312.6' M/L to US-23 ROW and POB.

All that part of the plat of the Village of Ossineke and the plat of Ossineke Beach Subdivision lying in Section 12, excluding Block 9 and Block Q of the Village of Ossineke, and excluding that part of the plat of the Village of Ossineke lying S of State St and west of the Devils River.

That part of the W 1/2 of the NW 1/4 of the NW 1/4 of Section 13 lying south of the southerly bank of the Devils River.

That part of the W 1/2 of the SW 1/4 and the SW 1/4 of the NW 1/4 of Section 14 lying west of Old Ossineke Road. That part of the NE 1/4 of the SW 1/4 of the SW 1/4 Section 14 lying east of the westerly line of the plat of Labell Subdivision, and the south 130' of the N 1/2 of the SW 1/4 of the SW 1/4 Section 14 lying east of the US-23 ROW. All that part of the N 1/2 of the N 1/2 of Section 14 lying east of US-23 and northerly of Old Ossineke Rd.

A strip of land 251' in width lying southerly of and adjacent and parallel to Old Ossineke Rd from the Devils River

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

southwesterly to the US-23 ROW; and a parcel of land described as commencing 1414' southwesterly from the intersection of the southerly line of Old Ossineke Rd and southwesterly line of Sampson Rd, then SWLY along Old Ossineke Rd 85' to easterly ROW line of US-23, then along US-23 ROW line 236', then at right angle southeasterly 170', then NE parallel to US-23 100', then NE parallel to Old Ossineke Rd 109' then then at right angle NW 218' to POB; and a parcel of land described as commencing at the intersection of the SELY line Old Ossineke Rd and the SWLY line of Sampson Rd, then SWLY Old Ossineke Rd 214', then SELY 354.6ft, the S 33.6', then S 81o 37' 6" E 105.f, then N 15o 31' E 325.37', then N 51o 52' 44" W along Sampson Rd 246.64' to POB.

That part of the E ½ of the E ½ of Section 15 lying east of the South Branch Devils River.

The E ½ of the E ½ of Section 22 except that part designated B-2.

The W ½ of Section 23 except those portions designated as B-1 and B-2.

That part of the SW ¼ of the SE ¼ of Section 23 lying west of US-23 except that portion designated as B-1.

The N 280' of the S 1010' and the W 410' of the N 330' of the SW ¼ of the SE ¼ lying east of US-23.

A strip of land 256.52' in width lying northeasterly of and parallel and adjacent to the US-23 ROW across the NW ¼ of the SE ¼ of Section 23.

A parcel of land described as commencing at the E ¼ corner of Section 26, then N 0o 7' 28" E 660.75', then S 89o 44' 18" W 67.94' to WLY 66ft ROW line of Tolan Rd and the POB, then S 89o 44' 18" W 766.1', then N 0o 7' 28" E 170.57', then N 89o 44' 18" E 656.56' to ROW line, then S 32o 42' E 202.1' to POB.

R-2 - General Residential District

T29NR8E

That part of the SE ¼ of the SW ¼ of Section 2 lying west of US-23, and a strip of land in the W ½ of Section 2 that is 400' in width lying westerly of and parallel and adjacent to the US-23 ROW line.

The plat of Timber Estates Subdivision Section 3, and a strip of land in the E ½ of the E ½ of Section 3 that is 400' in width lying westerly of and parallel and adjacent to the US-23 ROW line.

The plat of City View Subdivision in Section 6.

All that part of the E ½ of the SE ¼ of Section 11 lying south of State St and east of Old Ossineke Rd except that portion designated as Industrial.

All that part of the SW ¼ of the SE ¼ of Section 11 lying north and east of the Devils River and South Branch Devils River except that part designated as Industrial.

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

All that part of the SE ¼ of the SW ¼ of Section 11 lying north of the South Branch Devils River and east of US-23.

All that part of the NE ¼ of the SW ¼ of Section 11 north of Piper Rd and east of a line 200' ELY of the US-23 ROW line, and all that part of the NE ¼ of the SW ¼ of Section 11 south of Piper Rd, except that part designated as Industrial, and except a parcel of land described as commencing at the intersection of the center of the North Branch Devils River and the ELY ROW line of US-23, then N12o 10' 30" E 120.73' M/L to the POB, then N 12o 10' 30" E 294.57' to southerly line of clear vision area, then S 76o E 342.2' to SWLY ROW of RR, then SELY along RR ROW 138', then S 42o 30' W 311.47' M/L, then N 69o 40' 35" W 312.6' M/L to US-23 ROW and POB, and except the northerly 250' of a strip of land 200' in depth lying easterly of US-23 and southerly of RR clear vision area in Section 11.

The NW ¼ of the SE ¼ of Section 11 except that part designated as Industrial.

All that part of the W ½ of the NE ¼ of Section 11 lying east of a line 200' easterly of the US-23 ROW line excluding the plat of Hiawatha Woods Subdivision.

That part of the SW ¼ of the SW ¼ of Section 12 lying south of State St and west of the Devils River.

The N ½ of the NW ¼ of Section 13 excluding that part of the W ½ of the NW ¼ of the NW ¼ of Section 13 lying south of the southerly bank of the Devils River.

That part of the N ½ of the N ½ of Section 14 lying east of US-23 except those parts designated as R-1 and B-2.

B-1 - Restricted Business District

T29NR8E

All that part of the NW ¼ of the NW ¼ of Section 23 commencing at the NW section corner, then E 417.12' to west ROW line of US-23, then southerly 640.11' along ROW line, then N 85o 0' 7" W to section line, the N along section line to POB.

That part of the SW ¼ of the SE ¼ of Section 23 described as commencing at the S ¼ corner, then E 512.6' to westerly ROW line of US-23 and POB, then N 22o W 170.0' along ROW, then S 66o W 200' then SE parallel to US-23 to south section line, then E to POB.

A strip of land 200' in width lying westerly of and parallel and adjacent to the westerly US-23 ROW across Section 26.

A strip of land 200' in width lying easterly of and parallel and adjacent to the easterly US-23 ROW across Section 26, except that part designated as B-2.

That part of the north 233' of the NW ¼ of the NE ¼ of Section 26 lying east of US-23.

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

B-2 - General Business District**T29NR8E**

The northerly 250' of a strip of land 200' in depth lying easterly of US-23 and southerly of RR clear vision area in Section 11.

A strip of land 200' in width running parallel and adjacent to the westerly ROW of US-23 over and across Section 11 from Piper Rd to the N section line; also a parcel described as commencing 465.3' W of the N $\frac{1}{4}$ corner, then WLY 410', then S 180', then ELY 485' M/L to the US-23 ROW line, then NW along ROW line 195.7' to the POB.

A strip of land 200' in width running parallel and adjacent to the easterly ROW line of US-23 over and across Section 11 from Piper Rd to the N section line excluding the plat of Hiawatha Woods Subdivision; also all that part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11 lying between the easterly ROW line of US-23 and the westerly line of Hiawatha Woods Subdivision and the extension of said line to the N section line.

A parcel of land in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13 described as, commencing 33' N and 100' E of the SW section corner, then N 200', then E 400', then S 200', then W 400 ft to POB.

That part of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 14 lying west of US-23.

A parcel of land in the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 14 described as, commencing at the NW section corner, then S 0o 29' E 1329.25', the N 89o 59' 30" E 1150.24' to easterly ROW line of US-23 and the POB, then N 24o 26' 30" E 169.45', then S 65o 39' E 150', then S 24o 56' W 100.07' to northerly one-eighth line, then W on eighth line to POB.

That part of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 14 lying east of Old Ossineke Rd except that portion of the plat of Labell Subdivision designated as R-1.

That part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14 lying east of Old Ossineke Rd.

The E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22.

The south 404.04' of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23.

That part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23 bounded on the west by US-23, on the east by Sanborn St, and on the south by Couture St.

The south 300' of the north 575' of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23.

The west 600' of the north 233' of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26.

That part of the NE $\frac{1}{4}$ of Section 26 lying N of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ bound by Tolan Rd on the east side and US-23 on the west side excluding the N 233' thereof, also excluding commencing N 0o 7' 28" E 660.75'

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

and S 89o 44' 18" W 67.94' from the E ¼ corner on the WLY 66 ROW of Tolan Rd, then S 89o 44' 18" W 1316.5' to E ROW line of US-23, the NWLY along Hwy 973.2', then SELY 600'M/L to a point 250' at right angle from Tolan Rd, then NELY to said road, then SELY along road 1253.6' to POB.

I - Industrial District

T29NR8E

All that part of Section 11 lying between Piper Road and the Lake State Railroad (D & M Railroad) from the west section line easterly to Old Ossineke Rd.

A strip of land 200' in width lying southerly of and parallel and adjacent to the Lake State Railroad (D & M Railroad) over and across Section 11, except for that parcel designated as Ossineke Cemetery, and except a parcel of land described as commencing at the intersection of the center of the North Branch Devils River and the ELY ROW line of US-23, then N12o 10' 30" E 120.73' M/L to the POB, then N 12o 10' 30" E 294.57' to southerly line of clear vision area, then S 76o E 342.2' to SWLY ROW of RR, then SELY along RR ROW 138', then S 42o 30' W 311.47' M/L, then N 69o 40' 35" W 312.6' M/L to US-23 ROW and POB, and except the northerly 250' of a strip of land 200' in depth lying easterly of US-23 and southerly of RR clear vision area.

FF - Farm & Forest District

T29NR8E

All of Sections 6 (except the plat of City View Subdivision), 7, 8, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34, and the W ½ of Section 5, and the W ½ of Section 9.

All that part of Section 11 lying W of US-23 except those parts designated as B-2 and Industrial.

The SW ¼ of the SW ¼ of Section 15, and the south 380' of the SE ¼ of the SW ¼, and the south 380' of the SW ¼ of the SE ¼ of Section 15, and the E ½ of the E ½ of Section 15 except that part lying easterly of the South Branch Devils River.

The W ½ of Section 22, and the W ½ of the E ½ of Section 22.

The W ½ of Section 26, and the that part of the W ½ of the E ½ of Section 26 westerly of a line lying 200' west of the US-23 ROW, and a strip of land 200' in width lying northerly of and parallel and adjacent to Tolan Rd across the NE ¼ of Section 26.

The W ½ of Section 35, and that part of the E ½ of Section 35 lying west of a line 200' E of the E US-23 ROW.

That part of Section 36 W of a line lying 200' E of the E US-23 ROW.

FR - Forest Recreation District

T29NR8E

That part of the W ½ of the W ½ of Section 2 westerly of a line lying 400' westerly of the US-23 ROW.

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

All of Section 3 excluding the plat of Timber Estates Subdivision, and also excluding any part of Section 3 lying easterly of a line lying 400' westerly of the US-23 ROW.

All of Sections 4, 10, 24, 25, and the E ½ of Section 5 and the E ½ of Section 9.

The E ½ of Section 12, and the E ½ of the W ½ of Section 12 excluding the plat of the Village of Ossineke. Block 9 and Block Q of the plat of the Village of Ossineke.

Section 13 excluding the N ½ of the NW ¼, and excluding a small parcel designated B-2 in the SW ¼ of the SW ¼.

The SE ¼, and the S ½ of the NE ¼, and the SE ¼ of the NW ¼, and the E ½ of the SW ¼ of Section 14.

The W ½ of the E ½ of Section 15 excluding the south 380' thereof, and the NW ¼ of Section 15, and the N ½ of the SW ¼ of Section 15, and the SE ¼ of the SW ¼ of Section 15 excluding the south 380' thereof.

The E ½ of Section 23 except those parts designated as R-1 or B-2.

That part of the E ½ of the E ½ of Section 26 lying east of a line 200' east of the US-23 ROW line, excluding any portion designated as R-1, FF, or B-2.

That part of the E ½ of Section 35 east of a line lying 200' E of the E ROW of US-23.

All of Section 36 except that part westerly of a line lying 200' E of the E ROW of US-23.

T29NR9E

Sections 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.

Article 5 Plan Review

Sec	Name	Pg
5.0	Purpose & Approval Summary Table	5-1
5.1	Plot Plan Review	5-2
5.2	Site Plan Review Procedures	5-5
5.3	Site Plan Data Required	5-8
5.4	Site Plan Review Standards	5-11
5.5	Amendment to an Approved Site Plan	5-14
5.6	Expiration of Plot Plan or Site Plan Approval	5-15

Section 5.0 Purpose & Approval Summary Table

A. Purpose.

The purpose of this Article is to specify the documents and/or drawings required for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is orderly, properly designed, safe, efficient, environmentally sound, and designed in such a manner as to protect adjacent properties from substantial adverse impacts.

B. Approval Summary Table.

Table 5.0: Approval Summary Table

Type of Use	Type of Plan	Approving Body
1. One-Family & Two-Family Dwelling Units	Plot Plan	Zoning Administrator
2. Multiple-Family Dwelling Units	Site Plan	Planning Commission
3. Home Occupations (no approval required but use shall comply with §7.11)	None	None
4. Cottage Industries (Special Use)	Plot Plan	Planning Commission
5. Bed & Breakfasts, Short Term Rentals & Boarding Houses/Rooming Houses	Plot Plan	Planning Commission
6. Accessory Structures (residential or non-residential) 200 sq ft and over	Plot Plan	Zoning Administrator
7. Accessory Structures (residential or non-residential) under 200 sq ft	No permit required but standards in §3.7 apply	

8. Accessory Dwelling Units	Plot Plan	Planning Commission
9. Accessory Solar Panels & Accessory Wind Turbines	Plot Plan	Zoning Administrator
10. Dwelling Units in Conjunction w/Commercial	Site Plan	Planning Commission
11. Manufactured Housing Communities	Site Plan	Planning Commission
12. Special Uses (& Accessory Buildings for Previously Approved Special Uses)	Site Plan*	Planning Commission
13. Parking Lots (paved) – new or any changes to existing parking lots	Site Plan	Planning Commission
14. Signs	Plot Plan	Zoning Administrator
15. Fences	Plot Plan	Zoning Administrator
16. Change of Use for existing structure or lot	Application – no fee	Zoning Administrator
17. New Commercial, Industrial, Institutional, Utility Structures or Extractive Uses or expansion or renovation of existing use which increases the floor space more than 25%	Site Plan	Planning Commission
18. Recreational Uses including Campgrounds & RV Parks	Site Plan	Planning Commission
19. Food Trucks/Food Truck Parks – in one location for 30 days or more	Plot Plan	Planning Commission
20. Planned Unit Developments & Site Condominium Projects	Site Plan	Planning Commission
21. Seasonal Uses	None	None
22. Temporary Dwellings	Plot Plan	Zoning Administrator
23. Private Roads	Site Plan	Planning Commission

***Special Uses located within a residence shall submit a Plot Plan (i.e., Cottage Industry, Group Child Care Homes, etc.)**

C. Plot Plan & Site Plan Waiver.

The Zoning Administrator may waive plot plan or site plan review requirements for permitted uses and the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

1. A change in principal use where such change would not result in significant structural alterations, an increase in impervious surface, additional off-street parking, access, or other external site characteristics, or create a violation of this Ordinance.
2. Seasonal Use Sales.

Section 5.1 Plot Plan Review

A. When Plot Plan Review is Required.

All zoning permit applications shall include a plot plan unless a detailed site plan is required per [Table 5.0](#).

B. Plot Plan Review Procedure.

1. Plot Plans Requiring Approval by the Zoning Administrator.

- a. The Zoning Administrator shall not issue a zoning permit for the construction or change of use of the buildings and structures identified in this Section unless a plot plan has been reviewed and approved by the Zoning Administrator.
- b. The Zoning Administrator shall review submitted materials and shall conduct a site visit. If said use is allowed and meets all Ordinance requirements and any special conditions for that use pursuant to [Article 7](#), a zoning permit shall be issued.
- c. If the plot plan is disapproved by the Zoning Administrator, notification of such disapproval and reasons shall be given to the applicant within ten (10) days.

2. Plot Plans Requiring Approval by the Planning Commission. Plot plans which require approval by the Planning Commission shall undergo the review procedures listed under [Section 5.2](#). The plot plan submittal requirements are found in **subsection C** below.

C. Plot Plan Submittal Requirements.

In addition to the information required on the zoning permit application, the following shall be submitted as part of the Plot Plan. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing plans and specifications, provided the same is clear and legible and that the information listed below is provided.

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

1. General	<ul style="list-style-type: none"> a. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties. b. Legal description of the property.
2. Vicinity Map	A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties and their uses (can be inset into unused corner of site map).
3. Map Features	Map scale, north arrow, and date.
4. Property Layout	<ul style="list-style-type: none"> a. The shape, location, and dimensions of lot lines, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required. b. The location and configuration of the lot access and driveway, drawn to scale. c. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project. d. Location of required setbacks of the zoning district.
5. Structures	<ul style="list-style-type: none"> a. The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any existing building or other structure, drawn to scale. b. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures. c. All existing structures within ten (10) feet of the lot line on adjoining property.
6. Accessory Uses/Storage	Show the location of planned accessory and outside storage areas.
7. Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
8. Natural Features	Natural features such as forests, water bodies, wetlands, high-risk erosion areas, slopes over 10%, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.
9. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 5.2 Site Plan Review Procedures

No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan, and no building permit(s) shall be issued prior to the approval of the site plan. The following are the procedures for site plan submittal and approval:

A. Site Plan Pre-Application Meeting.

The Zoning Administrator, alone or in conjunction with the Planning Commission Chair and/or members of the Planning Commission, shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments, this conference is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application meeting should be held several months in advance of the desired start of construction. Such an advance meeting will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

B. Number of Copies.

Five (5) copies of the proposed site plan containing the data listed in [Section 5.3](#), including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent. A digital copy of the site plan shall also be required.

C. Timing of Submittal For Planning Commission Approval.

Site plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least thirty (30) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.

D. Fees.

Application fees pursuant to the currently adopted fee schedule and [Section 9.3](#) shall be paid when the site plan is submitted.

E. Review for Completeness by the Zoning Administrator.

The Zoning Administrator will review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, within thirty (30) days, the Zoning Administrator shall cause the submittal to be

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

placed on the agenda of the next regular Planning Commission meeting.

F. Coordination with Other Agencies/Departments.

The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

1. The **Alpena County Soil Erosion and Sedimentation Control Officer.**
2. The **Alpena County Drain Commissioner.**
3. The **Alpena County Road Commission** and, if appropriate, the **Michigan Department of Transportation.**
4. **District Health Department.**
5. Local police, fire, and ambulance service providers.
6. Consultant.
7. Other agencies as deemed appropriate.

G. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

H. Attendance at Meeting.

The applicant or his/her representative shall be present at the scheduled site plan review. If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

I. Consultant.

The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process if deemed necessary or advisable.

J. Planning Commission Action.

1. **Decision.** The Planning Commission, after review of the site plan, shall have the responsibility and authorization to:
 - a. Approve the site plan; or

- b. Approve the site plan with conditions; or
 - c. Disapprove the site plan. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.
2. **Approval Based on Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
 3. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to [Section 9.7](#) of this Ordinance.
 4. **Signed Copies.** Upon approval of the site plan, three (3) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated site plan shall be provided to the applicant, one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file, and one (1) copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved site plan shall be provided by the applicant.
 5. **Performance Guarantee.** The applicant may be required to post performance guarantees to ensure the completion of improvements associated with the project as per [Section 9.4](#).
 6. **Zoning Permit.** Approval of a final site plan authorizes the issuance of a zoning permit.
 7. **Appeal.** The decision of the Planning Commission may be appealed by a person aggrieved by the decision; by an officer, department, board, or bureau of the State of Michigan; or the Township, to the Zoning Board of Appeals. Request for appeal shall be made within thirty (30) days of the date of the Planning Commission decision.
 8. **Rehearing.** A rehearing may be granted pursuant to [Section 9.9](#).

K. Conformity To Site Plan Required.

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Planning Commission. The Zoning Administrator shall give the permittee notice of violation of the site plan at least ten (10) days prior to the revocation by the Planning Commission to provide time for corrective action. The Planning Commission may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

Section 5.3 Site Plan Data Required

Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Planning Commission. The Planning Commission can waive any of the site plan requirements listed below when it finds those requirements are not applicable to the proposed development.

1. Contact Information	Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. Legal Description	The parcel's legal description.
3. Map Requirements	The date, a north arrow, the scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = forty (40) feet for parcels under three (3) acres and at least one (1) inch = one hundred (100) feet for parcels of three (3) acres or more.
4. Boundary Lines	The boundary lines and dimension of the property. Show relationship of the subject property to abutting properties. A certified survey of the property which has been prepared and sealed by a professional licensed surveyor may be required by the Zoning Administrator.
5. Natural Features	Boundary dimensions of natural features such as existing trees and vegetation, forests, water bodies, wetlands, floodplains, high risk erosion areas, slopes over ten (10) percent, drainage and other similar features.
6. Topography	The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten (10) percent or greater, contours shall be shown at height intervals of two (2) feet or less.
7. Location of Structures & Accessory Features	The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including main building(s), accessory structures, trash receptacles, walkways, signs, exterior lighting, common use areas, recreational areas and facilities, and any impervious surface. Indicate gross building areas.
8. Location of Vehicular Features	Location of proposed drives, neighboring drives, vehicle entrances and loading points, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), and loading and unloading areas.
9. Location of Pedestrian Circulation Features	Location and design of sidewalks, walkways, barrier-free access points, bicycle paths, bicycle parking areas, and areas for public use.
10. Signs	Location, size, and specifications of all signs and advertising features with cross sections.

11. Elevations	Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration. Indicate the number of stories.
12. Type of Surface	Types of surfacing such as paving, turfing or gravel to be used at the various locations.
13. Setbacks	Setback lines and distances between structures and lot lines.
14. Area of Development	Indicate the gross land area of the development and area of the property subject to be covered by structures (not available as open space).
15. Rights-of-Way, Easements & Public Spaces	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
16. Utilities	Size and location of proposed sewer and water lines and connections. Location of all other utilities on the site.
17. Nearby Structures	The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
18. Abutting Front Yard Dimensions	The front yard dimensions of the nearest building on both sides of the proposed structure.
19. Adjacent Water Wells & Septic Systems	Location of well and septic system on adjacent lots within 100 feet.
20. Zoning Classification	The existing zoning district in which the site is located and the zoning of adjacent parcels.
21. Landscaping, Fences, & Walls	Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained. (Plant materials shall be chosen and installed in accordance with §3.20 of this Ordinance).
22. Lighting	Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
23. Outdoor Storage	Description and location of any existing or proposed outdoor storage facilities (above-ground and below-ground storage).
24. Drainage	The location, size and slope of all surface and subsurface drainage facilities.
25. Floor Drains	Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
26. Wastewater Treatment	Description and location of on-site wastewater treatment and disposal systems.
27. Well Location	Location of existing private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
28. Snow Storage	The location of snow storage areas.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

<p>29. Documentation of Compliance with Soil Erosion & Stormwater Standards</p>	<p>All site plans shall comply with the terms of the Alpena County Soil Erosion and Sedimentation Control Standards. It shall be the applicant’s responsibility to provide documentation of compliance with these standards.</p>
<p>30. Hours of Operation</p>	<p>Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.</p>
<p>31. Residential Project Requirements</p>	<p>Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:</p> <ul style="list-style-type: none"> a. Minimum floor area of dwelling units. b. Total number of units proposed. c. Number of bedrooms per unit in multiple-family developments. b. Areas to be used for open space and recreation.
<p>32. Phased Construction</p>	<p>Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:</p> <ul style="list-style-type: none"> a. Relationship and identification of future structures. b. Pedestrian and vehicular circulation. c. Time schedule for completion of the various phases of the proposed construction. d. Temporary facilities or construction of same as required to facilitate the stated development.
<p>33. Impact Statement</p>	<p>The Zoning Administrator may require a statement which addresses the following as applicable to the type of use:</p> <ul style="list-style-type: none"> a. A complete description of the proposed development including areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable. b. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to groundwater reserves, change in traffic volume on abutting roads and other factors that may apply to the particular development. c. Statements relating to the impact of the proposed development on soil erosion, drainage patterns, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise pollution and the aesthetics and scale of development in terms of the surrounding environment. Statement of the impact of the development with respect to noise, dust, fire hazard, fumes, odors, vibration, smoke, or excessive light.
<p>34. Other</p>	<p>Information may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.</p>

<p>35. Data Required For Groundwater Protection</p>	<ul style="list-style-type: none"> a. In the case of businesses or facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons) per month, whichever is less, or stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons), whichever is less, the Planning Commission may require the following: b. Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the local fire marshal. c. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances. d. Location of all underground and above-ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses. e. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store, transport stormwater or waste water. The point of discharge for all drains and pipes shall be specified on the site plan. f. Location of all water wells on the site and within 150 feet surrounding the parcel's property boundaries. g. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of the contamination, including any remediation activities. h. Submissions of the "State/County Environmental Permits Checklist".
--	---

Section 5.4 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. Compliance with District Requirements.

The site plan shall comply with the district requirements for minimum floor space, height of structures, lot size, yard space, density, and all other requirements as set forth in the Zoning Ordinance unless otherwise provided.

B. Public Welfare and Adjoining Properties.

- 1. The uses proposed will not adversely affect the public health, safety, or welfare.

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

- 2. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property, and the relationship and size of buildings to the site.
- 3. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing and planned future uses in the immediate area.

C. Light, Air, and Access.

The location, size, and height of the structures, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the structures and that there will be no interference with adequate light, air, and access to adjacent lands.

D. Topography and Natural Landscape.

All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

E. Drainage.

On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to 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. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged into the natural drainage system.

F. Privacy.

The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

G. General Access.

Every structure or dwelling unit shall have access to a public road, private road, walkway, or other area dedicated to common use.

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

H. Vehicular and Pedestrian Circulation.

1. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site.
2. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system.
3. Drives, roads, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
4. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Roads and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project.
5. Where possible, shared commercial access drives shall be encouraged.

I. Emergency Vehicle Access/Fire and Safety.

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.

J. Loading and Storage.

All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first-floor elevations. The site plan shall provide for adequate storage space for the use therein.

K. Snow Storage.

Proper snow storage areas shall be provided so as to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

L. Exterior Lighting.

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along abutting roads. Lighting of buildings or structures shall be minimized to reduce light pollution. Lighting standards contained in [Section 3.17](#) shall be adhered to.

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

M. Utilities.

All utility services shall be provided in a manner least harmful to surrounding properties. All utilities shall be located underground, as applicable, unless specifically waived by the Planning Commission.

N. Compliance with Other Statutes and Regulations.

Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit is granted.

Section 5.5 Amendment to an Approved Site Plan

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes to an approved site plan may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan or any specified conditions imposed as part of the original approval and will conform to regulations contained within this Ordinance. Minor amendments shall include the following as deemed appropriate by Zoning Administrator:
1. Changes in floor plans that do not exceed five (5) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 2. Reduction of the size of any structure and/or sign.
 3. Changing the location of structures/signs by no more than five (5) feet.
 4. Expansion no greater than five (5) percent of the size of any sign.
 5. Internal re-arrangement of the parking lot which does not affect the number of parking spaces or alter access locations or design.
 6. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 7. Changes that will preserve the natural features of the site without changing the basic site layout.
 8. Change in type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
 9. Changes related to item 1 through 8 above required or requested by the Township or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions

imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

- B. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- C. No fees shall be required for minor site plan amendments approved by the Zoning Administrator.
- D. For amendments to site plans that do not qualify as a minor amendment or which require Planning Commission action, the same application process and fee for site plan review shall apply.

If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

Section 5.6 Expiration of Plot Plan or Site Plan Approval

A. Expiration of Planning Commission Approval.

- 1. The approval of any site plan or a plot plan approved by the Planning Commission under this provision shall expire one (1) year after the date of such approval unless actual construction and development have been commenced in accordance with said site plan or plot plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that a lapse of more than one (1) year of continuous substantial construction and development does not occur, in which event, said approval shall expire.
- 2. Thirty (30) days prior to the expiration of an approved final plot plan or site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the plot plan or site plan at no fee. The Planning Commission shall grant the requested extension for this additional one (1) year if it finds good cause for the extension. A maximum of one (1) extension may be granted.
- 3. Any subsequent re-submittal of a plot plan or site plan due to expiration (if an extension is not applied for and granted) shall be processed as a new request with new fees.

B. Expiration of Zoning Administrator Approval.

Plans approved by the Zoning Administrator will expire after one (1) year from the date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the

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

furtherance of the zoning permit. The Zoning Administrator may grant an extension to the zoning permit upon a showing of good cause by the applicant and that the zoning regulations applicable to the use authorized by the approval have not substantially changed since the issuance of the original zoning permit. A maximum of one (1) extension may be granted.

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

Article 6

Special Use Review

Sec	Name	Pg
6.0	Purpose	6-1
6.1	Special Use Review Procedure	6-1
6.2	Special Use Standards	6-4
6.3	Inspection of a Special Use	6-6
6.4	Compliance with Other Regulations	6-6
6.5	Amendment to an Approved Special Use	6-6
6.6	Expiration of a Special Use	6-7

Section 6.0 Purpose

Special Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Section 6.1 Special Use Review Procedure

A. Application Submittal.

1. **Application.** An application for a Special Use shall be submitted to the Zoning Administrator on a special form provided for that purpose at least thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed.
2. **Plot Plan or Site Plan Required.** Uses which require a site plan shall submit five (5) copies of the site plan prepared under the requirements of **Section 5.3**. Uses which require a plot plan shall submit five (5) copies of a plot plan prepared under the requirements of **Section 5.1**. The Zoning Administrator may waive the requirement for a plot plan or site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Use.
3. **Written Information.**

- a. In addition to the required elements of a plot plan or site plan, the application shall include the items listed below:
- b. A written description of the proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- c. A statement prepared by the applicant appraising the effect on the neighborhood.
- d. Other information may be required by the Planning Commission to assist in the consideration of the Special Use application.
- e. The application shall be accompanied by the fee established by the Township Board.

B. Application Processing.

1. **Review for Completeness.** The Zoning Administrator will review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with **Section 9.5**.
2. **Coordination with Other Agencies/Departments.** The Zoning Administrator may distribute the Special Use application to the following for comment or recommendation prior to consideration for approval:
 - a. The **Alpena County Soil Erosion and Sedimentation Control Officer**.
 - b. The **Alpena County Drain Commissioner**.
 - c. The **Alpena County Road Commission** and, if appropriate, the **Michigan Department of Transportation**.
 - d. **District Health Department**.
 - e. Local police, fire, and ambulance service providers.
 - f. Consultant.
 - g. Other agencies as deemed appropriate.
3. **Applications Requiring ZBA Action.** Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before Special Use approval can be granted, or the Special Use may be approved subject to favorable action by the Zoning Board of Appeals.

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

4. **Consultant.** The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the Special Use review process, if deemed necessary or advisable.

C. Public Hearing.

1. A public hearing shall be held for all Special Use permit requests. Notice of the Special Use permit request and public hearing shall be provided after notice is given pursuant to [Section 9.5](#).
2. **Attendance at Meeting.** The applicant or his/her representative shall be present at the scheduled Special Use review. If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

D. Planning Commission Action.

1. **Decision.** The Planning Commission, after review of the Special Use, shall have the responsibility and authorization to:
 - a. Approve the Special Use; or
 - b. Approve the Special Use with conditions; or
 - c. Disapprove the Special Use. If the Special Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.
2. **Approval Based on Findings of Fact.** The decision on a Special Use shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
3. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a Special Use, pursuant to [Section 9.7](#) of this Ordinance.
4. **Signed Copies of Plan.** If a plot plan or a site plan is required, upon approval of the site plan or plot plan, three (3) copies of the plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated plan shall be provided to the applicant, one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file, and one (1) copy shall be made part of the Planning Commission’s permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved plan shall be provided by the applicant.
5. **Performance Guarantee.** The applicant may be required to post performance guarantees to ensure the completion of improvements associated with the project as per [Section 9.4](#).

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

6. **Zoning Permit.** Approval of a final site plan authorizes the issuance of a zoning permit.
7. **Appeal.** In the case of a Special Use, the decision of the Planning Commission may not be appealed to the Zoning Board of Appeals. Appeals shall be made to the Circuit Court of Alpena County.
8. **Rehearing.** A rehearing may be granted pursuant to [Section 9.9](#).

E. **Conformity To Special Use Required.**

Following approval of a Special Use by the Planning Commission, the applicant shall operate the Special Use in complete conformity with the approved Special Use and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Planning Commission. The Zoning Administrator shall give the permittee notice of violation of the site plan at least ten (10) days prior to the revocation by the Planning Commission to provide time for corrective action. The Planning Commission may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

Section 6.2 Special Use Standards

After the required public hearing, the Planning Commission shall approve, deny, or approve with conditions, an application for a Special Use permit only upon finding that the proposed Special Use complies with all the following standards A - I. Uses which also require a site plan shall also adhere to the site plan requirements and approval standards in [Section 5.4](#).

- A. **Allowed Special Use.** The property subject to the application is located in a zoning district in which the proposed Special Use is allowed.
- B. **Compatibility With Adjacent Uses.**
 1. The proposed Special Use shall be designed, constructed, operated, and maintained to be harmonious, compatible, and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land, and shall not change the essential character of the area in which it is proposed to be located.
 2. The use shall not be hazardous or disturbing to existing or future nearby uses. In determining whether a Special Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:
 - a. Use activities, processes, materials, equipment, or conditions of operation.
 - b. Vehicular circulation and parking areas.
 - c. Outdoor activity, storage, and work areas.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

- d. Hours of operation.
- e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
- f. The relative ease by which the impacts above will be mitigated.

C. Public Services.

- 1. The proposed Special Use will not place demands on fire, police, or other public resources in excess of current capacity.
- 2. The proposed Special Use shall be served adequately by essential public facilities and services including but not limited to roads, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities, and schools.

D. Economic Well-Being of the Community.

The proposed Special Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.

E. Compatibility with Natural Environment.

The proposed Special Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearance of the neighborhood.

F. Impact of Traffic on Road System.

The location and design of the proposed Special Use shall minimize the negative impact on the road system in consideration of items such as vehicle trip generation (i.e., volume), types of traffic, access location and design, circulation and parking design, road and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Use shall not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

G. Non-Detrimental Standards.

The proposed Special Use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

H. Consistent with Zoning Ordinance and Master Plan.

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

The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the currently adopted Master Plan.

I. Compliance with Supplemental Development Regulations.

The proposed Special Use complies with all applicable supplemental regulations as contained in [Article 7](#) of this Ordinance.

Section 6.3 Inspection of a Special Use

The Zoning Administrator shall have the right to inspect any Special Use to ensure continued compliance with the conditions of the Special Use.

Section 6.4 Compliance with Other Regulations

- A. All applicable federal, state, and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Use approval and the continuance thereof.
- B. As a minimum, or unless specifically modified by the provisions of [Article 7 \(Supplemental Regulations\)](#), the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other applicable articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of [Article 7](#).

Section 6.5 Amendment to an Approved Special Use

Amendment of an approved Special Use shall be permitted only under the following circumstances:

- A. The owner of property for which a Special Use has been approved shall notify the Zoning Administrator of any desired change to the approved Special Use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the Special Use or violate any of the specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Changes in floor plans that do not exceed five (5) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - 2. Reduction of the size of any structure and/or sign.
 - 3. Changing the location of structures/signs by no more than ten (10) feet.
 - 4. Expansion no greater than five (5) percent of the size of any sign.

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

5. Internal re-arrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
 6. Moving ingress and egress drives a distance of not more than twenty-five (25) feet if required by the appropriate state, county, or other local road authority with jurisdiction.
 7. Landscaping approved in the Special Use that is replaced by similar landscaping to an equal or greater extent.
 8. Changes that will preserve the natural features of the site without changing the basic site layout.
 9. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
 10. Changes related to item 1 through 9 above, required or requested by the Township or other state of federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.
- B. After approval by the Zoning Administrator, the applicant shall prepare a revised plot plan or site plan showing the approved amendment. The revised plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- C. No fees shall be required for minor amendments approved by the Zoning Administrator.
- D. An amendment to an approved Special Use that cannot be processed by the Zoning Administrator under **subsection A** above shall be processed in the same manner as an original Special Use application. If the Zoning Administrator finds that a proposed amendment does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that Special Use approval has been automatically suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the Special Use has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

Section 6.6 Expiration of a Special Use

A. Expiration of a Special Use Permit.

The Special Use permit shall expire unless the use has begun within one (1) year of approval. Thirty (30) days prior to expiration of an approved Special Use permit, an applicant may make application to the Planning Commission for a one (1) year extension of the Special Use permit. The Planning Commission may grant the

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

requested extension for this additional one (1) year if it finds good cause for the extension. A maximum of one (1) extension may be granted.

B. Special Use that has been Replaced or Superseded.

The Special Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Use is an accessory use on the premises) or Special Use permit or if the applicant requests the rescinding of the Special Use Permit.

C. Abandonment of Special Use.

If a property owner has an intent to abandon a Special Use permit and in fact abandons this Special Use permit for a period of one (1) year or more, then the Special Use permit shall be deemed abandoned and any subsequent use of the property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a Special Use, the Planning Commission shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Use.

D. Special Use and Transfer or Sale of Property.

A Special Use Permit does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to subsection C.

Article 7

Supplemental Regulations

Sec	Name	Pg
7.0	Purpose	7-2
7.1	Animal Shelters & Kennels	7-2
7.2	Gas Stations; Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change; Tire Sales & Installation	7-2
7.3	Bed & Breakfasts/Tourist Homes	7-3
7.4	Biofuel Production Facilities on Farms	7-5
7.5	Campgrounds & RV Parks	7-6
7.6	Car & Truck Washes	7-7
7.7	Child Care Centers; Nursery Schools; Child Care Homes	7-7
7.8	Drive-Through/Drive-Up Businesses	7-8
7.9	Funeral Home/Mortuary	7-9
7.10	Golf Courses	7-9
7.11	Home Occupations & Cottage Industries	7-9
7.12	Junkyards; Salvage Yards; Scrap Yards; Motor Vehicle Impoundment; Wrecking Yards; & Similar Establishments	7-12
7.13	Manufactured Housing Communities	7-13
7.14	Medical Marijuana Primary Caregiver Facilities	7-14
7.15	Mining, Quarries, and Gravel Pits (Resource Extraction)	7-15
7.16	Hotels & Motels	7-15
7.17	Multiple Family Dwelling Units (Apartments; Condominiums)	7-16
7.18	Convalescent/Nursing Homes & Assisted Living Facilities	7-17
7.19	Offices & Showrooms	7-17
7.20	Outdoor Recreational Facilities - Commercial	7-17
7.21	Outdoor Sales & Rental Facilities	7-17
7.22	Public Parks, Playgrounds & Recreation Areas	7-18
7.23	Planned Unit Developments (PUD)	7-18
7.24	Rooming & Boarding Houses	7-24
7.25	Sawmills & Other Mills	7-24
7.26	Seasonal Use Sales	7-25
7.27	Accessory Dwelling Units	7-25
7.28	Sexually Oriented Businesses	7-26
7.29	Warehousing & Storage	7-28
7.30	Accessory Wind Energy Systems	7-29
7.31	Utility-Scale Wind Energy Systems	7-31

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

7.32	Wireless Communications	7-42
7.33	Small Cell Wireless Facilities	7-48
7.34	Accessory Solar Panels	7-49
7.35	Utility-Scale Solar Facilities	7-51
7.36	Battery Energy Storage Systems	7-59
7.37	Marihuana Provisioning Center & Marihuana Retailer	7-68
7.38	Commercial Event Facilities	7-70

Section 7.0 Purpose

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

Section 7.1 Animal Shelters & Kennels

- A. All kennels shall be operated in conformance with all applicable county and state regulations.
- B. Animal shelters and kennels shall be on sites of at least one (1) acre for the first ten (10) animals boarded and an additional one (1) acre per each additional ten (10) animals boarded.
- C. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than one hundred (100) feet from the lot line, whichever is greater.
- D. If, in the Zoning Administrator’s determination, the kennel presents a nuisance to neighboring properties, he/she may require screening elements. If required, outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least six (6) feet in height.
- E. Fences for outdoor areas shall be a minimum of six (6) feet in height.
- F. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- G. Animals shall be kept in a building between the hours of 10 p.m. and 8 a.m. if within five hundred (500) feet of the lot line of an adjacent residential use or district.

Section 7.2 Gas Stations; Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change; Tire Sales & Installation

- A. Entrances shall be no less than twenty-five (25) feet from a road intersection (measured from the road right-of-way) or from adjacent residential districts and not less than fifteen (15) feet from any abutting lot lines.

- B. All buildings shall be set back not less than forty (40) feet from all existing or proposed road right-of-way lines.
- C. Outdoor storage of parts or materials shall be within a fenced and obscured area in the side or rear yard which meets all setback requirements.
- D. Gasoline pumps, air and water hose standards, and other appurtenances shall be set back not less than fifteen (15) feet from all road right-of-way lines and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road and so that no portion of the vehicle, while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- E. Vehicles shall not be allowed to be stored outside the building for more than forty-eight (48) hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle. Junk parts and junk vehicles shall not be kept on the outside of the building.
- F. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
- G. All vehicle servicing or repair shall be conducted within a building.
- H. All lubrication equipment, hydraulic hoists, and pits shall be completely enclosed within a building.
- I. Automobile leasing may be permitted in connection with a gas station or auto repair establishment upon the approval of a Special Use permit by the Planning Commission and subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisleways, service bays, loading, landscaping, or sidewalks.

Section 7.3 Bed & Breakfasts/Tourist Homes

A. General Requirements.

- 1. The Bed and Breakfast/Tourist Home establishment shall be located in a one-family residence.
- 2. The owner(s) or resident manager(s) of the Bed and Breakfast/Tourist Home shall reside at the residence at all times during periods of operation, except for temporary absences, in which the owner’s or resident manager’s designee must be on the premises. Sufficient sleeping rooms and bathrooms shall be retained for use by the owner(s) or resident manager(s) and their immediate family members residing at the residence.
- 3. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.

4. The use shall be located in the main building on the property. The rooms utilized for sleeping shall be part of the primary use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this Section and located on the same zoning lot as the main building containing the Bed and Breakfast/Tourist Home to be used as additional sleeping rooms.
5. There shall be no separate cooking facilities for the Bed and Breakfast/Tourist Home establishment other than those which serve the principal residence. Food and beverages for compensation may be served only to guests staying on the premises and shall be in compliance with state law.
6. A site plan shall be provided including a floor plan of the structure providing the following information:
 - a. Owner/resident manager and guest on-site parking.
 - b. Guest entrance to the structure.
 - c. Outdoor areas for use by guests.
 - d. All rooms of the structure clearly indicating guest and owner/resident manager sleeping rooms, and all other portions of the residence available for use by guests.
 - e. Additional information as may be deemed necessary by the Zoning Administrator or Planning Commission.
7. All on-site parking shall be constructed in accordance with the parking requirements of [Section 3.21](#).
8. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjoining property used or zoned for residential purposes or onto public rights-of-way.
9. The use of outdoor yard areas, open decks, pools, and the like available for use by guests shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of the Bed and Breakfast/Tourist Home operation may be conditioned on the installation of fencing, plantings, and/or other such installations and conditions necessary to ensure compatibility with the surrounding neighborhood.
10. All required state and local permits must be secured, maintained, and displayed within an area of the Bed and Breakfast/Tourist Home available to guests.
11. Rental of recreational equipment including but not limited to snowmobiles, ATVs, or similar vehicles, boats, and other marine equipment to guests may be permitted as part of the Special Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case-by-case basis based on information provided by the applicant.

12. All requirements and conditions imposed upon the Special Use approval shall be implemented prior to the Bed and Breakfast/Tourist Home establishment becoming operational.

Section 7.4 Biofuel Production Facilities on Farms

- A. In conformance with the [Michigan Zoning Enabling Act](#), the following regulations shall apply to biofuel production facilities:
 1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
 - c. On an annual basis, not less than seventy-five (75) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
 2. Each of the following requires Special Use approval under subsections 3 to 5:
 - a. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of subsection 1.a and 1.b but that does not meet the requirements of subsection 1.c.
 - b. A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of subsection 1.a and 1.b.
 3. An application for Special Use approval for a biofuel production facility described in subsection 2 shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.

- e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed **United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau**, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969**, 42 USC 4321 to 4347, and the **Federal Water Pollution Control Act**, 33 USC 1251 to 1387.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections 2** and 5.
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Use approval under **subsection 2** not more than sixty (60) days after the application is filed.
 5. Special Use approval of a biofuel production facility described in **subsection 2** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 6. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
 7. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the State of Michigan and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - a. Air pollution emissions.
 - b. Transportation of biofuel or additional products resulting from biofuel production.
 - c. Use or reuse of additional products resulting from biofuel production.
 - d. Storage of raw materials, fuel, or additional products used in or resulting from biofuel production.
 8. The biofuel production facility includes sufficient storage for both of the following:
 - a. Raw materials and fuel.
 - b. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.
- B. This Section does not authorize biofuel production facilities that are not located on farms.

Section 7.5 Campgrounds & RV Parks

- A. The zoning lot shall provide direct vehicular access to a public road. For this purpose, the term " zoning lot" shall mean the entire campground or RV Park.
- B. All sanitary stations, portable toilets, or any sanitary facilities shall be at least one hundred (100) feet from the lot line.
- C. The Planning Commission may require that the perimeter of the campground or RV Park be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
- D. Campsites shall be located at least fifty (50) feet from lot lines.
- E. All campgrounds and RV parks shall comply with [State of Michigan](#) and [District Health Department](#) requirements.

Section 7.6 Car & Truck Washes

A. Layout.

All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.

- B. When lot lines abut a residentially used property, screening shall be installed pursuant to [Section 3.20](#).
- C. Outdoor vacuums, if provided, will be required to be a minimum distance of fifty (50) feet from a residential area.
- D. **Entrances.**

Sufficient space shall be provided on the lot so that vehicles do not enter the wash building directly from an abutting road or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash lot itself. Roads and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 7.7 Child Care Centers; Nursery Schools; Child Care Homes

A. Child Care Centers, Nursery Schools, and Group Child Care Homes.

- 1. An outdoor play area shall be provided for all facilities caring for one (1) or more children who individually receive care for more than four (4) hours per day. The Planning Commission may require that the play area be screened by a heavily planted greenbelt from any abutting residential uses. In addition, play areas

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

shall:

- a. have a minimum area of not less than one hundred and fifty (150) square feet per child cared for;
 - b. be enclosed by a fence of at least four (4) feet in height and capable of containing children within the play area; and
 - c. be located in the side or rear yard area.
2. A Special Use Permit for a Group Child Care Home shall be issued if the following conditions are met:
- a. The facility is not located closer than one thousand five hundred (1,500) feet to any of the following:
 - (1) Another licensed group day care home.
 - (2) An adult foster care home or large group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737.
 - (3) A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under Article 6 of the **Public Health Code, 1978 PA 368**, MCL 333.6101 to 333.6523.
 - (4) 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. The facility has a minimum of not less than one hundred fifty (150) square feet of fenced outdoor space per child.
 - c. The facility maintains the property consistent with the visible characteristics of the neighborhood.
 - d. The facility does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.

B. Family Child Care Homes.

Play areas shall have a minimum area of not less than one hundred fifty (150) square feet per child; shall be enclosed by a fence of at least four feet (4) in height and capable of containing children within the play area; and shall be located in the side or rear yard area.

Section 7.8 Drive-Through/Drive-Up Businesses

- A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on abutting roads.

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

- B. The primary access shall be on US 23. Secondary access may be on a side road which has direct access to US 23. The Planning Commission may permit access to be on a road other than US 23 if it can be demonstrated that traffic flow will not cause an adverse impact and ingress/egress design is adequate to handle the traffic flow.
- C. Back-up or waiting space for drive-up windows or service facilities shall be provided in a manner physically separated from off-street parking areas and drives at a rate of four (4) car spaces for each service window or facility in addition to the space at the service window or facility.

Section 7.9 Funeral Home/Mortuary

- A. Points of ingress and egress shall be designed so as to minimize possible conflicts between traffic on abutting roads and funeral processions or visitors entering or leaving the site.
- B. A mortuary that houses a crematorium shall be located at least one hundred (100) feet from any residential use.
- C. A caretaker’s residence may be provided within the main building or within an accessory building of the mortuary establishment.

Section 7.10 Golf Courses

- A. The site plan shall be laid out to achieve a relationship between the public road on which the use is located and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- B. Development features including the main and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all main or accessory buildings shall be not less than seventy-five (75) feet from any lot line abutting residentially zoned lots; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may approve modification of this requirement.
- C. A shelter building with toilet facilities shall be provided which meets all requirements of the [District Health Department](#).

Section 7.11 Home Occupations & Cottage Industries

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this Section is to provide standards to ensure Home Occupations and Cottage Industries are compatible with other allowed uses in residential districts, and thus maintain and preserve the residential character of the neighborhood.

A. **General Standards.**

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

1. **Home Occupations.** Home Occupations are permitted in all zoning districts in which one-family dwellings are permitted as a matter of right. A zoning permit is not required; however, regulations contained within this Ordinance shall apply.
2. **Cottage Industries.** A Cottage Industry shall require a Special Use Permit. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises are sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.
3. **Location.** Home Occupations or Cottage Industries may be operated entirely within the dwelling or within an attached or detached garage or accessory building.
 - a. **Home Occupations or Cottage Industries in the Primary Dwelling.** No more than twenty-five (25) percent of the dwelling's ground floor area shall be devoted to the Home Occupation or Cottage Industry.
 - b. **Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building.** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.
4. **Appearance of Structure; Sign.**
 - a. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall meet all required setbacks in the zoning district classification in which the dwelling is located and shall be designed so that the addition may be used for dwelling purposes if the Home Occupation or Cottage Industry is discontinued.
 - b. The dwelling may have one (1) additional non-illuminated sign (beyond what is allowed by [Section 3.22](#) for residences) in conformance with the standards of [Section 3.22](#).
5. **Subordinate to Primary Dwelling.** Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
6. **Nuisances.** Home Occupations or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

7. **Traffic and Parking.**

- a. Traffic and delivery or pickup of goods shall not be disturbing to surrounding properties.
- b. No such Home Occupation or Cottage Industry shall require the delivery of goods before 8:00 a.m. and after 7:00 p.m.
- c. Parking requirements shall be decided on a case-by-case basis. To ensure that a Cottage Industry is compatible with surrounding residential uses, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.

8. **Hours of Operation.** Hours of operation for Cottage Industries shall be approved by the Planning Commission.

9. **Waste.** The Planning Commission may require that sufficient solid waste receptacles be provided and sufficiently screened from view. The property must be maintained free of debris.

10. **Display.** Outdoor display of goods may be permitted.

11. **Storage Area and Display.** The area in which goods and/or materials are stored outdoors shall be kept clean and free of debris. The Planning Commission may require screening of such outdoor storage areas. The Planning Commission may permit the display of finished goods as part of the approval process.

12. **Employees.**

- a. **Home Occupations.** The Home Occupation shall be conducted by the person or persons occupying the premises as their principal residence. One (1) person who does not reside on the premises may be employed to work on the premises.
- b. **Cottage Industries.** The maximum number of employees that do not physically reside on the premises containing the Cottage Industry shall be evaluated and determined at the time of Special Use approval based on a finding that the number of employees sought by the applicant is customary for the type of Cottage Industry under consideration, there is adequate off-street parking on the property to accommodate the number of employees, and the number of employees sought will not have a significantly adverse impact on the neighborhood.

13. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Special Use permit.

B. **Compliance, Inspections, and Violations.**

- 1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
- 2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.

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

3. Proposed revisions or additions to a Home Occupation or Cottage Industry shall constitute a change of use and shall be subject to a new review and approval unless it falls under the definition of a minor amendment as indicated by [Section 5.5](#) and as determined by the Zoning Administrator.

Section 7.12 Junkyards; Salvage Yards; Scrap Yards; Motor Vehicle Impoundment; Wrecking Yards; & Similar Establishments

For this use, the following more restrictive provision shall take precedent over all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.

- A. The site shall be a minimum of five (5) acres in size.
- B. There shall be a required setback of at least one hundred (100) feet from any public road and any lot line. The front setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored, or accumulated in any required setback area.
- C. The location of any such use shall be not less than five hundred (500) feet distant from any Residential District (R-1 or R-2) and not less than three hundred (300) feet distant from any other district.
- D. Wherever a side or rear lot line of such use abuts a residential use or a Residential District (R-1 or R-2), the required setback shall be doubled.
- E. Glare from any process, such as arc welding, conducted at a junkyard or salvage yard which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- F. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting compressing or packaging shall be conducted within a completely enclosed building.
- G. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
- H. **Screening.**
 1. A wall or opaque fence, a minimum of eight (8) feet in height and a maximum of fifteen (15) feet in height (including any barbed wire), constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set at least fifteen (15) feet inside the lot lines, shall be maintained in good repair around the facilities.
 2. In a front or corner side yard, the fence shall not project beyond the front façade of buildings located on abutting lots on the same side of the road.
 3. Entryways shall be gated and closed at all times when not in use. Gates shall be opaque and match the

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

style of the fence.

- 4. A landscaped strip shall be maintained between the fence and lot line in the following yards:
 - a. All front and corner side yards;
 - b. The front one-third (1/3) of any side yard; and
 - c. Any yard abutting a residential zoning district (R-1 or R-2) or use.
- I. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced-in area.

Section 7.13 Manufactured Housing Communities

- A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the **Michigan Manufactured Housing Commission, Public Act 96 of 1987**, and **any rules promulgated** pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with **Michigan Manufactured Housing Commission** regulations concerning internal roads, parking requirements, fencing, screening, unit spacing, and recreational and open spaces.
- B. To the extent permitted by the **Michigan Manufactured Housing Commission**, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. All manufactured housing communities shall comply with **State Manufactured Housing Commission** requirements for area, height, and bulk.
- D. The underside or chassis of all manufactured homes in manufactured housing developments shall be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed. Skirting material shall be consistent with the siding of the manufactured housing unit.
- E. All utility connections shall comply with state and local codes.
- F. The proposed site plan for the manufactured housing community shall be submitted to the Planning Commission for their review and approval prior to any consideration. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the Township. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the **State Manufactured Housing Commission** for their consideration in reviewing the proposed manufactured housing community plans.

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

G. The Township shall also review the proposed manufactured housing community plans with respect to drainage patterns to adjacent properties, water and sewage needs which would be generated, and the municipality’s ability to accommodate such manufactured housing community needs. In addition, any connections to municipal facilities shall meet applicable Township requirements. A copy of any deficiencies noted shall be transmitted immediately, with the recommendations of the Planning Commission, to the **State Manufactured Housing Commission**.

Section 7.14 Medical Marijuana Primary Caregiver Facilities

A. Purpose and Intent.

It is the purpose of this Section to give effect to the intent of **Initiated Act 1 of 2008**, the **Michigan Medical Marihuana Act (the MMMA)**, and not to establish any local program or regulation that would violate or contravene any enforced state or federal statute. The **MMMA** authorizes a narrow exception to the general rule and law that the cultivation, distribution, and use of marijuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in Sanborn Township to enable the legitimate and legally authorized practice of the primary caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the **MMMA** to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer, or use of marijuana except as permitted by a strict application of the terms of the **MMMA** and any rules or regulations duly promulgated there under.

B. Permitted Use.

The activities of a registered primary caregiver as defined in the **MMMA** and further regulated in this Section and a primary caregiver facility as defined in this Ordinance, shall be a permitted land use. No zoning permit is required.

C. Review Standards.

An application for a primary caregiver facility shall be evaluated by the Zoning Administrator in accordance with the following requirements:

1. **Primary Caregiver Facility.** All marijuana shall be cultivated, processed, stored, and packaged in an enclosed, locked, and secured building at all times, except when it is being delivered to qualifying patients pursuant to **subsection 4** hereof. For the purpose of this Section, such facility shall consist of four (4) solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered primary caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered primary caregiver.
2. **Limits on Quantities.** A primary caregiver shall not possess more marijuana than two and one-half (2.5) ounces or twelve (12) marijuana plants for each qualifying patient to which he/she is connected.

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

- 3. **Combined Operations Prohibited.** No more than one (1) primary caregiver shall occupy any zoning lot and combined growing, storage, or transfer facilities shall be prohibited. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
- 4. **Dispensing Medical Marijuana.** No medical marijuana shall be dispensed by the primary caregiver to Qualifying Patients at the primary caregiver facility. The primary caregiver shall deliver small quantities, not to exceed two and one-half (2.5) ounces per qualifying patient, for the use of such qualifying patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
- 5. **Prohibited Activities.**
 - a. A primary caregiver facility shall not be used as a medical marijuana dispensary or compassion club and no smoking or otherwise ingesting of any form of medical marijuana shall be permitted on site by Qualifying Patients. No medical marijuana paraphernalia shall be provided to Qualifying Patients at the primary caregiver facility.
 - b. No alcoholic beverages shall be sold to, conveyed to, or consumed by Qualifying Patients on the premises of the primary caregiver facility.
 - c. A primary caregiver facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising a primary caregiver undertakes shall not disclose the location of the primary caregiver facility.

D. Relationship to Federal Law.

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

Section 7.15 Mining, Quarries, and Gravel Pits (Resource Extraction)

Regulations for Resource Extraction shall be pursuant to [Section 125.3205 of 2006 PA 110](#).

Section 7.16 Hotels & Motels

- A. Hotels and motels shall have direct access to a county primary or state trunk line highway, as opposed to a county local road as defined by the [County Road Commission](#).
- B. Hotels and motels shall have a minimum lot width of one hundred fifty (150) feet.

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

- C. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- D. Hotels and motels shall provide customary services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- E. Hotels and motels which allow rentals to exceed six (6) months require a Special Use Permit.

Section 7.17 Multiple Family Dwelling Units (Apartments; Condominiums)

- A. The following development standards shall apply to Multiple-Family Dwelling Units:

Development Standards for Multiple-Family Dwelling Units	
MAXIMUM LOT COVERAGE	30%
MAXIMUM HEIGHT	35 ft
SPACING BETWEEN BUILDINGS	One-half the height of the higher of the two buildings.
SETBACKS	
FRONT YARD	See subsection 1 below
SIDE YARD (abutting a multiple-family use)	20 ft
SIDE YARD (abutting a one-family use or district)	30 ft
REAR YARD	40 ft
MINIMUM FLOOR AREA	As defined by the currently adopted building code.

1. **Front Setback.** Where it is the intention of the developer of a multiple-family unit to utilize the front yard area for parking, there shall be a setback from the right-of-way of each road on which the lot abuts at least sixty-five (65) feet; of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback from the right-of-way of all roads on which the multiple-family dwelling unit abuts of forty (40) feet; the total area of which shall be landscaped.
2. **Loading.** Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel, and other services shall be provided; shall be adequate in size; and shall be arranged in such a fashion that they may be utilized without blockage or interference with the use of driveways or automobile parking facilities.
3. **Ingress/Egress.** Provisions shall be made for safe and efficient ingress and egress to the public and private roads servicing the multiple-family dwelling unit without undue congestion or interference with normal traffic flow.

- 4. **Natural Features.** The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams, and open spaces that add to the overall enhancement of the area.
- 5. **Trash Receptacles.** All outside storage areas for trash shall be enclosed by a six (6) foot-high solid wall or fence.

Section 7.18 Convalescent/Nursing Homes & Assisted Living Facilities

Nursing and convalescent homes, assisted living facilities, and similar uses shall meet the following requirements:

- A. Such uses shall front on a state or year-round county-maintained county primary road and the main means of access for residents or patients, visitors, and employees shall be via the maintained road.
- B. Nursing homes, convalescent homes, rest homes, and orphanage houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

Section 7.19 Offices & Showrooms

Offices and showrooms of plumbers, electricians, decorators, or similar trades shall be subject to the following standards:

- A. The ground floor premises facing upon and visible from any adjacent road shall be used only for entrances, offices, or display.
- B. All storage of materials or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view.

Section 7.20 Outdoor Recreational Facilities - Commercial

- A. Such uses shall be located on a site of at least one (1) acre in area and shall be at least one hundred fifty (150) feet from any Residential District (R-1 and R-2).
- B. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits, and similar features.

Section 7.21 Outdoor Sales & Rental Facilities

Outdoor sales and rental lots for automobiles, trucks, motorcycles, all-terrain vehicles, boats and marine craft, recreation vehicles, trailers, manufactured homes, farm implements, contractor’s equipment/vehicles, and similar items, for sale or rental of new and/or used items, are subject to the following:

- A. No display shall be permitted in the right-of-way of any abutting road or highway.

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

- B. Existing roadside trees and shrubs shall be retained or replaced.
- C. Display lot lighting shall comply with terms of **Section 3.17** which shall apply whether or not the lighting is projected from buildings, private poles, or utility company poles or are yard lights.
- D. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used, and/or inoperable units.
- E. Adequate parking area shall be provided on-site.

Section 7.22 Public Parks, Playgrounds & Recreation Areas

Entertainment venues, community activities, and farmer’s markets are permitted in parks, playgrounds, and recreation areas. Such activities shall be approved by the Sanborn Township Board on a case-by-case or an annual basis. No zoning permit is required.

Section 7.23 Planned Unit Developments (PUD)

A. Purpose.

Sanborn Township recognizes that many site developments do not readily fit within the confines of the use and design standards of typical zoning district classifications. A Planned Unit Development (PUD) is designed to encourage quality land development and site design outside the typical zoning standards. Through the use of flexible design and use standards, developments can make more efficient and effective use of the land and infrastructure to the benefit of the entire community. Creativity is promoted and the needs of the Township can often be more effectively satisfied. While permitting greater latitude in the mix of uses and the development standards incorporated into a project, the use also provides the Township with increased oversight and guidance in the design process. To this end, the use of PUDs is intended to:

1. Provide flexibility in development regulations.
2. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
3. Foster integrated development incorporating a mix of uses where appropriate – residential, commercial, industrial, institutional, etc.
4. Encourage a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevents the disruption of natural drainage patterns.
5. Achieve a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and roads.

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

6. Achieve a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Master Plan.
7. Promote efficient use of public services.
8. Promote a more useful pattern of open space and recreation areas.
9. Ensure compatibility with existing road networks and promote alternate modes of transportation (bicycle, pedestrian, bus, etc.).

B. Eligibility.

1. The entire tract being considered for PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.
2. The site submitted for PUD designation shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses and facilities not normally consistent with each other.
3. The minimum size requirements shall be one (1) acre, except for a PUD containing any industrial uses shall be a minimum of five (5) acres in size. The Planning Commission may waive the size requirement if deemed warranted due to unusual site conditions or the unique character of the proposed development.
4. Adequate public utilities – roads, sanitary sewer, water, utilities, and drainage – are available to and of sufficient capacity to adequately serve the development. Any upgrades necessary to service the development shall be in accordance with all applicable Township policies, regulations, and ordinances.

C. Development Standards.

1. **Uses.** Compatible residential, commercial, and public uses or commercial, industrial, and public uses may be combined in a PUD provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Proposed uses should be so designed and located to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.
2. **Open/Green Space.**
 - a. **Common Open Space.** A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in [subsection b](#) below.

b. **Disposition of Open Space.** The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location and are subject to acceptance by the Township. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

- 3. **Utility Requirements.** Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed Planned Unit Development.
- 4. **Internal Design Standards.** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, and public services. The plan of the project shall provide for the integrated and harmonious design of buildings, adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by this Ordinance.

- 5. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
- 6. **Parking.** Off-street parking, loading, and service areas shall be provided in accordance with [Section 3.21](#) of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.
- 7. **Arrangement of Commercial Uses.** When a Planned Unit Development includes commercial uses, commercial buildings, and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

D. **Procedures.**

- 1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Township Supervisor, and Planning Commission Chair prior to the submission of the development plan. The

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

purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein.

2. **Submission of Preliminary Site Plan.** The developer shall submit six (6) copies of a preliminary site plan at least thirty (30) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
 - a. General footprint of proposed and existing buildings.
 - b. Indication of proposed uses and their general locations.
 - c. General layout of roads, drives, parking areas, and pedestrian paths.
 - d. Individual lots, if applicable.
 - e. Proposed setbacks for district perimeters and individual buildings within the development.
 - f. Proposed perimeter buffer zones and screening.
 - g. Conceptual landscape plan.
 - h. Development phases, if applicable.
 - i. Type, estimated number, and density range for residential development.
 - j. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.
 - k. Additional supporting documentation including a written narrative describing the project.

3. **Preliminary Site Plan Approval.**
 - a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with [Section 9.5](#) of this Ordinance.
 - b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny, or approve the preliminary plan subject to specified conditions/revisions.
 - c. **Expiration.** Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2) year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

4. **Final Site Plan Approval.**

- a. Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit six (6) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least thirty (30) days prior to the meeting at which Planning Commission Review will occur.
- b. The final site plan shall include all site plan data required in [Section 5.4](#) in addition to the following:
 - (1) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; and height, open space, building density, parking areas, population density, and public improvements proposed for each unit of the development.
 - (2) Preliminary building plans including floor plans and exterior elevations.
 - (3) Landscaping plans.
 - (4) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
 - (5) The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
- c. **Public Hearing.** The Planning Commission shall conduct a public hearing in accordance with [Section 9.5](#) of this Ordinance.
- d. **Planning Commission Action.** Following the public hearing, the Commission shall take action on the plan by approving the plan, denying the plan, or approving the plan with conditions. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the development standards and purpose stated in this Section and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. Additional criteria for Planning Commission approval are as follows:
 - (1) The proposed development may be initiated within two (2) years of the date of approval.
 - (2) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will

not be detrimental to present and potential surrounding uses but will have a beneficial effect which could not be achieved under standard district regulations.

- (3) The roads proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the road network outside the Planned Unit Development.
 - (4) Any proposed commercial development can be justified at the locations proposed.
 - (5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 - (6) The Planned Unit Development is in general conformance with the Master Plan of the Township.
 - (7) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- e. **Expiration.** An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
- f. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the Planned Unit Development was granted.

5. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in [Section 5.5](#).

E. **Cluster Housing Provision for Small Lots.** On lots less than five (5) acres, the PUD provision may be utilized. The purpose of this provision is to encourage innovative residential development on small, irregularly shaped lots that have limited potential for platting. The development shall be limited to one-family attached or detached dwellings and the density shall not exceed that which is permitted by the existing zoning district. The lot under consideration for this Cluster Housing Provision shall have a minimum frontage of sixty-six (66) feet on a public road.

The developer shall have a pre-application meeting as specified above. The developer shall submit an application the contents of which are specified in [subsection D.2](#). The Planning Commission shall hold one (1) public hearing and either approve, approve with conditions, or deny the application within thirty (30) days of review. Criteria for the Planning Commission's approval shall be:

- 1. The area surrounding said development may be planned and developed in coordination and substantial compatibility with the proposed development; and

- 2. The planned unit development is in general conformance with the land use plan for the Township; and
- 3. The planned unit development will not generate traffic in such amounts as to have a significant negative impact on adjacent properties.

Section 7.24 Rooming & Boarding Houses

- A. Board or lodging shall not be furnished to more than five (5) persons in addition to the family.
- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
- D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- E. Board shall not be provided to other than those rooming in the residence.
- F. Off-street parking shall be required in accordance with [Section 3.21](#).
- G. The establishment shall have at least two (2) exits to the outdoors.
- H. The rooming/boarding house shall not alter the residential character of the building or structure.

Section 7.25 Sawmills & Other Mills

Sawmills, planing mills, veneer mills, and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough-sawn lumber shall be subject to the following standards:

- A. The land area of the mill site shall be at least ten (10) acres with a minimum lot width of six hundred sixty (660) feet.
- B. Structures housing mechanical wood-cutting devices (head saws, cut-off saws, planers, lathes, etc.), shall not be located closer than five hundred (500) feet to an off-premises residence unless the owner of the residence signs a statement agreeing to a lesser setback.
- C. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence unless the owner signs a statement agreeing to a lesser setback.

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

- D. The location of a proposed mill shall be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable.
- E. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same zoning lot.

Section 7.26 Seasonal Use Sales

Seasonal use sales shall:

- A. Provide adequate automobile and pedestrian traffic flow.
- B. Provide adequate lot access for fire protection purposes.
- C. Not adversely affect the protection of public health, safety, and general welfare.
- D. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of three hundred (300) feet.

Section 7.27 Accessory Dwelling Units

The purpose of this Section is to allow a minor amount of space within a dwelling or on the same lot as a primary dwelling to be rented or leased as separate living quarters for extended family or non-family members. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied one-family homes in the Township. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed per lot.
- B. Accessory dwelling units may be permitted to be used as a Short Term Rental as a Special Use in R-1 and a Permitted Use in R-2, FF, and FR.
- C. The accessory dwelling unit shall not exceed six hundred (600) square feet or twenty-five (25) percent of the total floor area of the principal dwelling, whichever is less so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory dwelling unit shall contain only one (1) bedroom.
- F. The accessory dwelling unit shall be a self-contained unit and may be any of the following:
 - 1. Located above a garage.

- 2. Attached to the primary dwelling or garage.
- 3. Totally within a primary dwelling.
- 4. A stand-alone structure:
 - a. In R-2 District, a stand-alone accessory dwelling unit is a Special Use.
 - b. In the FF and FR Districts, a stand-alone accessory dwelling unit is a Permitted Use.
 - c. In the R-1 District, stand-alone accessory dwelling units are not allowed.
- G. The residents of the main building shall maintain the accessory dwelling unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The accessory dwelling unit shall conform to the state building code standards.
- I. One (1) additional parking space shall be provided on-site for the accessory dwelling unit.

Section 7.28 Sexually Oriented Businesses

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

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet in building area.
- B. No sexually oriented business shall be established on a lot within five hundred (500) feet of any residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.

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

- C. No sexually-oriented business shall be permitted in a location in which any main or accessory building/structure, including signs, is within one thousand (1,000) feet of any main or accessory building/structure of another sexually-oriented business.
- D. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection B** and C above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and that, to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- G. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or abutting roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the **Michigan Liquor Control Commission**.”
- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, road, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the **Americans With Disabilities Act**;
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view

at all times from the adjoining aisle of any occupant;

- 4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
- 5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

M. Review Procedure for Sexually Oriented Businesses.

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

- 1. Once a complete application has been submitted, the Planning Commission shall within sixty (60) days after the submission make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in this Section, **Section 5.4** and **Section 6.2**. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a Special Use for the same within sixty (60) days of its determination that a completed application has been filed, then the Special Use shall be deemed to have been approved.
- 2. **Prompt Judicial Review Of Adverse Determination.** In the event an application for Special Use within this Section is denied, the applicant shall be entitled to prompt judicial review of that denial. If the applicant desires prompt judicial review of the denial, the applicant shall submit a written request for that review with the Township Clerk. Within five (5) business days after receipt of the written request for judicial review, the Township shall file a motion for preliminary injunction in the Alpena County Circuit Court that seeks to restrain the applicant from operating the adult business in violation of the Zoning Ordinance. If the applicant seeks an order from the Circuit Court, under the then applicable Michigan court rule, that the trial of the action on the merits be advanced and consolidated with the hearing on the motion for preliminary injunction, the Township shall consent to that request. If the applicant appeals an adverse ruling from the Circuit Court to the Michigan Court of Appeals and the applicant seeks an order from the Court of Appeals, under the then applicable Michigan court rule, that seeks to expedite the priority of the appeal on the Court's calendar, the Township shall consent to that request. In the event the Michigan Supreme Court accepts applicants' appeal from an adverse ruling from the Court of Appeals and the applicant seeks an order from the Supreme Court, under the then applicable Michigan court rule, that seeks to expedite the proceeding before the Court, the Township shall consent to that request.

Section 7.29 Warehousing & Storage

- A. All storage shall be within an enclosed building except for large items which may require outdoor storage (such as boats, recreational vehicles, and the like).
- B. The storage of dangerous, toxic, or flammable materials shall not be permitted.

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

C. A caretaker dwelling unit and/or office may be permitted on-site.

Section 7.30 Accessory Wind Turbines

A wind turbine which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure. The following site development standards shall apply:

A. Design & Installation.

All wind turbines (shall comply with the building code currently adopted by State of Michigan. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet the manufacturer’s specifications.

B. Plot Plan Submittal.

An application for the installation of an Accessory Wind Turbine shall include a plot plan including the following information:

1. Location of the proposed wind turbine.
2. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
3. Location and approximate height of trees within fifty (50) feet of the wind turbine.
4. Distance from other wind turbines on adjacent lots, if applicable.

C. Minimum Lot Size.

1. **Ground Mounted Horizontal Axis Wind Turbine.** Minimum lot width of one hundred fifty (150) feet and at least three-fourths (3/4) acre in area.

D. Height.

The maximum height above ground for both the Horizontal and Vertical Axis Wind Turbines shall be determined on a case-by-case basis dependent upon the site and manufacturer’s specifications and recommendations.

E. Multiple Wind Energy Turbines.

1. **Ground Mounted.** No more than one (1) on any lot of less than one (1) acre in size. For lots one (1) acre and over in area, the number of turbines shall be determined by the spacing requirement of the manufacturer and shall be approved by the Planning Commission.

2. **Roof Mounted.** A maximum of two (2) may be installed on a building.

F. **Rotor Clearance.**

A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.

G. **Guy Wires.**

The use of guy wires shall be prohibited.

H. **Noise.**

Accessory wind turbines shall not cause a sound pressure level in excess of fifty-five (55) dB(A) (Leq (1 hour)) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest adjacent lot line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

I. **Vibration.**

Accessory wind turbines shall not cause vibrations through the ground which are perceptible beyond the lot line of the lot on which it is located.

J. **Spacing.**

Minimum spacing between accessory wind turbines shall be per the manufacturer's specifications.

K. **Reception Interference.**

Accessory wind turbines shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.

L. **Shadow Flicker.**

The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.

M. **Potential Ice Throw.**

Any potential ice throw or ice shedding from the wind turbine shall not cross the lot lines of the site nor impinge on any right-of-way or overhead utility line.

N. **Visual Impact.**

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

All visible components of an accessory wind turbine shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.

O. Safety.

An accessory wind turbine shall have an automatic braking system to prevent uncontrolled rotation.

P. Other Regulations.

Accessory wind turbines shall comply with all applicable state construction and electrical codes, **Federal Aviation Administration** requirements, **Michigan Aeronautics Commission** requirements, the **Michigan Tall Structures Act (1959 PA 259, as amended)**, and the **Michigan Public Service Commission** and **Federal Energy Regulatory Commission** standards.

Section 7.31 Utility-Scale Wind Energy Facilities

A. Purpose and Goals.

The purpose of this Section is to establish guidelines for siting utility-scale wind energy facilities. This Section’s goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines installed to reduce on-site consumption of electricity supplied by utility companies and/or to produce power that will be directly supplied to the electric power grid system.
2. To lessen potential adverse impacts that wind turbines may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

B. Technological Advances and Design Standards Flexibility.

The Township recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind turbines within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind turbines that do not fully comply with the strict development standards of these regulations, if in the opinion of the Planning Commission, they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

C. Standards.

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

Anemometer towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in **Articles 5** and **6**:

1. **Principal or Accessory Use.** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same lot shall not preclude the installation of a wind energy facility or a part of such facility on such lot. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. **Sufficient Wind Resources.** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine; provided, however, this standard shall not apply to an anemometer tower. No wind turbine shall be approved without submission of a wind resource study documenting wind resources on the site. Said study shall indicate the long-term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for Special Use.
3. **Design & Installation.** All wind turbines shall comply with the building code currently adopted by the State of Michigan. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.

Guy wires may be utilized to support a temporary (eighteen (18) months or less) anemometer tower if demonstrated by the applicant to be necessary to maintain the safety of the structure.

4. **Minimum Site Area.** The minimum site area for a wind turbine or an anemometer tower erected prior to a wind turbine shall be as necessary to meet required wind energy setbacks and any other standards of this Section.
5. **Setbacks.** Each proposed wind turbine or anemometer tower shall meet the following applicable setback requirements:
 - a. **Non-Participating Lot Lines.** Each wind turbine shall be set back from the nearest lot line of a non-participating lot a minimum of 1.1 times its total height as measured from the base of the wind turbine.
 - b. **Occupied Building Setback on Non-Participating Lots.** Each wind turbine shall be set back from the nearest dwelling or occupied community building that is located on non-participating lot(s) a minimum of 2.1 times its total height as measured from the base of the wind turbine.

- c. **Dwellings and Other Structures on Participating Lots.** Each wind turbine shall be set back from the nearest dwelling or other structure that is located on participating lot(s) a minimum of 1.1 times its total height as measured from the base of the wind turbine.
- d. **Setback from Road:** Each wind turbine shall be set back from the nearest public road a minimum distance of 1.1 times its total height determined at the nearest boundary of the underlying right-of-way for such public road.
- e. **Overhead Communication and Electric Transmission Lines.** Each wind turbine shall be set back from overhead communication and electric transmission lines (not including utility service lines to individual houses or outbuildings) a minimum distance of 1.1 times its total height as measured from the base of the wind turbine.
- f. **Building Setbacks.** Setbacks for buildings accessory to a wind turbine shall conform to the setbacks of the district.

6. **Maximum Height.**

- a. The maximum wind turbine or anemometer tower height shall be determined on a case-by-case basis dependent upon the site and manufacturer’s specifications and recommendations.
- b. The applicant shall demonstrate compliance with the [Michigan Tall Structures Act \(1959 PA 259](#), as amended), [FAA](#) guidelines, and [Michigan Aeronautics Commission](#) guidelines as part of the approval process.

7. **Tower Separation.** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.

8. **Minimum Ground Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine shall be no less than fifty (50) feet.

9. **Maximum Noise Levels.** The sound pressure level of a wind energy facility and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above fifty-five (55) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)). The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the wind energy facility to demonstrate compliance with this standard.

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

- 10. **Maximum Vibrations.** Any proposed wind turbine shall not produce vibrations through the ground humanly perceptible beyond the lot on which it is located.
- 11. **Potential Ice Throw.** Wind turbines shall be installed with ice detection, de-icing technology, or a similar application to demonstrate ice throw can be mitigated.
- 12. **Signal Interference.** No wind turbine shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link’s operation.

13. Visual Impact, Lighting, Power Lines.

- a. Wind turbines shall be mounted on tubular towers and painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer’s construction and installation standards.
- b. The design of the wind energy facility’s buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbines shall not be artificially lighted, except to the extent required by the **FAA** or the **MAC** or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be the intensity required under state or federal regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
 - (3) May be a red top light that does not pulsate or blink.
 - (4) All tower lighting required by state or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
 - (5) Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the **FAA**.

- 2. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- 3. The electrical collection system shall be placed underground within the interior of each lot at a depth designed to accommodate the existing or permitted land use to the maximum extent practicable. The collection system may be placed overhead adjacent to state and county roads upon approval of the Planning Commission, near substations or points of interconnection to the electric grid, or in other areas, as necessary.

14. Shadow Flicker.

- a. The wind turbine shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine shall be designed in such a manner as to prevent shadow flicker on any existing structures located on non-participating lots. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine may be programmed to stop rotating during times when the wind turbine shadow crosses these structures. The wind turbine operator may obtain, and the Planning Commission may approve, written agreements which allow shadow flicker to cross an occupied structure for not more than thirty (30) hours per year.
- b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

15. Safety.

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbine towers shall contain a barrier to prevent climbing by unauthorized personnel.
- c. All access doors to wind turbine towers and electrical equipment shall be locked.
- d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
- e. All wind turbines shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine.
- f. Wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

- 16. **Additional State, Federal, or Local Requirements.** Any proposed wind turbine anemometer tower shall meet or exceed any standards and regulations of the **Federal Aviation Administration (FAA)**, **Michigan Aeronautics Commission (MAC)**, the **Michigan Public Service Commission**, National Electric Safety Code, **Federal Energy Regulatory Commission**, and any other agency of the state, federal, or local government with the authority to regulate wind turbine or other tall structures in effect at the time the Special Use application is approved.
- 17. **Approvals.** All required approvals from other local, regional, state, or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan, and such approval of the site plan by the Planning Commission shall be conditional upon the approval of all other required permits.

D. Site Plan Required.

A Special Use application for a Utility-Scale Wind Energy System shall include a site plan pursuant to **Section 5.3**. The following items are required unless waived by the Planning Commission:

- 1. **Site Plan Drawing.** All applications for a Utility-Scale Wind Energy System shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
 - a. Existing property features to include the following: lot lines, physical dimensions of the property, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the lot lines including dwellings within five hundred (500) feet of the lot lines (participating and non-participating lots).
 - b. Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed utility-scale wind energy facility.
 - c. Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.
- 2. **Site Plan Documentation.** The following documentation shall be included with the site plan:
 - a. The contact information for the Owner(s) and Operator(s) of the utility-scale wind energy facility as well as contact information for all property owners on which the utility-scale wind energy facility is located.
 - b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed utility-scale wind energy facility. A statement from the landowner(s) of the

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

- leased site that he/she will abide by all applicable terms and conditions of the Special Use permit, if approved.
- c. Identification and location of the properties on which the proposed utility-scale wind energy facility will be located.
 - d. The proposed number, representative types, and height of each wind turbine to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
 - e. Documents shall be submitted by the developer/manufacturer confirming specifications for wind turbine separation.
 - f. Documented compliance with the noise and shadow flicker requirements set forth in this Ordinance.
 - g. Engineering data concerning the construction of the utility-scale wind energy facility and its base or foundation, which may include, but not be limited to, soil boring data.
 - h. A certified registered engineer shall certify that the utility-scale wind energy facility meets or exceeds the manufacturer's construction and installation standards.
 - i. Anticipated construction schedule.
 - j. The location of any battery energy storage system on-site.
 - k. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the wind turbine to conduct maintenance, if applicable.
 - l. Documented compliance with applicable local, state, and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The utility-scale wind energy facility shall comply with **Federal Aviation Administration (FAA)** requirements, **Michigan Airport Zoning Act**, **Michigan Tall Structures Act**, and any applicable airport overlay zone regulations.
 - m. Proof of applicant's liability insurance.
 - n. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned turbine and that such connection has been approved. Off grid-systems shall be exempt from this requirement.
 - o. Other relevant information as may be requested by the Township to ensure compliance with the requirements of this Ordinance.

- p. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
 - q. A written description of the anticipated life of each Utility-Scale Wind Energy System.
 - r. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
 - s. Signature of Applicant.
3. **Grading, Erosion, and Stormwater Drainage Plan.** A site grading, erosion control, and stormwater drainage plan will be submitted to the Zoning Administrator prior to issuing a Special Use permit for a utility-scale wind energy facility. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.
4. **Environmental Impact Study.** A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions.
5. **Roads.** A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction.
6. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within one thousand (1,000) feet of the property boundary.
7. **Visual Impact Assessment:** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
8. **Emergency Response Plan (ERP).** A copy of the approved Emergency Response Plan shall be given to the system owner, the local fire department, and local fire code official. Copies of said plan shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. The Emergency Response Plan shall include the following information:
- a. A description of all on-site equipment and systems to be provided to prevent or handle fire

emergencies.

- b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
- c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- d. Procedures for inspection and testing of associated alarms and controls.
- e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.
- g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- h. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.
- i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
- j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
- k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.
- l. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
- m. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

- n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
- 9. **Hazard Plan.** An application for a wind energy system shall be accompanied by a hazard prevention plan. Such plan shall contain:
 - a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. Location of landscaping to be designed to avoid the spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. A listing of any hazardous fluids that may be used on-site shall be provided, including Material Data Safety Sheets (MDSS).
 - d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
- 10. **Decommissioning Plan Required.** The applicant shall submit a decommissioning plan.
 - a. The decommissioning plan shall include:
 - (1) The anticipated life of the project.
 - (2) The anticipated manner in which the project will be decommissioned and the site restored, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Restoration of the site to a reusable condition shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location.
 - (3) The projected decommissioning costs in current dollars for removal of the Wind Energy Facility and soil stabilization. Such costs shall not include credit for salvageable value of any materials. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate. Third-party estimates shall be paid for by the applicant.
 - (4) The method of ensuring that funds will be available for decommissioning and restoration (performance guarantee pursuant to [Section 9.4](#)).
 - (5) [County Road Commission](#) approved traffic route for decommissioning and surety bond to ensure no perceived road damage is done.

- b. The Township shall require a performance guarantee (pursuant to [Section 9.4](#)) at the time of approval equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
- c. A facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

E. Abandonment and Removal.

- 1. If a wind turbine owner or operator intends to abandon and, in fact, does abandon a wind turbine or anemometer tower by not operating it for a continuous period of twelve (12) months, said wind turbine shall be considered abandoned, and the owner of such wind turbine or anemometer tower shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Township. Failure to remove an abandoned wind turbine or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine or anemometer tower at the owner's expense. The Planning Commission may grant an extension to this one hundred eighty (180) day period.
- 2. In addition to removing the wind turbine, or anemometer tower, the owner shall restore the site of the wind turbine or anemometer tower to its original condition prior to location of the wind turbine or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

F. Equipment Replacement and Repowering.

Major components of the wind turbine may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to. A wind energy facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing wind energy facility or to add a greater number of wind turbines than were approved as part of the Special Use or to increase the height of the existing turbines shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to

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

modify a wind energy facility will be reimbursed to the Township by the wind energy facility owner in compliance with established escrow policy.

G. Post-Approval Documentation - Utility-Scale Wind Energy Systems.

Any Zoning Permit or Special Use Permit for any utility-scale wind energy facility shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.
2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the wind energy facility owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

Section 7.32 Wireless Communications

A. Uses Exempted (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by [47 CFR Section 1.4000](#)) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See Over-the-Air Reception Devices ([47 CFR Section 1.4000](#)). Single-use towers and masts shall comply with all [FCC](#) rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting such a tower.

B. Uses Allowed.

1. **Co-Location - Permitted Use.** Pursuant to [Section 3514 of 2006 PA 110, as amended \(Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.\)](#), co-location of wireless communications equipment on an existing support structure is a permitted use of property. No zoning permit is required.
 - a. No antenna or similar sending/receiving devices appended to a wireless communications support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure thereby jeopardizing the support structure’s structural integrity.
 - b. The installation and/or operation of the above-mentioned wireless communications equipment shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

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

2. **New Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Use as listed in [Section 4.12](#) and the individual district tables and shall be evaluated using the procedures stated in subsection C below using the standards stated in [subsection D](#).
 3. **Other Wireless Communications Facilities:** Wireless communications facilities which do not fall under [subsections B.1](#) or B.2 (above) shall follow the same Special Use approval procedure and standards as uses listed in subsection B.2 (above).
- C. **Approval Procedure for New Wireless Communications Facilities (WCF) with Support Structures (Towers or WSS) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).**
1. **Application Requirements.** An application for Special Use approval of wireless communications facilities shall include all information required by [Section 5.3](#) as well as the following:
 - a. A decommissioning plan which shall include:
 - (1) The anticipated life of the project.
 - (2) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground and soil are restored to a preconstruction state and are ready for development as another land use. The Planning Commission may require that agricultural land be restored to be able to be used for agricultural land. Restoration of the site to a reusable condition shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location.
 - (3) The projected decommissioning costs for removal of the Wireless Communications Facility and soil stabilization. Such costs shall not include credit for salvageable value of any materials. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate. Third-party estimates shall be paid for by the applicant.
 - (4) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee pursuant to [Section 9.4](#)).
 - b. The Township shall require a performance guarantee (pursuant to [Section 9.4](#)) at the time of approval equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. The

amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

- c. A Wireless Communications Facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

2. Determination of Completeness.

- a. After an application for a Special Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
- b. If, before the expiration of the fourteen (14) day period under this subsection, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection 2.a is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

3. Public Hearing. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to [Section 9.5](#).

4. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in [Section 5.4](#) Special Use standards and [Section 6.2](#) and the standards contained in subsection D below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

5. Special Use approval may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and federal and state laws before the wireless communications equipment begins operation.

D. Special Use Standards.

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

1. **Security Fencing.** Installations shall be enclosed by a six (6) foot fence to prevent unauthorized access to the site.

2. **Visual Impact.** The application shall include a visual impact statement, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the Wireless Communications Facility from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.

3. **Height and Construction.**
 - a. A Wireless Communications Facility shall be exempt from building height limits established by zoning district regulations, provided that the WSS height shall not exceed the minimum height necessary to serve its intended functions.

 - b. The Wireless Communications Facility and any ancillary building housing equipment needed for operation of the Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

 - c. A WSS shall be monopole construction with no guy wires.

4. **Lighting.**
 - a. The applicant shall provide documentation of any lighting to be installed on the Wireless Communications Facility. If lighting is required or proposed, the WSS may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.

 - b. The color and intensity of WSS lighting required by **Federal Communications Commission (FCC)**, **Federal Aviation Administration (FAA)** or **Michigan Aeronautics Commission (MAC)** regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.

 - c. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.

 - d. Lighting may consist of a red top light that does not pulsate or blink.

 - e. Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the **FAA**.

5. **Color.** WSS shall be painted so as to be as unobtrusive as possible. The painting of the WSS in alternate bands of color shall be permitted only if specifically required by **Federal Communications Commission (FCC)**, **Federal Aviation Administration (FAA)**, or **Michigan Aeronautics Commission (MAC)** regulations. If alternate band painting is required by **FCC**, **FAA**, or **MAC** regulations, the applicant shall provide documentation of such requirements and regulations.
6. **Height Decrease.** If the height required for the WSS to serve its intended function decreases from the installed height due to technological advancement, additional WSS installations at other locations, or other factors, the Township may order that the WSS be lowered to such decreased minimum height.
7. **Signs.** No signs other than signs required pursuant to federal, state, or township ordinance shall be allowed on an antenna or WSS, WCF, or site.
8. **Setback Requirements.**
 - a. **Wireless Communications Facilities with Support Structures (Towers).**
 - (1) The WSS shall be set back not less than the distance equal to the height of the WSS measured from the base of the WSS to all points on each lot line of participating lots.
 - (2) The WSS and any supporting or appurtenant structures shall be no closer to any building, than at least 2.1 times the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.
 - (3) The Planning Commission may reduce the required setbacks for WSSs that are designed to collapse onto themselves. In such a case, a sealed engineer's drawing that states the minimum required setback shall be provided with the special use application. The Township may retain the services of an independent engineer to review the WSS design and requested setback. The costs associated with an independent review shall be paid for by the applicant.
 - b. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities.** Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to the outermost lot line of all participating lots. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring property.
 - c. **Other Buildings.** Ancillary building or buildings housing equipment needed for the operation of the Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, shall meet district setbacks, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

9. **FCC/FAA/Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission, Federal Aviation Administration, or Michigan Aeronautics Commission** regulations. The WSS shall comply with the **Michigan Tall Structures Act (1959 PA 259, as amended)**.
10. **Reception.** The installation and/or operation of a WSS or WCF shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
11. **Use.** The owner/operator of the WCF shall agree to permit use of the WCF by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the WSS.
12. **Removal of Abandoned Wireless Communications Facilities.** If a Wireless Communications Facility owner or operator has an intent to abandon, and, in fact, does abandon a Wireless Communications Facility for a period of twelve (12) consecutive months, the Wireless Communications Facility shall be considered abandoned, and the owner of such WCF shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the WCF, the owner shall restore the site to its original condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned WCF within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the WCF at the owner's expense.

Section 7.33 Small Cell Wireless Facilities

A. Exempt Small Cell Wireless Facilities.

The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Use approval, and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

B. Approval for Non-Exempt Small Cell Wireless Facilities.

The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Zoning Administrator in accordance with the following procedures and standards:

1. The processing of an application is subject to all of the following requirements:

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

- a. Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.
 - b. The running of the time period tolled under subsection B.1.a resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - c. The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Planning Commission.
2. The Planning Commission shall base their review of the request on the standards contained in **Sections 5.4** and **Section 6.2** provided, however, that a denial shall comply with all of the following:
- a. The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - b. There is a reasonable basis for the denial.
 - c. The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
3. In addition to the provisions set forth in subsection B.2, in the Planning Commission's review:
- a. An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - b. An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (1) The need for a wireless support structure or small cell wireless facilities.
 - (2) The applicant's service, customer demand for the service, or the quality of service.
 - c. The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - d. The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.

4. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider unless the Planning Commission and the applicant agree to extend this period, or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Section 7.34 Accessory Solar Panels

A. Accessory Solar Energy Panels.

Accessory solar energy panels shall be allowed as a permitted accessory use in all zoning districts subject to the requirements below. A zoning permit shall be required. A building permit may be required. Accessory solar panels that cover one (1) acre or more shall be regulated by [Section 7.35](#) (Utility-Scale Solar Energy Facilities). The Zoning Administrator shall have the authority to review and approve accessory solar panels that cover less than one (1) acre.

B. Submittal Requirements.

Applicants shall submit drawings that show the location of the system on the property, height, tilt features (if applicable), the main building, accessory structures, and setbacks to lot lines. Accessory solar energy panel applications that meet the ordinance requirements shall be granted a zoning permit by the Zoning Administrator.

C. Ground-Mounted Accessory Solar Energy Panels.

Ground-mounted solar panels shall be considered an accessory structure and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

1. Ground-mounted accessory solar energy panels shall not be located in the front yard.
2. Ground-mounted accessory solar energy panels shall meet the setback for accessory buildings in this Ordinance.
3. Setbacks are measured from the lot line to the edge of the panel when oriented at minimum tilt.
4. If no solar access is available in the location required by this subsection, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.
5. Ground-mounted accessory solar energy panels shall not count toward any lot coverage limits or accessory building limits in the Zoning Ordinance.

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

- 6. Ground-mounted accessory solar energy panels shall not exceed the allowable height of accessory buildings in that district. When panels are oriented at maximum tilt, height is measured from the ground to the top of the system.

D. Building-Mounted Accessory Solar Energy Panels.

- 1. Building-mounted accessory solar energy panels shall adhere to district setbacks for a main or accessory building (whichever panels are mounted on) but may encroach into designated setbacks by not more than twelve (12) inches.

2. Roof-Mounted Panels.

- a. Building-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.
- b. When located on a pitched roof (4:12 or greater), the panels shall be installed flat against the roof deck.
- c. When located on a pitched (less than 4:12) or flat roof, the panels may be installed at an angle with the top edge a maximum of five (5) feet above the eave line of the building.

- 3. **Wall-Mounted Panels.** Panels shall be installed either flat against or angled so that the top edge abuts the building and the bottom edge is a maximum of two (2) feet out from the base of the wall.

- E. Glare.** Panels shall not result in glare onto adjoining properties or public rights of way.

F. Nonconformities.

- 1. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
- 2. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

- G. Building-Integrated Solar Energy Panels.** Building-integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to standards in this Section.

- H.** All electrical equipment and battery storage shall be located within a locked panel or building (main or accessory building) so as not to be readily accessible. A small sign shall be placed on the panel or building with emergency contact information. A Manufacturers Materials Safety Data Sheet(s) for all coolants, lubricants, batteries (acid), etc. shall be provided to the Township prior to installation, and updated or amended sheets provided as may be required.

Section 7.35 Utility-Scale Solar Facilities

Solar energy facilities shall adhere to the following requirements in addition to the requirements contained in [Article 5](#) pertaining to Site Plan Review and [Article 6](#) pertaining to Special Uses:

A. Intent.

The intent of this Section is to ensure sound land use policy in the Township by allowing solar energy facilities in a manner that does not change the character of the Township. Sanborn Township states the following:

1. Agricultural land is an economic base in Sanborn Township.
2. The Township intends to maintain and provide for the preservation of farmland and woodlands where feasible.
3. The Township discourages the conversion of farmland into more intensive uses and intends to preserve as much prime farmland as possible.
4. Farmland contributes to the scenic and rural character of the Township.
5. The Township recognizes the importance of the opportunity to purchase fresh foods produced on local farmland land.
6. The Township finds it critical to protect and preserve the natural environment by protecting groundwater, surface water, environmentally sensitive areas, highly erosive areas, woodlands, wetlands, open space, and fish/wildlife.
7. Sanborn Township intends to guide future development in a manner that will protect existing development, preserve agricultural lands, preserve rural community character, and conserve natural resources and environment, yet meet the long-term needs of the community.

B. Districts. A Solar Energy Facility shall be evaluated with the standards within this Section and also the site plan considerations in [Section 5.4 \(Site Plan Review Standards\)](#) and [Section 6.2 \(Special Use Standards\)](#).

C. Standards.

1. **Reflection/Glare.** Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare shall be required in the initial materials submitted.

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

2. **Screening.** The Planning Commission may require that Solar Energy Facilities be screened from view from any residential district or residential use on non-participating lots by use of a berm, evergreen vegetation, or other screening of similar effectiveness and quality, if determined as necessary by the Planning Commission. Screening shall be placed outside the perimeter fence. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. The Planning Commission may require screening to be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance. Existing vegetation may count toward screening requirements.

3. **Setbacks and Height.**
 - a. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least one hundred (100) feet from the road right-of-way and all lot lines of non-participating lots. Solar collection devices will be kept at least five hundred (500) feet from a residence or other occupied buildings on non-participating lots.

 - b. **Height.** The total height for the solar collection devices shall not exceed twenty-five (25) feet.

 - c. **Lot Coverage.** Solar collection devices shall not count toward any lot coverage limits in the Zoning Ordinance.

4. **Wiring.** Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar collection devices at maximum tilt.

5. **Lighting.** Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

6. **Sound.** The sound pressure level of a Solar Energy Facility and all ancillary solar equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above fifty-five (55) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)). The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the Solar Energy Facility to demonstrate compliance with this standard.

7. **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource

given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

8. **Access Drives.** Access drives shall be designed in consultation with local emergency services and shall be maintained to enable year-round emergency vehicle access. New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Solar Energy Facility is in operation. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.

9. **Fencing.** Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in **subsection C.3.a** above. The Planning Commission may require wildlife-friendly fencing.

10. **Agricultural Protection.** Solar energy facilities shall be sited to minimize impacts on agricultural production through site design and accommodations, including the following, where feasible:

- a. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.
- b. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.
- c. Maintaining all drainage infrastructure on-site, including drain tile and ditches, during the operation of the Solar Energy Facility.
- d. Siting the Solar Energy Facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.

D. **Emergency Services.** The Township may require the Solar Energy Facility owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. Solar energy facilities shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained for fire and police personnel and equipment, including snow removal at a level acceptable to the local fire department.

E. **Repowering.**

1. In addition to repairing or replacing solar energy components to maintain the system, a Solar Energy Facility may at any time be repowered, without the need to apply for a new Special Use permit, by

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

reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.

- 2. A proposal to change the project footprint of an existing Solar Energy Facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Solar Energy Facility will be reimbursed to the Township by the Solar Energy Facility owner in compliance with established escrow policy.

F. **Reports.** Solar energy production summary reports by month shall be provided annually for each Solar Energy Facility to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

G. **Application Requirements and Performance Guarantee.**

- 1. **Site Plan.** A site plan pursuant to [Section 5.3](#) shall be required. In addition to those requirements, the site plan shall include the following:
 - a. All lot lines, dimensions, and setbacks, including a legal description of each lot comprising the Solar Energy Facility.
 - b. Names of owners of each lot within the Township that is proposed to be within the Solar Energy Facility.
 - c. Vicinity map showing the location of all surrounding land uses.
 - d. The location of all solar arrays, including setbacks.
 - e. The width of arrays.
 - f. The distance between arrays plus total height (and distance to the lowest edge of the array above grade).
 - g. Utility connections.
 - h. Dwellings on the property and within five hundred (500) feet of the lot lines (participating and non-participating lots).
 - i. Existing and proposed structures as part of the Solar Energy Facility including electrical equipment, ancillary structures and electrical equipment.
 - j. Buried or above-ground wiring.
 - k. Temporary and permanent access drives.

- l. Fencing detail.
 - m. Screening/landscape detail and berm detail.
 - n. Signs.
 - o. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for grading and ground cover establishment and management.
 - p. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
 - q. Drainage plan including a plan to control runoff during construction.
 - r. Sources of groundwater, the anticipated amount used per year, and the anticipated impact on groundwater sources.
 - s. The location of prime farmland (and/or farmland of statewide importance, farmland of local importance, unique farmland, and prime farmland if drained) as defined in the U.S. Department of Agriculture, Natural Resources Conservation Service - Web Soil Survey.
2. **Roads.** A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction.
3. **Emergency Response Plan (ERP).** A copy of the approved Emergency Response Plan shall be given to the system owner, the local fire department, and local fire code official. Copies of said plan shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. The Emergency Response Plan shall include the following information:
- a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
 - b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
 - c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - d. Procedures for inspection and testing of associated alarms and controls.

- e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.
 - g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - h. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.
 - i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
 - j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
 - k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.
 - l. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
 - m. A commitment to review and update the ERP with local emergency services at least once every three (3) years.
 - n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
4. **Decommissioning Plan.** A decommissioning plan is required at the time of application.
- a. The decommissioning plan shall include:
 - (1) The anticipated life of the project.

- (2) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground and soil are restored to a preconstruction state and are ready for development as another land use. The Planning Commission may require that agricultural land be restored to be able to be used for agricultural land. Restoration of the site to a reusable condition shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location.
 - (3) The projected decommissioning costs for removal of the Solar Energy Facility and soil stabilization. Such costs shall not include credit for salvageable value of any materials. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate. Third-party estimates shall be paid for by the applicant.
 - (4) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee pursuant to [Section 9.4](#)).
- b. The Township shall require a performance guarantee (pursuant to [Section 9.4](#)) at the time of approval equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
 - c. A Solar Energy Facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
- 5. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within one thousand (1,000) feet of the property boundary.
 - 6. **Additional Studies/Plans.** Additional studies/plans, to be paid for by the applicant, may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

- a. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
 - b. **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. **Stormwater Study & Drainage Plan.** An analysis by a third-party qualified professional that takes into account the proposed layout of the Solar Energy Facility and how the spacing, row separation, and slope affect stormwater infiltration, including calculations for a 100-year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions. If dual use (groundcover such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) occurs, then a drainage plan may not be required. The Planning Commission may require soil stabilization through groundcover such as conservation cover, pollinator habitat, or forage cover.
 - d. **Glare Study.** An analysis by a third-party qualified professional to determine if glare from the solar collection devices will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influence on the facility.
- H. **Abandonment.** If a Solar Energy Facility owner or operator has an intent to abandon, and, in fact, does abandon a Solar Energy Facility for twelve (12) continuous months, the Solar Energy Facility shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred eighty (180) day period, the Township will have the removal and restoration done at the owner/applicant’s expense.
- I. **Post-Approval Documentation.**

Any Zoning Permit or Special Use Permit for any Utility-Scale Solar Energy System shall be conditioned upon the submission of the following documents:

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

1. **Amended Emergency Response Plan (if applicable).** Additional consultation with local emergency services is required for amended plans.
2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Solar Energy System owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

Section 7.36 Battery Energy Storage Systems

A. Purpose.

This Section applies to Battery Energy Storage Systems (BESS) that are stand-alone facilities or are in conjunction with another use such as Solar Energy Facilities or Wind Energy Facilities.

B. Districts.

A Battery Energy Storage System shall be evaluated with the standards within this Section, [Article 5](#) pertaining to Site Plan Review and [Article 6](#) pertaining to Special Uses.

C. Standards.

1. **Setbacks and Height.**
 - a. **Setbacks.** The setbacks of all buildings and components of Battery Energy Storage Systems shall be at least one hundred (100) feet from all lot lines of non-participating lots and at least five hundred (500) feet from a residence or other occupied building on a non-participating lot.
 - b. **Height.** The maximum height of a Battery Energy Storage System or building containing a Battery Energy Storage System shall not exceed the maximum building height in the district.
2. **Screening.**
 - a. The Planning Commission may require that Battery Energy Storage Systems be screened from view from any residential district or residential use on non-participating lots by use of a berm, evergreen vegetation, or other screening of similar effectiveness and quality, if determined as necessary by the Planning Commission. Screening shall be placed outside the perimeter fence. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. The Planning Commission may require screening to be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening

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

requirements provided that any such adjustment is in keeping with the intent of the ordinance. Existing vegetation may count toward screening requirements.

- b. Areas within one hundred (100) feet on each side of a Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth.
3. **Lighting.** Lighting of the Battery Energy Storage System shall be limited to those minimally required for safety and operational purposes and shall be reasonably shielded and downcast from adjacent properties.
 4. **Sound.** The sound pressure level of a Battery Energy Storage System and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above fifty-five (55) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)). The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the Battery Energy Storage System to demonstrate compliance with this standard.
 5. **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
 6. **Access Drives.** Access drives shall be designed in consultation with local emergency services and shall be maintained to enable year-round emergency vehicle access. New access drives within the Battery Energy Storage Systems shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Battery Energy Storage System is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Battery Energy Storage System is in operation. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.
 7. **Fencing.** Battery Energy Storage Systems may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection C.1](#). The Planning Commission may require wildlife-friendly fencing.
 8. **Safety and Compliance.**
 - a. Construction of a Battery Energy Storage System shall comply with the National Electric Safety Code and the Building Code. In the event of a conflict between the county building code and National Electric Safety Code (NESC), the NESC shall prevail.

- b. **System Certification.** All Battery Energy Storage Systems shall be in compliance with the latest edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems at the time of application. Compliance includes that all system components and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Energy Storage Systems and Equipment) and that Battery Energy Storage Systems are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
 - c. **Site Access.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
 - d. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
9. **Emergency Services.** The Township may require the Battery Energy Storage System Facility owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. Battery Energy Storage Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained for fire and police personnel and equipment, including snow removal at a level acceptable to the local fire department.
10. **Increased Storage Capacity.**
- a. The components of the Battery Energy Storage System may be reconfigured, renovated, or replaced to increase the power storage capacity within the existing project footprint.
 - b. A proposal to change the project footprint of an existing Battery Energy Storage System shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Battery Energy Storage System will be reimbursed to the Township by the Battery Energy Storage System owner in compliance with established escrow policy.

D. Application Requirements and Performance Guarantee.

- 1. **Site Plan.** A site plan pursuant to [Section 5.3](#) shall be required. The site plan shall include the following:
 - a. All lot lines and dimensions, including a legal description of each lot comprising the Battery Energy Storage System.

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

- b. Names of owners of each lot within the Township that is proposed to be within the Battery Energy Storage System.
- c. Vicinity map showing the location of all surrounding land uses.
- d. Location of all proposed battery structures, buildings which house batteries, other buildings or structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Battery Energy Storage System.
- e. Horizontal and vertical (elevation) to-scale drawings with dimensions.
- f. Proposed setbacks from the Battery Energy Storage System to all existing and proposed structures on participating and non-participating lots.
- g. Dwellings on the property and within five hundred (500) feet of the lot lines (participating and non-participating lots).
- h. Temporary and permanent access drives.
- i. Screening/landscape detail and berm detail.
- j. Signs.
- k. Drainage plan including a plan to control runoff during construction.
- l. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
- m. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.
- n. Description of the containment system for any hazardous fluids or materials.
- o. A written description of the maintenance program to be used for the Battery Energy Storage System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Battery Energy Storage System is decommissioned.
- p. Planned lightning protection measures.
- q. A preliminary equipment specification sheet that documents the proposed battery energy storage system components and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a zoning permit.

- r. Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of the zoning permit.

- 2. **Roads.** A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction.

- 3. **Emergency Response Plan (ERP).** A copy of the approved Emergency Response Plan shall be given to the system owner, the local fire department, and local fire code official. Copies of said plan shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. The Emergency Response Plan shall include the following information:
 - a. A description of all on-site equipment and systems to be provided to prevent or handle emergencies.
 - b. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - c. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - d. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - e. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - f. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - g. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
 - i. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

- j. A description of all contingency plans to be implemented in response to the occurrence of an emergency, including evacuation control measures and community notification measures.
 - k. The results of a toxic and flammable gas plume dispersion analysis for the anticipated equipment in a severe fire emergency scenario to assess potential impacts on surrounding communities.
 - l. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.
 - m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
 - n. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies. The Township may require that the applicant provide funding for training and/or any specific equipment which is necessary to handle emergency situations at the facility.
 - o. A commitment to review and update the ERP with local emergency services at least once every three (3) years.
 - p. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
4. **Land Clearing and/or Grading Plan.** A plan showing proposed clearing and/or grading as required for the installation and operation of the system.
 5. **Stormwater Management Plan.** Computations and design of a stormwater management system. For a BESS in a well-head protection zone and/or if the Fire Response Plan requires liquid agents for firefighting, additional calculations and design of the emergency runoff retention system in the area within ten (10) feet of the BESS shall be submitted.
 6. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within one thousand (1,000) feet of the property boundary.
 7. **Preliminary Equipment Specification Sheet.** Such sheet documents the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed. A Final Equipment Specification Sheet shall be submitted as part of Post-Construction Reporting.

8. **System Maintenance Plan.** A detailed maintenance schedule covering all affected equipment and the activities performed as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.
9. **Contact Information.** Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Information on the final system installer shall be submitted as part of Post-Construction Reporting.
10. **NFPA 855 Compliance.** Confirmation that the facility complies with the latest edition of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.”
11. **Decommissioning Plan.** A decommissioning plan is required at the time of application.
 - a. The decommissioning plan shall include:
 - (1) The anticipated life of the project.
 - (2) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground and soil are restored to their preconstruction state and are ready for development as another land use. The Planning Commission may require that agricultural land be restored to be able to be used for agricultural land. Restoration of the site to a reusable condition shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location.
 - (3) The projected decommissioning costs for removal of the Battery Energy Storage Systems and soil stabilization. The Township may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate. Third-party estimates shall be paid for by the applicant.
 - (4) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee pursuant to [Section 9.4](#)).
 - b. The Township shall require a performance guarantee (pursuant to [Section 9.4](#)) at the time of approval equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

- c. A Battery Energy Storage System owner may at any time:
 - 1. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - 2. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

12. **Additional Studies.** Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

- a. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
- b. **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

E. Abandonment.

If a Battery Energy Storage System owner or operator has an intent to abandon, and, in fact, does abandon a Battery Energy Storage System for twelve (12) continuous months, the Battery Energy Storage System shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred eighty (180) day period, the Township will have the removal and restoration done at the owner/applicant's expense.

F. Post-Approval Documentation.

Any Zoning Permit or Special Use Permit for any Off-Site BESS shall be conditioned upon the submission of the following documents:

- 1. **Pre-Construction Documents.** Prior to the commencement of construction activities, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in

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

consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator. Copies of all Pre-Construction Documents shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.

- a. **Final Equipment Specification Sheet.** Documenting the final battery energy storage system components, inverters, and associated electrical equipment.
 - b. **Contact Information.** Name, address, and contact information of the system installer and the owner and/or operator of the battery energy storage system.
 - c. **Amended Emergency Response Plan (ERP) (if applicable).** Changes to the design, type, manufacturer, etc. of BESS facilities or equipment after site plan approval must be analyzed to determine if changes are necessary to the ERP or FRP. Additional consultation with local emergency services is required for amended plans.
 - d. **Commissioning Plan.** A Commissioning Plan as outlined in NFPA 855.
 - e. **Hazard Mitigation Analysis (HMA).** A Hazard Mitigation Analysis as outlined in NFPA 855.
2. **Post-Construction Reporting.** Prior to the commencement of commercial operations, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator prior to final inspection and approval by the fire inspector. Copies of all Post-Construction Reporting shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.
- a. **Amendments or updates to any Pre-Construction Documents.**
 - b. **Commissioning Report.** A Commissioning Report as outlined in NFPA 855.72.
 - c. **Emergency Operations Plan.** An Emergency Operations Plan as outlined in NFPA 855.73.
3. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the BESS system owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

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

Section 7.37 Marihuana Provisioning Center & Marihuana Retailer

- A. A marihuana provisioning center and a marihuana retailer, in accordance with the provisions of state law, may be permitted through the issuance of a Special Use permit in the specified zones, provided that:
 - 1. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law, shall not be permitted by the Township. If a court with jurisdiction declares some or all of this Ordinance invalid, the Township may suspend the acceptance of applications for Special Use permits pending the resolution of the legal issue in question.
 - 2. At the time of application for the Special Use Permit, the marihuana provisioning center or the marihuana retailer must be in the licensing process with the State of Michigan, and then must be at all times in compliance with the applicable laws of the State of Michigan, including but not limited to the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.; the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; the **Marihuana Tracking Act**, MCL 333.27901 et seq.; and the **Michigan Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq.; and all applicable rules, regulations, and statutes promulgated by the State of Michigan.
 - 3. At the time of application for a Special Use permit, the marihuana provisioning center or the marihuana retailer must have a Sanborn Township medical marihuana facility license or a Sanborn Township adult-use marihuana establishment license, pursuant to the Sanborn Township Ordinance to Authorize and Regulate the Establishment of Medical Marihuana Facilities and Adult-Use Marihuana Establishments, concurrently in process with the Special Use permit and site plan approval, and then must be at all times in compliance with the Sanborn Township ordinance to authorize and regulate the establishment of medical marihuana facilities and adult-use marihuana establishments and any other applicable ordinances.
 - 4. A marihuana provisioning center or a marihuana retailer or activities associated with the licensed sales of marihuana may not be permitted as a home occupation, cottage industry, or accessory use, nor may they include accessory uses.
 - 5. Signage requirements for marihuana provisioning centers and marihuana retailers, unless otherwise specified, are as provided in **Section 3.22** of the Sanborn Township Zoning Ordinance.
 - 6. The Sanborn Township Planning Commission may suspend or revoke a Special Use permit based on a finding that any of the Special Use standards, all other applicable provisions of the Sanborn Township Zoning Ordinance, the Sanborn Township ordinance to authorize and regulate the establishment of medical marihuana facilities and adult-use marihuana establishments, the terms of the Special Use permit, or the approved site plan are not met.

- B. A marihuana provisioning center and a marihuana retailer shall be subject to the following standards:

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

1. **Hours.** A marihuana provisioning center and a marihuana retailer may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center or retailer between the hours of 9:00 a.m. and 9:00 p.m. and as regulated by the State of Michigan.
2. **Indoor activities.** All activities of a marihuana provisioning center and a marihuana retailer, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center or a retailer may use a walk-up window or drive-through window service only as permitted by applicable rules, regulations, and statutes promulgated by the State of Michigan, and only in accordance with the Special Use permit and site plan approved by the Sanborn Township Planning Commission.
3. **Other Activities.** Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marihuana provisioning center or marihuana retailer.
4. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area. The exterior shall be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
5. **Nonconforming Uses.** A marihuana provisioning center and a marihuana retailer may not locate in a building in which a nonconforming retail use has been established in any zoning district.
6. **Odor.** As used in this subsection, "building" means the building, or portion thereof, used for a marihuana provisioning center or a marihuana retailer.
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall consist of one (1) or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter(s) shall be rated for the applicable CFM.
 - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
 - d. Negative air pressure shall be maintained inside the building.
 - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - f. An alternative odor control system is permitted if the Special Use permit applicant submits and the Township Planning Commission accepts a report by a mechanical engineer licensed in the State of Michigan, demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The Township Planning Commission may hire

an outside expert to review the alternative system design and advise as to its compatibility and whether in the opinion of the expert, it should be accepted.

C. Operating Without a Special Use Permit or License.

1. No marihuana facilities and marihuana establishments operating or purporting to operate prior to obtaining all required licenses and permits from the State of Michigan and the Township shall be deemed to have been a legally existing use, nor shall the operations of such marihuana facility or marihuana establishment be deemed a legal nonconforming use under the Sanborn Township Zoning Ordinance.
2. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with the Sanborn Township Zoning Ordinance or any amendment thereto.
3. Discontinuation of a state medical marihuana facility license or adult-use marihuana establishment license shall constitute prima facie evidence that a nonconformity has been discontinued.

Section 7.38 Commercial Event Facilities

A. Intent.

The intent of this Section is to define minimum standards for Commercial Event Facilities because these facilities have a high potential of impacting surrounding properties.

B. Standards.

The Planning Commission shall grant a Special Use permit for a commercial event facility when it finds the proposed commercial event facility complies with the general standards for a Special Use permit as provided in [Section 6.2](#) and it complies with all of the following requirements:

1. **Parking.** No vehicles associated with the event shall be permitted to be parked on public or private roadways. All vehicle parking shall be maintained "on site." "On-site" is defined as at least one hundred (100) feet from the lot boundaries of the lot on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the lot during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service. The use of off-site parking may be granted if it is determined that there is not sufficient space on the lot for on-site parking and that the use of a transportation service will provide a safe method of transportation.
2. **Setbacks.** The commercial event facility shall comply with the following applicable setback requirements:

- a. If the commercial event facility is a designated open space on the lot or is in a structure without hard walls such as a tent or gazebo, then there shall be a five hundred (500) feet setback from any dwelling on an adjacent lot.
 - b. If the commercial event facility is a type of completely enclosed structure, then there shall be a one hundred (100) feet setback from all lot lines and from all public or private road rights-of-way.
3. **Location of Activities.** Except for parking, all activities associated with the commercial event facility should be located within the facility itself. In addition, all activities shall be subject to current and future noise ordinances enacted by the Township.
4. **Hours of Operation.** Events shall commence no earlier than 10 AM and shall terminate no later than 2 AM. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the departure of all attendees from the facility with the understanding that the clean-up process may occur after termination of the event.
5. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 10:00 AM and shall be terminated by 2 AM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site upon a finding that due to the remote location of the site, the physical characteristics of the site, and/or the vegetation or other effective buffers on the site the modified time limits for amplified sound will not cause a substantial detrimental impact on neighboring properties. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Sound from the facility shall not, because of its frequent occurrences, volume, or sound vibration, annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivities on any adjacent lot.
6. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless overnight accommodations were approved as part of the site plan review.
7. **Capacity.** The number of persons allowed at each event for a proposed Commercial Event Facility shall comply with the existing State of Michigan fire code.
8. **Sanitary Facilities.** The applicant shall obtain approval for the required sanitary facilities from the [District Health Department](#).
9. **Year-Round Operations and Number of Events.** Events within a commercial event facility may occur at all times of the year. The Planning Commission, however, may limit the number of events allowed each year based on a finding that due to the close proximity of the commercial event facility to dwellings, the physical characteristics of the site, and/or a lack of vegetation or other effective buffers on the site an unlimited number of events could cause a substantial detrimental impact on neighboring properties.

10. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles subject to approval of the Fire Department.
11. **Buffers.** The Planning Commission may require buffers between the Commercial Event Facility and adjoining properties after evaluating the size of the lot, natural topography, and vegetative cover. If required, buffers shall be of sufficient depth and height to reduce the impact of noise on adjacent properties and reduce the impact of outdoor lighting on adjacent properties.
12. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the lot, or in an event barn or other structure.

C. Submittal Requirements.

1. In addition to the requirements in [Section 5.3: Site Plan Data Required](#), the site plan must show the following:
 - a. Area of the event including indoor and outdoor areas.
 - b. Parking location and number of parking spaces.
 - c. Temporary structures.
 - d. Sanitation facilities.
 - e. Areas for food trucks or food vendors including proposed setback from lot lines including the maximum number of food trucks or food vendors planned.
 - f. Areas for trash receptacles and schedule for trash pick-up.
 - g. Location of firepits.
 - h. Location of outdoor lighting and light levels.
2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include all of the following:
 - a. Type and number of events expected.
 - b. Provisions for traffic and parking management.
 - c. Hours of operation including setup and takedown times.
 - d. Provisions for noise abatement and expected sources of noise including location of speaker systems and similar sources of noise.
 - e. Toilet facilities.
 - f. Expected maximum number of persons intended to use the lot at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
 - g. Expected number of automobiles and other vehicles intended to use the lot at one time and collectively.
 - h. Public safety plans.
 - i. List of contacts for emergency situations.
 - j. Certification that the lot where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

k. List of other permits and licenses required and proof that said permits are being applied for.

3. **Coordination with Other Agencies.** Upon receipt of the completed application, the Zoning Administrator may forward a copy of the application to the police department and/or county sheriff department, fire department, **County Road Commission**, and **MDOT** (if applicable). Each department may review the application and return it, with any comments or recommendations, to the Zoning Administrator within ten (10) working days of receipt.

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

Article 8

Zoning Board of Appeals

Sec	Name	Pg
8.0	Creation & Membership	8-1
8.1	Meetings	8-2
8.2	Jurisdiction	8-3
8.3	Procedures	8-4
8.4	Dimensional Variance Standards	8-7
8.5	Appeal to Circuit Court	8-7

Section 8.0 Creation & Membership

A. Creation.

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

B. Membership.

The Zoning Board of Appeals shall consist of three (3) members, appointed by the Township Board by a vote of a majority of its membership.

1. **Planning Commission Member.** The first member shall be a member of the Sanborn Township Planning Commission for the terms of his/her office.
2. **Remaining Members.** The remaining members must be selected from the electors of the Sanborn Township and shall be representative of the population distribution and of the various interests present in the Township. One (1) regular or alternate member may be a member of the Township Board. An elected official shall not serve as Chairperson.
3. **Employees.** An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

C. Alternates.

The Township Board may appoint not more than two (2) alternate members for the same term as regular

members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

D. Terms of Office.

The terms of office for members of 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 the Planning Commission or Township Board. 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) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

E. Officers & Compensation.

The Zoning Board of Appeals shall annually elect a Chairperson, Vice-Chairperson, and Secretary. The compensation of the appointed members of the Zoning Board of Appeals may be established by the Township Board.

F. Removal Of Member.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. 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.

G. ZBA Member who is also a Planning Commission Member.

A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

Section 8.1 Meetings

A. Meeting Scheduling and Notice.

1. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, in response to the receipt of a Request for Appeal, and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure.

- 2. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in [Section 9.5](#).
- 3. All hearings conducted by said Board shall be open to the public in compliance with the [Open Meetings Act, 1976 PA 267](#), as amended.

B. Meeting Scheduling and Notice.

The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing:

- 1. The vote of each member upon each question, or if absent or failing to vote, indicating said fact; and
- 2. The grounds for every determination made by the ZBA; and
- 3. The final ruling of each case.

The ZBA shall file a record of its proceedings in the office of the Township Clerk, which shall be a public record.

C. Quorum.

Two (2) members of the ZBA shall constitute a quorum for the conduct of its business. The Zoning Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

D. Majority Vote.

The concurring vote of a majority of members of the full Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the appellant on any matter upon which they are required to pass under any such Ordinance or to effect any variation in such Ordinance.

- E. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

Section 8.2 Jurisdiction

A. Powers.

The Zoning Board of Appeals shall have all powers and authority granted by [2006 PA 110](#), as amended, together with such other powers and duties as are given to such Board by the provisions of this Ordinance, including the following specific powers:

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

1. **Appeals From a Decision.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.
2. **Interpretation.** The ZBA may interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
3. **Dimensional Variances.** Upon the finding of practical difficulty, the ZBA shall have the authority to grant non-use variances related to dimensional requirements of the Zoning Ordinance as provided for in [Section 8.4](#).
4. A variance in the Zoning Ordinance may be applied for and granted under Section 4 of the [Uniform Condemnation Procedures Act, 1980 PA 87](#), MCL 213.54.

B. Exercise of Powers.

The Zoning Board of Appeals shall have the power to hear and decide appeals from any review, any order, requirement, interpretation, decision, or determination made by the Zoning Administrator, Planning Commission, or other administrative official in the administration of this Ordinance. In exercising the above powers, the ZBA may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken.

C. Specific Powers Not Granted.

1. **Special Use and PUD.** The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Use approvals or Planned Unit Developments.
2. **Use Variances.** No variance shall be granted to permit the establishment, within a district, of any use which is not included as a Permitted Use or a Special Use.
3. **Amendments.** Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided by law.

Section 8.3 Procedures

A. Notice of Appeal.

Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by an officer or department of the Township, by filing a written application for appeal with the Township Clerk. Upon receipt of an application for appeal, the Township Clerk shall promptly transmit the records concerning the appealed action to the

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

chairperson of the ZBA.

B. Timing.

Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within thirty (30) days after the date of the Zoning Administrator’s decision or Planning Commission’s decision. Requests for interpretation and other requests which are not related to a decision may be made at any time.

C. Fee.

A fee as established by the Township Board shall be paid to the Township Clerk at the time the petitioner files an application with the Board. The purpose of such fee is to cover the necessary advertisements, mailings, investigations, hearing records, and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township or any official body of the Township is the moving party. If an applicant requests and receives a postponement of the hearing subsequent to the mailing of notices and advertisement of public hearing, said applicant shall pay the necessary expenses incurred by the Township to re-notice the hearing.

D. Appeals Involving More Than One (1) Building.

In the event an application is made involving more than one (1) building, the total development may be incorporated in one (1) appeal provided that the subject property is continuous and is not divided by another zoning district.

E. Documents Required.

The applicant shall submit four (4) copies of surveys, plans, and data or other information which is requested by the Zoning Administrator or Chairman of the ZBA and which is reasonably necessary.

F. Hearing and Public Notice.

Upon receipt of an application for appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the application for appeal unless the Zoning Administrator and the applicant agree on a later date. Upon determination of the date and time of the Public Hearing, the Township Clerk shall give public notice pursuant to [Section 9.5](#).

G. Stay.

An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

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

H. Appearance.

Upon the hearing, any party may appear in person or by agent or attorney. The ZBA may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

I. Decision.

1. **Timing of Decision.** The Board of Appeals shall render its decision within thirty (30) days of filing of an application of appeal unless an extension of time is necessary to review new information pertinent to making the decision and is agreed upon by the appellant and a majority of members of the ZBA present.
2. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
3. **Majority Vote.** The concurring vote of a majority of the members of the full Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the Zoning Ordinance, or to grant a dimensional variance in the Zoning Ordinance.
4. **Findings of Fact.** In granting or denying a variance, the ZBA shall state in a written statement of Findings of Fact the grounds upon which it justifies the granting of a variance. Copies of the written Findings of Fact shall be supplied to the Township Board and Planning Commission.
5. **Decision Final.** The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court of Alpena County.

J. **Conditions.** Pursuant to [Section 9.7](#), in granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

K. **Expiration.** Each variance granted under the provisions of this Ordinance shall become null and void unless:

1. The construction authorized by such variance or permit has commenced within six (6) months of granting the variance.
2. The occupancy of land, premises, or building has taken place within two (2) years after the granting of the variance.

- L. **Resubmittal.** No application for the variance which has been denied, wholly or in part, by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.

Section 8.4 Dimensional Variance Standards

Where there are practical difficulties deterring the carrying out of strict interpretation of this Ordinance, the Zoning Board of Appeals shall have the powers to vary or modify any of the rules, regulations, and provisions of the Ordinance by granting non-use variances, provided that any variation granted from this Ordinance will not be contrary to the public interest and relates only to property under control of the appellant.

The following standards shall be used to determine practical difficulty:

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography, and is not due to the applicant’s personal or economic hardship.
- B. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- C. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
- D. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Sanborn Township.

Section 8.5 Appeal to Circuit Court

- A. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court for Alpena County.
- B. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days

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

after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

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

Article 9

Administration & Enforcement

Sec	Name	Pg
9.0	Administration of Ordinance	9-1
9.1	Duties of the Zoning Administrator, Planning Commission & Township Board	9-1
9.2	Zoning Permits	9-3
9.3	Fees	9-5
9.4	Performance Guarantee	9-6
9.5	Public Notice Requirements	9-7
9.6	Use of Consultants	9-9
9.7	Conditions	9-9
9.8	Interpretation & Conflicts	9-10
9.9	Rehearing	9-10
9.10	Violations	9-11
9.11	Approval Process Reference Chart	9-13

Section 9.0 Administration of Ordinance

- A. The provisions of this Ordinance shall be administered in accordance with the **Michigan Zoning Enabling Act, Public Act 110 of 2006**, as amended.
- B. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies as the Township Board may delegate to enforce the provisions of this Ordinance. The Board may also employ a Deputy Zoning Administrator under the terms and conditions determined by the Board to assist the Zoning Administrator in administering this Ordinance.

Section 9.1 Duties of the Zoning Administrator, Planning Commission & Township Board

A. Zoning Administrator.

The Zoning Administrator shall be responsible for the following administrative activities under this Ordinance:

- 1. The Zoning Administrator shall have the power to grant zoning permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

2. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.
3. The Zoning Administrator shall maintain permanent and correct records of this Ordinance including, but not limited to zoning permits, compliance certificates issued, and all maps, amendments, special use permits, exceptions, variances, and appeals.
4. The Zoning Administrator shall review all applications for site plan review, special use review, variances, and zoning amendments addressed to the Township Planning Commission or Zoning Board of Appeals, and report findings to said Commission and Board.
5. Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.

B. Planning Commission.

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Site Plan Approval.** The Planning Commission shall review site plans and issue its approval, conditional approval, or denial.
2. **Special Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit including Planned Unit Developments. Following a public hearing, the Planning Commission shall review and approve, approve with conditions, or deny said application.
3. **Rezoning or Text Amendment Review.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.
4. The Planning Commission shall not have the power to change the zoning classification of any property, nor to grant variances from any terms or requirements of this Ordinance except as specifically granted in this Ordinance.

C. Township Board.

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

Section 9.2 Zoning Permits

A. Application for and Issuance of Zoning Permit.

1. Before proceeding with the erection, alteration, enlargement, razing, conversion, or moving of any building or structure subject to the provisions of this Ordinance, the owner of the premises shall first apply for a zoning permit from the Zoning Administrator. This requirement shall not apply to alterations inside a building or structure if no change is made in foundations or outside perimeter. The application shall be made upon forms provided by the Zoning Administrator and shall be accompanied by the tax description of the premises and by a plot plan pursuant to **Section 5.1** or a site plan pursuant to **Section 5.3** (with the exception of Special Uses that the Zoning Administrator has determined do not require a plot plan or site plan).
2. On examination of any site, the Zoning Administrator may require a current boundary survey and staking of the premises by a Michigan Registered Land Surveyor if the same may not be clearly in evidence.
3. **Final Plot Plan or Site Plan Approval Required.** The Township shall not issue a zoning permit until a final plot plan or site plan has been approved and is in effect pursuant to **Article 5** (with the exception of Special Uses that the Zoning Administrator has determined do not require a plot plan or site plan).
4. **Other Required Permits.** A zoning permit is required prior to a building permit. A zoning permit shall not be issued until any other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.
5. **Payment of Fees.** No zoning permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the main building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.

B. Property Inspection.

Every building or structure for which a zoning permit has been issued shall be subject to two (2) inspections:

1. **When Excavation for Foundation is Complete and Building Corners Established.** The property owner is responsible for determining and marking the correct location of lot lines as defined by this Ordinance from which setbacks are measured and for marking building corners.
2. **On Completion of the Enclosed Exterior Construction.** The property owner shall notify the Building Inspector and Zoning Administrator in writing when ready for inspection. Following final inspection, the Zoning Administrator shall issue the property owner a certificate of compliance if he/she finds the building or structure in conformity with the Ordinance.
3. The Zoning Administrator, Township officials, and agents shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning

Administrator, Township officials, and agents may exercise this right to inspection by consent of the person having the right to possession of the lot, building, structure, or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction.

C. Issuance of Zoning Permits.

1. **Permits Required for Construction.** No building or structure shall hereafter be erected, structurally altered, reconstructed, demolished, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the Sanborn Township and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance.
2. **Permits Required for New Use of Land.** No land heretofore vacant shall hereafter be used unless a zoning permit is first obtained for the new use.
3. **Buildings/Uses Already in Existence.** No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance.
4. **Exemptions From Zoning Permits.** Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical, or plumbing permit.
5. **Conformance with Approved Plans.** Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.
6. **Permits Not To Be Issued.** No zoning permit shall be issued for the erection, alteration, or use of any building, structure, or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

D. Zoning Permit Expiration and Completion of Exterior.

1. **Expiration of Zoning Permit.** The zoning permit will expire after one (1) year from the date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit. The Zoning Administrator may grant an extension to the zoning permit upon a showing of good cause by the applicant and that the zoning regulations applicable to the use authorized by the zoning permit have not substantially changed since the issuance of the original permit. A maximum of (1) extension may be granted.
2. **Extension of Site Plan Approval.** See [Section 5.5](#).
3. **Extension of Special Use Approval.** See [Section 6.6](#).

- 4. **Completion of Exterior.** Upon commencing construction of a building pursuant to a zoning permit issued under this Ordinance, the exterior of the building shall be completed within one (1) year, unless prior to the expiration of this time period the property owner applies for and receives an extension for completing the exterior construction of the building from the Zoning Administrator upon a showing of good cause. A maximum of one (1) extension may be granted.

E. Zoning Permit Revocation.

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.

F. Failure to Obtain a Zoning Permit.

- 1. Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary zoning permit shall be subject to **Section 9.10** unless a Permit-After-the-Fact is obtained pursuant to subsection 2 below.
- 2. **Permit After-the-Fact.** Any building erected, relocated, or altered which requires a zoning permit from the Township which begins without first obtaining the required permit may be issued that permit, but this permit will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard zoning permit, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and Special Use Permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

Section 9.3 Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a Fee Schedule establishing basic zoning fees.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals.

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

The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.

C. Additional Fees.

1. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs.
2. The additional zoning fees shall be held in escrow in the applicant’s name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.
3. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal.
4. Any unexpected funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.
5. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

Section 9.4 Performance Guarantee

In connection with the construction of public and site improvements through site plan approval, Special Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, site clean-up and restoration, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for

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

contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development of each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third party to construct the public and site improvements and the third party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

Section 9.5 Public Notice Requirements

All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#) as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

A. Published Notice.

When the provisions of this Ordinance or the [Michigan Zoning Enabling Act](#) require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.

B. Content.

All mail, personal, and newspaper notices for public hearings shall:

1. **Describe the Nature of the Request.** Identify whether the request is for a rezoning, text amendment, Special Use, Planned Unit Development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and

listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.

- 3. **Date, Time, and Meeting Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
- 4. **Written Comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
- 5. **Disabled Access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. **Notice.**

- 1. Except as noted in [subsection C.2](#) and [subsection C.3](#) below, notices for all public hearings shall be published and/or given as follows:
 - a. **Timing of Notice.** Notice of the hearing shall be published and/or given not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Township.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

2. Newspaper publication as required in **subsection C.1** above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in **subsection C.1** above.
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
 - b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

Section 9.6 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 9.7 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

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

- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 9.8 Interpretation & Conflicts

A. Conflicts When this Zoning Ordinance is More Restrictive.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, ordinance, or private deed restrictions, then the provisions of this Ordinance shall govern except where legally superseded by such law or ordinance.

B. Conflicts When Another Ordinance is More Restrictive.

Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

C. Conflicts within this Ordinance.

Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

- 1. **Conflicting Graphics, Tables, and Text.** The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. When **Table 4.12: Full Table of Permitted Uses and Special Uses** conflicts with the individual tables in **Sections 4.5 through 4.11, Table 4.12** shall prevail.

Section 9.9 Rehearing

A. Rehearing Performed By Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

- 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.

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

2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
3. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.10 Violations

- A. Any land, dwellings, buildings, or structures, including tents and recreational vehicles, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted, or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation, association, or other legal entity who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in **Public**

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

Act 12 of 1994, amending 1961 PA 236, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than five hundred (\$500.00) dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.

C. The Township Supervisor and Zoning Administrator are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

D. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

E. Inspection.

The Zoning Administrator or his/her deputy shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

Section 9.11 Approval Process Reference Chart

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it:

Table 9.11: Approval Process Reference Chart

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal	
One- & two-family dwelling, accessory structures, change of use, fences, signs, temporary dwellings - §5.0	Applicant	ZA	No	----	----	ZBA	
Multiple-Family, Commercial, Industrial, Utility & Institutional Structures/Uses - §5.0	Applicant	PC	No (unless listed as Special Use)	----	----	ZBA	
Special Use	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	----	Circuit Court	
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Text amendment or Rezoning (text amendment does not require 300' notice)	Applicant, PC, or TB	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days (text amendment not subject to this)	----	
		County Planning Commission reviews amendment & provides comment (30 days)					
		Step 2: TB	No	----	----	----	
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on 8th day after publication.					
Zoning enforcement	ZA	----	----	----	----	ZBA	

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

Article 10

Amendments & Adoption

Sec	Name	Pg
10.0	Amendment to this Ordinance	10-1
10.1	Amendment Procedure	10-1
10.2	Conditional Rezoning	10-5
10.3	Comprehensive Review of Zoning Ordinance	10-8
10.4	Severance Clause	10-8
10.5	Vested Right	10-9
10.6	Repeal & Savings Clause	10-9
10.7	Adoption & Effective Date	10-9

Section 10.0 Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in **2006 PA 110**, as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Sanborn Township Zoning Map may be amended, supplemented, or changed by action of the Township Board following a recommendation from the Planning Commission.
- C. Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by application of one (1) or more owners of property to be affected by the proposed amendment.

Section 10.1 Amendment Procedure

A. Filing of Amendment Application.

1. **Application.** An applicant shall submit a completed and signed application for Ordinance amendment on a standard form provided, along with the appropriate fees, to the Township Clerk. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment. Applications shall be submitted at least thirty (30) days prior to the meeting date at which the public hearing will be held. All amendments or supplements shall be referred to the Township Planning Commission for study, recommendation, and public hearing.

2. **Filing Fee.** Application for amendment shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be refundable to a applicant. No fee shall be charged when the amendment is initiated by the Sanborn Township Planning Commission or Township Board.

B. Application Information.

When the application involves a change in the Zoning Map, the applicant shall submit the following information to the Township Clerk:

1. A legal description of the property.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the applicant.
4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.
5. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information.
6. The desired change and reasons for such change.

C. **Action of Clerk.** The Township Clerk shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

D. **Notice of Hearing.** After transmitting the amendment application to the Planning Commission, the Clerk shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within thirty (30) days of the date of application receipt. The Clerk shall give notice of the public hearing pursuant to [Section 9.5](#).

E. Planning Commission Action.

1. **Public Hearing.** The Planning Commission shall conduct a public hearing.
2. **Consideration of Amendment.** The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 - a. **Rezoning Factors.** The Planning Commission shall review and apply the following factors in the consideration of any rezoning request:

- (1) Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - (2) Will there be an adverse physical impact on surrounding properties?
 - (3) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - (4) Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
 - (5) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - (6) What is the impact on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
3. **Findings of Fact.** The Planning Commission shall submit a final report indicating findings of fact/recommendation to the Township Board along with a summary of the comments received at the public hearing.
- a. **Outside Agency Review.** In determining the above-mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the following agencies:
 - (1) **District Health Department.**
 - (2) **Alpena County Road Commission.**
 - (3) **Alpena County Drain Commission.**
4. **Submission to County Planning Commission.** After the required public hearing, the Planning Commission shall send the amendment to the Alpena County Planning Commission for review and comment prior to Township Board Adoption. The Alpena County Planning Commission shall have a total of thirty (30) days to provide comment. If the recommendation of the County Planning Commission/committee has not been received within thirty (30) days after the receipt of the amendment by the county, it shall be conclusively presumed that the county has waived its right for review.
5. **Submission to Township Board.** The Township Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing and from the county.

F. **Township Board Review.**

1. The Township Board may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in **Section 9.5**. The Township Board shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **Section 9.5**.
2. After receiving the recommendations of the Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the Township Board. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment. The Planning Commission shall have sixty (60) days from such referral to make further recommendations to the Township Board. In the event that an application is referred back to the Planning Commission, the Township Board shall make specific mention of their objections to the Planning Commission's findings and recommendations. In order to lessen the possibility of adverse litigation concerning the zoning district decisions of the Township Board, the Township Board shall make a written record of the rationale for the action taken on each application for amendment to this Ordinance.

G. Publication of Notice of Adoption.

Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth (8th) business day after publication or at a later date as may be specified by the Township Board at the time of adoption.

The notice of adoption for Zoning Ordinance amendments shall include the following:

1. Either a summary of the regulatory effect of the Zoning Ordinance amendment, including the geographic area affected or the text of the Zoning Ordinance amendment.
2. The effective date of the Zoning Ordinance amendment.
3. The place where and time when a copy of the Zoning Ordinance amendment may be purchased or inspected.

H. Re-Submittal of Application For Rezoning.

An owner of property, his/her authorized agent, or other person, shall not initiate action for rezoning affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Planning Commission determines that conditions affecting the property have changed substantially, thereby justifying a repetition before twelve (12) months have elapsed from the date of the previous petition.

Section 10.2 Conditional Rezoning**A. Intent.**

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended)** (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a Special Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing as set forth in **Section 9.5** of this Ordinance and consideration of the factors set forth in **Section 10.1.E.2.a** (with the exception of **10.1.E.2.a.5**) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any

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

recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review.

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of **2006 PA 110**, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the **Alpena County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the **County Register of Deeds**.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification

along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

- 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

- 1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
- 2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within two (2) years after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

If the approved development and/or use of the rezoned land do not occur within the timeframe specified under subsection G above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection H** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner’s written request, the Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection G** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006)**, as amended).

L. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 10.3 Comprehensive Review of Zoning Ordinance

The Planning Commission shall, at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety, and general welfare.

Section 10.4 Severance Clause

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building, or structure not specifically included in said ruling.

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

Section 10.5 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 10.6 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Sanborn Township Zoning Ordinance in its entirety.
- B. The repeal of any previous Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Section 10.7 Adoption & Effective Date

- A. This Ordinance was adopted on November 10, 2025 by the Sanborn Township Board and will be effective November 27, 2025. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the Sanborn Township Planning Commission on September 15, 2025.
- B. Amendments to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Sanborn Township Board after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of **PA 110 of 2006**, as amended.

I hereby certify that the above Ordinance was adopted by the Sanborn Township Board at a regular meeting held on November 10, 2025.

Township Clerk

Published: November 20, 2025

Effective Date: November 27, 2025

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