



**Planning Commission  
Special Meeting  
June 4, 2019  
6:00 p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES  
    - Special Meeting March 20, 2019
5. CORRESPONDENCE / BOARD REPORTS
6. APPROVAL OF AGENDA
7. PUBLIC COMMENT: Restricted to (3) minutes regarding items not on this agenda
8. NEW BUSINESS  
  
    **A. Part II Zoning Ordinance Amend/Rewrite**
9. OTHER BUSINESS
10. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
11. FINAL BOARD COMMENT
12. ADJOURNMENT

**CHARTER TOWNSHIP OF UNION**  
**Planning Commission**  
**Special Meeting**

A special meeting of the Charter Township of Union Planning Commission was held on March 20, 2019.

**Meeting was called to order at 6:30 p.m.**

**Roll Call**

Squattrito, LaBelle, Webster, Buckley, Darin, and Mielke were present. Fuller late. Shingles excused absent.

**Others Present**

Peter Gallinat – Twp Planner

**Approval of Minutes**

None.

**Correspondence/Board Reports**

None.

**Approval of Agenda**

**Webster** moved **Mielke** supported to approve the agenda **Ayes: all. Motion carried.**

**Public Comment**

No comments were offered

**NEW BUSINESS**

- A. Zoning Ordinance Rewrite- Amend/update Ordinance Sections with McKenna  
Chris Doozan from McKenna addressed the board. The Planning Commission reviewed draft Sections 1 through 5 of 15. Discussion was held between Chris Doozan and the Planning Commission.

**OTHER BUSINESS**

None.

**Extended Public Comment**

No comments were offered

**Final Board Comment**

None

**Adjournment**

**The Chair adjourned the meeting at 8:55 p.m.**

**APPROVED BY:**

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**Alex Fuller, Secretary**

*(Recorded by Peter Gallinat)*

June 3, 2019

Planning Commission  
Charter Township of Union  
2010 S. Lincoln  
Mt. Pleasant, MI 48858

**Subject: New Zoning Ordinance – Sections 6 through 10**

Dear Planning Commissioners:

I am pleased to submit Sections 6 through 10 of the new Union Township Zoning Ordinance to you for your review and comment. These sections cover the following topics:

- Section 6 – Standards Applicable to Specific Land Uses
- Section 7 – General Provisions
- Section 8 – Environmental Performance Standards
- Section 9 – Parking, Loading, and Access Management
- Section 10 – Landscaping and Screening

I would like to offer a few comments that may help in your review of these sections:

1. In Section 6, where appropriate, we have incorporated regulations from the existing zoning ordinance. New regulations have been added for a number of land uses, including drive-through uses, outdoor temporary retail sales, solar energy systems, auctions, office and retail uses in industrial districts, brewpubs and microbreweries, and donation bins.
2. A question was raised at the March 20 Planning Commission meeting about regulations covering manufactured housing located outside of a mobile home park. These regulations can be found in Section 6.16, Residential Design Requirements.
3. Regulations governing Wireless Telecommunications Facilities (cellular telephone towers) in Section 6.43 have been brought up-to-date with state and federal laws, which impose limitations on local regulatory authority over these facilities. We have also added provisions for small cell wireless communication facilities, which are now authorized under Michigan Public Act 365 of 2018.
4. You will note that Section 6 is structured so that the last several sets of regulations deal solely with residential land uses. These are all new topics in the zoning ordinance.
  - Section 6.56 – Accessory Apartment
  - Section 6.57 – Multiple Family and Single Family Attached Housing
  - Section 6.58 – Open Space Preservation (this section is required by the zoning enabling act)
  - Section 6.59 – Senior Housing
  - Section 6.60 – Model Homes
5. Section 7 deals with common zoning subjects that are currently addressed in the existing ordinance, but we generally address them in greater detail in the new ordinance. Subjects dealt with in this section include, for example, exemptions from height regulations, accessory buildings and structures, fences and walls, sidewalks, temporary uses, buildings and structures, and required water supply and sanitary sewerage facilities.

6. Section 7 also addresses several new topics, such as permitted encroachments into required yard setbacks (Section 7.2), administrative regulations (Section 7.7), allowable and prohibited uses (Section 7.11), trash removal and collection (Section 7.14), streets, roads, and other means of access (Section 7.17), junkyards and landfills (Section 7.19), performance guarantee (Section 7.20), floodplains (Section 7.21), reception antenna facilities (Section 7.22), and soil erosion and sedimentation (Section 7.23).
7. Section 8 sets forth performance standards that will apply primarily to industrial uses. Please note we have included new detailed procedures for investigating and resolving possible violations of the standards. Section 8 also includes a new set of standards dealing with exterior lighting.
8. The storm water management regulations in Section 8 basically cross-reference the Township's existing Storm Water Management Ordinance. A few years ago, Union Township, Mt. Pleasant, and the County Drain Commissioner's Office drafted new storm water management regulations. However, these regulations were never adopted by the County or Union Township. After reviewing the new regulations, we are of the opinion that if the Township wishes to enforce them, the regulations should be adopted as a new storm water management ordinance.
9. Section 9 incorporates some of the parking regulations from the existing ordinance, but we have added several provisions to make it a more complete set of regulations. For example, we added regulations to allow collective use of off-street parking (i.e., shared parking) in certain instances. We have added complete barrier-free parking regulations. The schedule of off-street parking standards has been completely updated based on current Institute of Transportation Engineers standards. We have also added regulations dealing with commercial and recreational vehicle parking in residential districts (p. 9-12). This is always a controversial topic, so you may wish to review these regulations carefully.
10. Section 9.3 sets forth basic access management standards for the US-127 BR and M-20 corridors. These regulations piggyback on the access management plan that was completed in 2006 by the Michigan Department of Transportation (MDOT), City of Mt. Pleasant, and Union Township.
11. Section 10 is largely new material, although we did incorporate some standards from Sections 8.31 and 24.4 of the existing ordinance. In essence, Section 10 would require landscaping in conjunction with all new non-residential development and with all new multiple family development. This would consist primarily of landscaping adjacent to the road and screening when located adjacent to single family residential zoned property. In addition, Section 10 requires landscaping within parking lots if the parking lots contain greater than ten spaces. I strongly believe that the standards in this section will substantially improve the appearance of the Township's commercial corridors, industrial districts, and multiple family developments.

I look forward to meeting with you soon to review these new ordinance sections in greater detail.

Sincerely,

**McKENNA**



Christopher J. Doozan, AICP  
Community Planning Consultant

c: Peter Gallinat, Township Planner

Enclosures

# Section 6 Standards Applicable to Specific Land Uses

## Section 6.1 Adult Entertainment Uses

- A. **History and Findings.** Subsequent to being sued in Eastern District Court (*Intimate Ideas v Charter Township of Union*, Case No. 03-10085), the Charter Township of Union Board directed the Planning Commission to research and develop zoning regulations for sexually oriented businesses (aka Adult Entertainment Uses). The Planning Commission reviewed sixty (60) studies and reports about the secondary effects of sexually oriented businesses. Based on review of the studies and reports, as well as several court decisions, the Planning Commission and Township Board made the following findings:
1. Sexually oriented businesses featuring nudity and sexual activities produce negative secondary effects, such as increased crime, declining or depressed property values, and a diminished sense of safety and security for the general public when walking in the vicinity of these businesses.
  2. The negative secondary effects of sexually oriented businesses can be reduced by dispersing the businesses and requiring minimum distances between such businesses.
  3. The negative secondary effects of sexually oriented businesses are exacerbated by being in proximity to bars serving alcoholic beverages by the glass.
  4. To minimize the negative secondary effects of sexually oriented businesses on residential neighborhoods and the community at large, the sexually oriented businesses should be located a minimum distance from any residential zoning district, school, church, or public park.
  5. The zoning regulations must allow for the location of sexually oriented businesses within specified zoning districts in the Charter Township of Union, and a reasonable number of sites must be available to be acquired and used by sexually oriented businesses.
  6. The negative secondary effects of public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the glass, can be minimized by local ordinance prohibiting public nudity, as authorized by MCL 41.181 and the decisions of the United States Supreme Court.
  7. Requiring dancers and other performers to wear a minimal amount of clothing, such as pasties and a g-string, in order to comply with ordinance will have little or no effect on the expressive element of the performances.
  8. Ordinance provisions prohibiting public nudity, live nude performances, and the combination of nudity and businesses serving alcoholic beverages by the glass must be narrowly drawn to apply to businesses and performers that offer nude performances on a regular basis.
- B. **Intent.** The intent of the regulations in Section 6.1 is to define and regulate sexually oriented businesses and prohibit public nudity, in order to minimize or eradicate the negative secondary effects of sexually oriented businesses and public nudity. The zoning regulations are intended to define and disperse sexually oriented businesses and regulate their location and site requirements, without restricting the content of communication protected by the First Amendment to the U. S. Constitution.
- C. **Coordination with Liquor Control Commission Regulations.** Sexually oriented business, as defined, described, and permitted herein, are subject to the regulations against public nudity and nudity in businesses licensed by the Michigan Liquor Control Commission.
- D. **Definitions.** Definitions of Adult Regulated Uses are in Section 2.2. The following definition relates specifically to this Section 6.1:
- “Regularly,” as used in this Section, means once per month or more often.
- E. **Districts in which Uses Are Permitted.** Sexually oriented businesses are principal permitted uses in the B-5 and B-7 zoning districts only, and are not permitted in any other zoning district.

F. **Approval Required.** Before establishing a sexually oriented business, Township approval shall be required. Section 14.2 sets forth the requirements for site plan review if new construction is proposed. Re-occupancy of an existing building or space shall require zoning approval, in accordance with Section 14.1.

G. **Dispersal and Spacing.**

1. No sexually oriented business shall be located closer than 1,500 feet to another sexually oriented business.
2. No sexually oriented business shall be located closer than 500 feet to a bar.
3. No sexually oriented business shall be located closer than 600 feet to a church, school, residential district, public park, or licensed day care.
4. Measurement of Distance. Distances shall be measured along a straight line from property line to property line, or property line to zoning district boundary.

H. **Site Requirements.** In addition to the site requirements that apply to commercial uses generally, sexually oriented businesses shall comply with the following site requirements:

1. Off-street parking shall be located in front of the building or on the side of the building only. Parking in the rear of the building is prohibited.
2. Parking shall be properly illuminated, pursuant to Section 8.2.
3. If signs or window displays are used, they shall not depict specified anatomical areas or specified sexual activities.
4. The face of the building shall be set back a minimum distance of fifty (50) feet from any public sidewalk.

I. **Operational Requirements.** Sexually oriented businesses shall comply with the following operational requirements:

1. Persons under the age of 18 shall be prohibited from entering the business.
2. The business shall be closed between the hours of 1:00 a.m. and 8:00 a.m.
3. Employees and customers shall not be allowed to engage in specified sexual activities on the site.
4. Prostitution or the soliciting of acts of prostitution shall not be allowed on the site.
5. The distribution of controlled substances shall not be allowed on the site.

## Section 6.2 Adult Foster Care Small Group Home, Large Group Home, and Congregate Facility

A. **Licensing Requirements.** Adult foster care small group homes, large group homes, and congregate facilities shall be licensed by the Michigan Department of Licensing and Regulatory Affairs, pursuant to Michigan Public Act 218 of 1979, as amended.

B. **Spacing.** No adult foster care small group home, large group home, or congregate facility shall be closer than 500 feet to a similar home or facility.

C. **On-Site Manager.** All adult foster care small group homes, large group homes, and congregate facilities shall have a manager on duty on the site at all times.

D. **Notification.** At the time of special land use review, the notification of public hearing shall be mailed to all residents within 1,500 feet of the proposed home or facility.

### Section 6.3 Airports, Public and Private

- A. **Compliance with State and Federal Regulations.** Airports shall comply with regulations promulgated by the Michigan Aeronautics Commission and Office of Aeronautics and the Federal Aviation Administration (FAA).
- B. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- C. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

### Section 6.4 Amusement Parks

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Building Setbacks.** Principal and accessory buildings shall be set back a minimum of fifty (50) feet from any abutting residential zoning district and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

### Section 6.5 Animals, Keeping of

- A. **Household Pets.** Up to four (4) customary household pets may be kept per lot or dwelling unit in all districts, except as noted in item D, below.
- B. **Livestock and Fowl.** Except as specified in the R-1 district, no livestock or fowl may be kept in any residential district or within one hundred (100) feet of a residential district boundary.
- C. **Predatory and Wild Animals.** Predatory and wild animals may not be kept in any district.
- D. **Exceptions.**

1. The keeping of more than four (4) dogs, six (6) months or older, may be permitted on any residential lot subject to all of the following conditions:
  - a. The minimum lot size is five (5) acres.
  - b. The animals shall be housed at least one hundred (100) feet from any adjoining property line.
  - c. A kennel permit shall be obtained from the Isabella County Animal Control Department.
  - d. The keeping of dogs must be for personal use only and not for commercial purposes.
2. Up to four (4) fowl or fur bearing animals may be kept in any district for educational programs.

E. **Boarding Kennels.** See Section 6.8.

## Section 6.6 Automobile or Vehicle Storage

Automobile or vehicle storage is permitted in the rear or side yard only (not in the front yard), provided that the automobiles or vehicles are kept locked at all times to prevent access by children. Outdoor storage of three (3) or more inoperable or dismantled vehicles is considered a junkyard, which is regulated under Section 6.21.

## Section 6.7 Auto Wash Establishments

Auto wash establishments shall be fully contained within a building. However, accessory facilities, such as self-service vacuums, may be located outside, subject to Planning Commission approval. When reviewing an auto wash proposal, the Planning Commission shall consider the following:

- A. The noise generated by outside vacuum facilities relative to the location of residentially-zoned or used land.
- B. Traffic circulation and the ease of ingress and egress.
- C. The availability of sufficient on-site vehicle stacking space.
- D. The availability of adequate space for post-wash drying and drainage before entering the public road.

## Section 6.8 Boarding Kennels

- A. **Types of Animals.** Boarding kennels may house customary household pets only. Exotic and wild animals are not permitted.
- B. **Setbacks.** The boarding kennel shall be located a minimum of one hundred (100) feet from any property line and a minimum of 2,450 feet from any residential district boundary.
- C. **Type of Building.** The design of the building shall be compatible with the buildings in the surrounding neighborhood. Boarding kennels shall not exceed one (1) story.
- D. **Emissions.** The kennel shall be designed so that no noise is detectable at the property line. The building shall not emit any noxious odors.
- E. **Dog Runs.** Dog runs shall be incorporated within the building.
- F. **Screening.** Boarding kennels that abut residential uses shall be screened in accordance with Section 10.
- G. **Dog Waste.** Fecal waste shall be disposed of in a manner that complies with Health Department standards.
- H. **Grooming.** Grooming and/or bathing of boarded animals is permitted.
- I. **Miscellaneous.** Off-street parking shall be required pursuant to Section 9. Signs shall be permitted pursuant to Section 11. Site plan review shall be required pursuant to Section 14.2.



## Section 6.9 Bed and Breakfast Facility

### A. Physical Requirements

1. Room Size. A minimum room size of seventy (70) square feet shall be required for the first occupant and an additional fifty (50) square feet shall be required for each occupant thereafter.
2. Percent of Total Floor Area. Not more than forty percent (40%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
3. Spacing. A site occupied by a bed and breakfast facility shall not be located within six hundred (600) feet of a site occupied by another such facility, measured along the road right-of-way line. In historic districts, the Planning Commission may reduce this spacing requirement.
4. Design. On the interior, the building shall retain its inherent single-family residential appearance. The exterior design must conform to the predominant residential character of the neighborhood. Building modifications or additions shall be designed to blend with the architecture of the existing structure and neighborhood.
5. Signs. Signs must comply with the requirements in Section 11.
6. Eligible Structures. Bed and breakfast facilities shall be permitted only in structures that are at least ten (10) years old at the time of application.

### B. Parking

1. Hard-surfaced, off-street parking shall be required in the rear yard. At minimum of one (1) space shall be provided per sleeping room, plus two (2) spaces for the owner. The total hard surface shall not exceed fifty percent (50%) of the rear yard. Parking shall be located no closer than ten (10) feet to an adjacent property line.
2. Parking areas shall be designed so as to not disrupt the appearance of the neighborhood. The Planning Commission may require additional screening and/or landscaping to preserve the neighborhood appearance in accordance with Section 10.

### C. Operational Requirements

1. The dwelling in which the bed and breakfast facility is located shall be the principal residence of the owner. The owner shall live on the premises while the facility is in use.
2. There shall be no separate cooking facilities in guest quarters.
3. The maximum stay for any paying guest shall be fifteen (15) consecutive days.
4. Bed and breakfast facilities are subject to annual inspection by the Mt. Pleasant Fire Department, the Township Building Official, and the Central Michigan District Health Department.

## 6.10 Campgrounds and Recreation Grounds, Private

### A. Ingress and Egress. Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:

1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.

4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
  - C. **Greenbelt and Screening.** A 25-foot wide landscaped greenbelt shall be provided around the perimeter. Where the abutting property is zoned residential, or where there is an existing residential dwelling within one hundred (100) feet of the property line, screening shall be required pursuant to Section 10.3.
  - D. **Setbacks.** All buildings, entertainment activity, and displays shall be set back a minimum distance of one hundred (100) feet from all property lines.
  - E. **Sanitation Facilities.** Adequate sanitation facilities shall be provided, which shall meet the approval of the Central Michigan District Health Department.
  - F. **Planning Commission Approval.** All uses and activities proposed for campgrounds and recreation grounds shall require prior Planning Commission approval.

### 6.11 Cemeteries, Public or Private (including Mausoleums)

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Setbacks.** All buildings shall be set back a minimum distance of fifty (50) feet from any residentially-zoned property line. All buildings shall be set back a minimum distance of two hundred (200) feet from any residential dwelling on abutting property.

### 6.12 Country Clubs and Golf Courses

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.

4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
  - C. **Setbacks.** All buildings shall be set back a minimum distance of fifty (50) feet from any residentially-zoned property line. All buildings shall be set back a minimum distance of two hundred (200) feet from any residential dwelling on abutting property. A minimum front setback of one hundred (100) feet shall be required for all buildings, uses, and operations. The front setback shall be landscaped in accordance with Section 10.3.

### Section 6.13 Day Care, Group Home (for 7 to 12 Children)

- A. **Licensing and Approval.** Group day care homes shall be licensed by the Michigan Department of Health and Human Services prior to commencement of the use. Group day homes are permitted in all residential districts and the agricultural district, subject to special land use approval.
- B. **Requirements.** Pursuant to Public Act 110 of 2006, as amended, a group day care home shall be issued a special use permit if the facility meets of the following standards:
  1. **Spacing.** The Group Child Care Home shall not be located not closer than 1,500 feet to any of the following:
    - a. Another licensed group child care home.
    - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Michigan Public Act 218 of 1979, as amended.
    - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the public health code, Michigan Public Act 218 of 1979, as amended.
    - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
  2. **Fence Enclosure.** For the safety of the children, the play yard shall be enclosed with a four (4) foot high fence, which shall comply with the requirements in Section 7.6 of the Zoning Ordinance.
  3. **Maintenance.** The property shall be maintained in a manner that is consistent with the characteristics of the residential neighborhood.
  4. **Hours of Operation.** The facility shall not exceed 16 hours of operation during a 24-hour period.
  5. **Signs.** Signs shall comply with Section 11 of the Zoning Ordinance.

### Section 6.14 Day Care, Family Home (for 1 to 6 Children)

Family day care homes shall be licensed by the Michigan Department of Health and Human Services prior to commencement of the use. Family day care homes are principal permitted uses in all residential and agricultural districts.

### Section 6.15 Drive-Through Facilities

- A. **Building Design.** Drive-through facilities shall be built as an integral architectural element of the primary structure. Exterior building materials shall be the same as used on the primary structure. Drive-through facilities separate from the primary structure are prohibited.
- B. **Setbacks.** Drive-through facilities, including the drive-through window and any canopies, shall be located to the rear or side of the primary structure, except that on a corner parcel one (1) frontage of the building may be used for drive-through window service. Drive-through service windows shall be set back a minimum of eight (8) feet from the front building wall of the primary structure.

- C. **Stacking Lane.** Stacking lanes shall not be located in a required front yard setback. The configuration of stacking lanes and curb opening shall not create hazardous conditions for pedestrians.
- D. **Headlight Glare.** Drive-through facilities shall be designed and/or screened so that the glare from the headlights of vehicles in the stacking lane is obstructed from shining into neighboring residential properties, and so that headlight glare does not create a driving hazard on adjacent streets or roads.
- E. **Landscaping.** A landscaped buffer, with a minimum width of ten (10) feet that meets the requirements of Section 10.3, shall be provided along the rear and side lot lines of a drive-through facility located adjacent to residentially-zoned or used property.

## Section 6.16 Residential Design Requirements

All single family detached dwelling units located outside of a mobile home park shall comply with the following requirements:

- A. **Dimensional Requirements.** All dwelling units shall comply with the dimensional requirements, including minimum floor area requirements, for the district in which they are located. The minimum width of the front elevation shall be thirty-four (34) feet and the minimum dimension along any side or rear elevation shall be twenty-four (24) feet.
- B. **Minimum Width.** Dwelling units shall comply with the minimum width requirements throughout the entire length of the dwelling unit. Width shall be measured on the exterior walls.
- C. **Removal of Wheels, Towing Mechanisms.** Dwelling units assembled off-site and moved to the site in a fully-constructed condition (e.g., mobile home) shall have all wheels, towing mechanisms, and tongue removed. None of the undercarriage shall be visible from the exterior.
- D. **Exterior Building Materials.** Exterior building materials shall extend to the foundation on all sides.
- E. **Attachment to Foundation.** All single family detached dwelling units shall be firmly attached to a foundation so as to form a complete watertight seal under the exterior walls, as required by the Building Code.
- F. **Water and Sanitary Facilities.** All dwellings shall be connected to a public sanitary sewer system and water supply system or a well and septic system approved by the Central Michigan District Health Department.
- G. **Ingress and Egress.** All dwellings shall provide a minimum of two (2) points of ingress and egress. Where there is an elevation difference of more than one (1) foot between any door and the surrounding grade, steps or a porch shall be provided, which shall be permanently attached to the foundation.
- H. **Additions.** Additions to dwellings must comply with all requirements of this Ordinance.
- I. **Aesthetic Compatibility.** Dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Official upon review of the plans for a particular dwelling in comparison to existing dwellings in the neighborhood. This requirement shall not be construed to prohibit innovative design concepts to provide solar energy, address unique land contours, respond to particularly appealing views or vistas, etc.
- J. **Applicable Codes.** Single family detached dwellings shall comply with the adopted building code of the Township, with the exception that mobile homes shall meet the standards for mobile home construction promulgated by the U. S. Department of Housing and Urban Development (HUD).

## Section 6.17 Dwellings, Rooming and Boarding

- A. **Definition.** A rooming or boarding dwelling may provide occupancy for up to five (5) persons, regardless of familial status, or a single family plus two (2) additional persons. The two (2) additional persons may be related or unrelated to each other.

B. **Approval Requirements.** Rooming and boarding dwellings shall require special land use approval, pursuant to Section 14.3. Along with an application and required fees, the applicant shall submit a site sketch and floor plan, drawn to scale. Rooming and boarding dwellings shall with the following requirements:

1. **Parking.** A minimum of (4) off-street parking spaces shall be provided, which shall be designed so that no vehicle will be blocked by another parked vehicle. Parking shall comply with the requirements in Section 9.5. Where a garage is provided and counted as a parking space, it shall remain available for parking at all times. More than one (1) parking area may be provided to fulfill these requirements.
2. **Bedrooms and Bathrooms.** A minimum of three (3) bedrooms and one (1) bathroom (sink, toilet, bath) shall be provided. Bedrooms shall be a minimum of seventy (70) square feet for a single occupant, and one hundred (100) square feet for each additional occupant in the bedroom. When approved for five (5) occupants, each unit so approved shall provide a minimum of one (1) bathroom and a half bathroom (sink and toilet only).
3. **Lot Area.** No rooming or boarding dwelling unit shall be approved on a lot that does not comply with the minimum lot area.
4. **Common Entrance(s).** All occupants of rooming or boarding dwellings shall enter or exit the structure through one (1) or more common entrances. Any entrance to the residence that creates a separate or exclusive living area, with or without sanitary or cooking facilities, shall be deemed an additional unit. A one unit rooming dwelling located in an R-2 zoning district may be converted to a two (2) unit rooming dwelling, subject to special land use approval. Three-unit dwellings are not permitted in any R-1 or R-2 zone.
5. **Solid Waste Disposal.** If a dumpster is provided, then it shall be screened pursuant to Section 7.14. Plastic trash bags shall not be stored outside unless they are stored in an animal-proof container.
6. **Septic System Approval.** If the structure uses a septic system, a system evaluation by the Central Michigan District Health Department shall be required prior to the addition of any bedrooms.
7. **Revocation of Permit.** A special land use permit may be revoked by the Planning Commission following a show cause hearing, if any of the following conditions occur:
  - a. Failure to maintain the property in compliance with the conditions of approval of the special land use permit.
  - b. Failure to comply with the Union Township Rental Housing Code.

If the special land use permit is revoked, the dwelling may be occupied by no more than one family.

## Section 6.18 Filling Stations for the Sale of Gasoline, Oil, Etc.

- A. **Access.** Curb cuts for access to a filling station shall be located no closer than twenty-five (25) feet to a street intersection (measured from the road right-of-way) or from an adjacent residential district. In the interest of traffic safety, the Planning Commission may limit the number of curb cuts.
- B. **Minimum Lot Size.** The minimum lot size for filling stations is fifteen thousand (15,000) square feet, unless the filling station is intended solely for the sale of gasoline, oil, and minor accessories (no facilities for repair or servicing), in which case the minimum lot size shall be as specified for the district in which the filling station is located.
- C. **Setbacks.** Buildings shall be set back a minimum distance of fifty (50) feet from any residentially-zoned property and a minimum of one hundred (100) feet from any existing residential dwellings located on adjacent property.
- D. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

- E. **Lighting.** Exterior lighting shall comply with Section 8.2.

## Section 6.19 Home Occupations

### A. **Approval and Permit Requirements.**

1. Planning Commission Approval. Home occupations are subject to Planning Commission approval. Property owners within three hundred (300) feet of the site on which the home occupation is proposed shall be notified by mail of the Planning Commission meeting at which the proposal will be considered.
2. Zoning Permit. Upon approval by the Planning Commission, and payment of fees, a permit for the home occupation may be issued by the Zoning Official. A permit is initially valid for one (1) year. Thereafter, it may be renewed every three (3) years if the Zoning Official finds that the home occupation is in compliance with the conditions of approval.
3. Other Permits. The holder of the permit shall be responsible to carry adequate insurance and apply for any other licenses or permits as may be required by any other local, state or federal agency.
4. Transferability of Permit. A permit is not transferable to another location.
5. Expansion. Any expansion of the home occupation shall require a new permit.
6. Revocation of Permit. Failure to comply with the requirements in this section or with the conditions of approval shall be grounds for revocation of the permit.
7. Compliance with Zoning District Requirements. The dwelling unit and home occupation shall comply with all applicable zoning district requirements.

### B. **Application.** The application for a home occupation shall contain the following information:

1. Identification of who in the residence will be working in the home occupation.
2. Thorough description of the home occupation and any materials required.
3. Hours of operation, which must be harmonious with the neighborhood.
4. Provisions for parking.
5. Storage requirements.
6. A floor plan, drawn to scale, which identifies areas to be occupied by the home occupation.
7. A site plan, drawn to scale, which illustrates all buildings, structures, paved areas, and other site features, and identifies areas to be occupied by the home occupation.

### C. **Requirements.**

1. Home Occupation an Incidental Use. Any business activity must be clearly incidental to the use of the dwelling as a residence.
2. Exterior Appearance. The exterior appearance of any structure shall not be altered due to the business activity.
3. Maintain Residential Character. No business activity shall be conducted in such a manner so as to cause the premises to differ from a residential character, whether by the use of colors, materials, construction, lighting, signs (except as permitted in this Section), or the emission of sounds or vibrations.
4. Delivery and Pickup. The delivery and pickup of goods and materials used and/or produced in the operation of a home occupation shall be limited to the customary activity of the United States Postal Service and/or alternative private package services common to residential property in the area.
5. Vehicular and Parking Increase. A home occupation may increase vehicular traffic flow and parking demand by no more than two additional vehicles at a time. No more than ten customers or clients shall visit the dwelling unit for services or products during any one day. Any demand for

parking generated by a home occupation, including one space for each non-resident employee of a home-based business, shall be met off the street and behind the required front setback line.

6. No Outdoor Activity. The entire home occupation shall be fully contained within a principal or accessory structure. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be allowed on the premises in any zoning district.
7. Residents Only. Any person who is not a resident occupant of the dwelling unit shall not be employed in a home occupation located there.
8. Sign. One non-illuminated nameplate, not more than two square feet in area, shall be allowed per residence to identify a home occupation. The permitted sign shall not be located in any road right-of-way and shall not obstruct the clear vision of drivers. No other sign shall be used on the premises to advertise a home occupation.
9. Accessory Building Use. One (1) detached accessory building may be occupied by a home occupation, provided that there is no external evidence of the business activity. Any accessory building used for a home occupation shall be in full compliance with the standards for accessory buildings, as provided in Section 7.5 of this Ordinance.
10. Total Area of Home Occupation. The total area within the principal dwelling devoted to a home occupation shall not exceed forty percent (40%) of the residential floor area of one (1) story of the dwelling unit. If the home occupation occupies a detached accessory building, then it shall not exceed ten percent (10%) of the residential floor area of one (1) story of the dwelling unit.
11. Craft or Fine Art Instruction. Pursuant to Section 204 of Michigan Public Act 110 of 2006, as amended (MCL 125.3204), individual instruction in a craft or fine art within a residence is a permitted home occupation.

## Section 6.20 Hunting Clubs and Gun Clubs

Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

## Section 6.21 Junk Yards

- A. **Licensing**. Junk yards shall be licensed under the provisions of Michigan Public Act 641 of 1978, as amended. Junk yards shall be operated in accordance with all applicable state laws.
- B. **Minimum Lot Size**. The minimum lot size for junk yards is five (5) acres.
- C. **Screening**. Junk yards shall be fully enclosed behind a fence or wall that is at least eight (8) feet in height. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously, in accordance with Section 7.6.
- D. **Enclosure**. All activities shall be confined within the fence or wall enclosure. No material shall be stocked higher than the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the enclosure.
- E. **Setbacks**. Enclosed areas shall be set back a minimum distance of one hundred (100) feet from any street right-of-way line. This front setback shall be landscaped in accordance with Section 10.3.
- F. **Burning**. No open burning shall be permitted.
- G. **Ingress and Egress**. Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.

2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- H. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

## Section 6.22 Marihuana-Related Facilities

## Section 6.23 Miniature Golf and Driving Ranges

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Setbacks.** All uses, operations, and structures shall be set back a minimum of one hundred (100) feet in front. The front yard setback shall be landscaped in accordance with Section 10.3. Buildings shall be set back a minimum distance of fifty (50) feet from any residentially-zoned property and a minimum of two hundred (200) feet from any existing residential dwellings located on adjacent property.
- D. **Safety Screening.** Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission.

## Section 6.24 Mixed Use Structure

The following requirements shall apply to structures that contain retail and residential uses:

- A. **Approval Requirements.** Special land use and site plan approval are required.
- B. **Residential Units.** Up to four (4) single-family units may be located in a structure, which shall all be on the second floor.
- C. **Floor Area.** Each residential unit shall have a minimum gross floor area of 1,000 square feet.
- D. **Parking.** The retail component shall be provided with the minimum number of parking spaces specified in Section 9.3. Two (2) additional spaces shall be provided per residential unit, which shall be reserved for the occupants by use of signage.



- E. **Number of Occupants per Unit.** For the purposes of determining the maximum number of occupants per unit, the occupants must satisfy the definition of "family."
- F. **Access.** Separate access to the residential units shall be provided, without having to enter the business portion of the structure. Secondary access to the residential units may be provided from the business area.
- G. **Legal Nonconforming Structures.** Legal nonconforming structures in business zones may be converted to mixed use structures under the following conditions:
  1. If the structure is single story, then only one (1) residential unit may be permitted on the first floor.
  2. If a second story is present or added, then only the second story may be used for residential purposes.

## Section 6.25 Mobile and Modular Home Sales

- A. **Approval Requirements.** Special land use and site plan approval are required.
- B. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- C. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- D. **Landscaping.** Mobile and modular home sales lots shall comply with the landscaping requirements in Section 10.3.
- E. **Site Access.** Mobile and modular home sales lots shall comply with the access management requirements in Section 9.7.
- F. **Maximum Lot Coverage.** No more than thirty percent (30%) of the gross lot area shall be covered by buildings and display models. However, if the Planning Commission determines that the site is in compliance with the access management requirements in Section 9.7, it may allow the maximum lot coverage to increase to fifty percent (50%).
- G. **Repair or Restoration.** Any repair or restoration of mobile or modular homes or other equipment shall occur within a fully enclosed building.
- H. **Service Vehicles.** Service vehicles shall be parked on a paved surface and completely screened from view from adjacent properties.
- I. **Exterior Lighting.** Outdoor display lights shall be shielded to deflect light away from adjacent properties and streets. Lighting shall comply with Section 8.2.
- J. **Spacing.** The minimum distance between display models shall be ten (10) feet.
- K. **Skirting.** Display models shall be skirted immediately upon placement on the sales lot.

## Section 6.26 Mortuary Establishments, Funeral Homes

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Assembly Area.** Adequate off-street assembly area, separate from the required off-street parking, shall be provided for vehicles to be used in funeral processions.
- D. **Caretaker's Residence.** The main building of the mortuary establishment may contain a caretaker's residence.

## Section 6.27 Multiple-Family Dwellings of Five or More Units

- A. **Access.** The multiple-family structure or complex shall have direct access to a major street or thoroughfare.
- B. **Parking.** Parking is prohibited in the required front and side yard setbacks. The Planning Commission may require parking beyond the minimum requirements specified in Section 9.3 to accommodate visitors.
- C. **Landscaped Open Space.** A minimum of twenty-five percent (25%) of the side and rear yard setbacks shall be retained as landscaped open space.
- D. **Proximity to R-1 Districts.** The lot on which a multiple-family dwelling with five or more units sits shall not have a common lot line with a lot in an R-1, Single Family Residential District.

## Section 6.28 Natural Resource Extraction Operations

- A. **Compliance with State Law.** Natural resource extraction operations, including sand and gravel pits, shall comply with all applicable state laws, including Part 91 of Michigan Public Act 451 of 1991, as amended, which deals with soil erosion and sedimentation.
- B. **Reclamation.** Areas mined for natural resources shall be reclaimed progressively in accordance with a reclamation plan approved by the Planning Commission. The land shall be left in a condition that is free from hazards. Slopes and banks shall be graded to blend with the surrounding land in a manner that prevents soil erosion.
- C. **Permanent Buildings.** No business or industrial buildings of a permanent nature shall be erected, unless the building is otherwise permitted within the zoning district.
- D. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.

3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- E. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
  - F. **Screening.** The Planning Commission may require that part or all of the extractive operation be screened with a six (6) foot high wood or vinyl fence that meets the requirements of Section 7.6. In addition, evergreen screening may be required on any side that abuts land that is used for residential or commercial purposes.
  - E. **Setbacks.** Excavation shall be set back a minimum distance of one hundred (100) feet from any property line and a minimum of two hundred (200) feet from any existing residential dwellings located on adjacent property.
  - F. **Slopes.** Upon completion of reclamation, finished elevations shall not be steeper than a 2:1 slope (two feet horizontal:one foot vertical). This regulation shall also apply to existing gravel pits where excavation is in progress on the effective date of this Ordinance.
  - G. **Truck Traffic.** Truck traffic servicing the extractive operation shall be directed away from residential streets, whenever practical.
  - H. **Applications for Permits.** Applications for permits shall be co-signed by the property owner and operator of the extractive operation.
  - I. **Fill Material.** No garbage or refuse of any kind shall be used for fill. Only the following materials may be used for fill: sand, gravel, clay, topsoil, and other clean earth materials that provide a suitable base for future building sites.

## Section 6.29 Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility

- A. **Lot Area.** The minimum lot size for such facilities shall be three (3) acres.
- B. **Frontage and Access.** Such uses shall front onto a paved arterial or collector road and the main means of access for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, be off of a residential street.
- C. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of seventy five (75) feet from all property lines.
- D. **State and Federal Regulations.** Nursing homes, shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
- E. **Service Entrances.** Service entrances shall be screened from view of adjacent residential properties or streets.

## Section 6.30 Oil and Gas Drilling and Processing

Pursuant to Section 205 of Michigan Public Act 110 of 2006, as amended, the Township shall not control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells. The following regulations shall apply to oil and gas processing or sweetening plants:

- A. **Setbacks.**

1. Oil and gas processing plants shall be located a minimum of 1,300 feet from any existing residential or commercial establishments, wetlands, or surface water.
  2. Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.
- B. **Density.** There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.
- C. **Screening.** Oil and gas processing facilities shall be screened in accordance with Section 10.
- D. **Air Pollution Control.** Emissions from the plant shall meet or exceed all applicable state and federal pollution standards, including state standards in Michigan Public Act 451 of 1994, as amended, and the rules adopted pursuant to that Act. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times.
- E. **Fire Detection.** The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and shall be subject to approval by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.
- F. **Noise.** Oil and gas processing plants shall comply with the noise standards set forth in Section 8.1.
- G. **Automatic Alarm System.** In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate. The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Mt. Pleasant Fire Department dispatcher and plant operating personnel.
- H. **Site Security.** The following security measures shall be maintained on the site:
1. Fencing. The site shall be fully enclosed with a six foot high chain link fence with three strands of barbed wire along the top of the fence.
  2. Locking of the Facility. All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.
  3. Signs. "Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.
  4. Lighting. The site shall be adequately lit, in accordance with Section 8.2
  5. Telephone Monitoring System. In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.
- I. **Preventative Maintenance.** The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.
- J. **Site Closure.** In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.
- K. **Other Approvals.** The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction.

- L. **Performance Guarantee.** Prior to issuance of a building permit, the Township may require submission of a performance guarantee, in accordance with Section 14.7.

### Section 6.31 Outdoor Storage

- A. **Enclosure.** All outdoor storage shall be enclosed by a solid wood or vinyl fence or a wall, which shall be no less than six (6) feet or more than ten (10) feet in height. The fence or wall shall comply with Section 7.6. Materials stored on the site shall not exceed the height of the fence.
- B. **Noxious Impacts.** Materials that might generate fumes, odors, or dust, cause a fire hazard, or attract rodents or insects, shall be stored in closed containers. Outdoor storage of materials that might cause a fire hazard shall be subject to approval by the Fire Chief.
- C. **Accumulation of Materials.** Materials, particularly waste materials, shall not be allowed to accumulate on the site in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.
- D. **Securing of Materials.** Materials and waste must be secured to prevent wind-blown debris off the premises.

### Section 6.32 Outdoor Temporary Retail Sales

- A. **General Requirements.** Temporary retail sales areas may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site. Temporary retail sales operations are permitted for a duration of not more than ninety (90) days in any twelve (12) month period.
- B. **Site Coordination.** The location of sales merchandise and temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to the remaining parking spaces.
- C. **Required Approval.** Before establishing a temporary retail sales area, a sketch must be submitted to the Township Planning Department showing the location of the sales area relative to other permanent features on the site. The sketch must be drawn to scale, and must show any temporary structures (including tents) and storage areas. The application must also note the date of removal. Approvals by the Zoning Official and Fire Chief are required.
- D. **Outdoor Food and Beverage Service on Private Property.** Outdoor food and beverage service on private property is subject to the following requirements:
  - 1. **Accessibility.** Outdoor food and beverage service shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access. Outdoor food and beverage service areas shall not obstruct the any sidewalk or entrance to any building, or any barrier-free ramp or access aisle. If outdoor food and beverage service areas are located on a private sidewalk, then a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk for pedestrian travel.
  - 2. **Location of Outdoor Food and Beverage Service Areas.** Tables and chairs shall remain within a well-defined and clearly marked area. The Township may require enclosures consisting of metal railings, brick walls, wrought iron fencing, landscape planters or other suitable materials.
  - 3. **Health Department Approval.** Outdoor food and beverage services are subject to approval by the Central Michigan District Health Department.

### Section 6.33 Planned Shopping Centers

- A. **Purpose.** The requirements in this section are intended to promote the development of successful commercial facilities that are properly planned to provide safe and convenient access, with minimal traffic congestion and other adverse impacts.
- B. **Approval Requirements.** Special land use and site plan approval are required, whereupon a Certificate of Zoning Compliance may be granted. The application for approval shall contain the following information:

1. **Market Analysis.** A market analysis must be submitted, which shall be prepared by a recognized market analyst, providing the economic justification for the development of a shopping center of the type and size being proposed. The market analysis shall be based on such factors as the size and growth characteristics of the trade area, travel times from various parts of the trade area to the proposed shopping center, general development trends in the area, expected sales volume for the types of proposed retail merchandise, existing and anticipated competing commercial facilities, and other relevant data and analyses that relate the potential success of the shopping center.
  2. **Site Plan.** A site plan, prepared in accordance with Section 14.2, shall be submitted. The site plan shall be accompanied by a Traffic Impact Study (TIS), prepared by a qualified, registered traffic engineer, in accordance with the guidelines in Section 14.2. Approval by the Isabella County Road Department shall be required.
  3. **Proposed Uses.** A list of the proposed uses shall be provided, along with the area (in square feet) to be allocated to each use.
  4. **Engineering Plans.** Engineering plans shall be submitted to demonstrate how the site will be served with sanitary sewer and public water utilities, and to demonstrate how storm water management will be addressed on the site.
  5. **Miscellaneous Requirements.** The following information shall be submitted:
    - a. Proposed hours of operation.
    - b. Estimated number of employees and customers anticipated during peak business hours.
    - c. Time schedule for completion of construction.
- C. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

## Section 6.34 Public and Institutional Uses

- A. **Conformity with Neighborhood Character.** Public and institutional uses shall conform to the character of the adjacent neighborhood. Conformity can be achieved through style of architecture, provision of screening in accordance with Section 10.3, providing ample setbacks, providing amenities needed by the surrounding neighborhood, providing sufficient lot size, and similar means.
- B. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- C. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.

## Section 6.35 Public or Group Organization Buildings

- A. **Approval Requirements.** Special land use and site plan approval are required prior to the construction or establishment of any fraternity house, sorority house, college-owned dormitory, club or lodge. The application for approval of a club or lodge shall be accompanied by a petition signed by seventy-five percent

(75%) of the owners of property within three hundred (300) feet of the premises consenting to the establishment of the club or lodge.

- B. **Considerations.** When reviewing the application, the Planning Commission and Township Board shall consider the following, at minimum: impact on vehicular or pedestrian traffic, impact on the character of the surrounding neighborhood, potential noise, and other impacts that would endanger the public health, safety and general welfare.
- C. **Minimum Requirements.** The Planning Commission or Township Board may require reasonable requirements and conditions, including setback and lot area requirements, to properly protect the public health, safety and general welfare, provided that any building or activity area shall be located not less than fifty (50) feet from any other lot.

### Section 6.36 Race Tracks

- A. **Ingress and Egress.** Points of ingress and egress shall be designed in accordance with the Isabella County Road Department's requirements and the following additional requirements:
  - 1. All points of ingress and egress shall be onto a major thoroughfare or other public road. Traffic within the site shall be accommodated to facilitate smooth movement in and out.
  - 2. All points of ingress and egress shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways, measured between right-of-way lines.
  - 3. As they approach within one hundred (100) feet of a public road, vehicles shall have a clear vision for a distance of five hundred (500) feet in both directions along the road.
  - 4. Where points of ingress and egress are located on a major street or thoroughfare, deceleration/acceleration lanes shall be provided.
- B. **Parking.** Driveways and off-street parking shall comply with the regulations in Section 9, except that driveways and parking shall be located a minimum of fifty (50) feet from adjacent property lines and a minimum of two hundred (200) feet from any existing residential dwelling located on adjacent property.
- C. **Screening.** Race tracks shall be enclosed by an obscuring screen fence that is at least eight (8) feet in height. Fences shall be of permanent finish and construction, and shall comply with Section 7.6.
- D. **Hours of Operation.** Race track hours of operation shall be limited to:
  - Fridays, between 6:00 p.m. and 11:00 p.m.
  - Saturdays, between 1:00 p.m. and 11:00 p.m., provided no more than six (6) hours
  - Sundays, between 1:00 p.m. and 6:00 p.m.

### Section 6.37 Second Living Quarters on a Farm

The use of a second single-family dwelling unit or one (1) two-family dwelling unit as a second living quarters on a farm may be permitted for a member or members of the farm owner's family or for an unrelated family that has permanent employment on the farm, subject to the following conditions:

- A. **Lot Area.** Compliance with the lot area requirements in the AG district shall be required.
- B. **Front Yard Setback.** No dwelling permitted under this section may be located closer to the front lot line than the principal dwelling. At minimum, the dwelling shall be set back fifty (50) in front.
- C. **Other Setbacks.** No dwelling permitted under this section shall be located closer than thirty (30) feet to the side or rear wall of the principal dwelling, any barn or accessory farm structure, or and side or rear lot line.
- D. **Well and Septic System Approval.** Approval from the Central Michigan District Health Department shall be obtained for the well and septic system.

### Section 6.38 Self-Storage Buildings

- A. **Approval Requirements.** Special land use and site plan approval are required.
- B. **Roof Design.** Self-storage buildings shall have a mansard, gable, hip, or gambrel roof design. A flat roof is prohibited.
- C. **Ingress/Egress.** Entrances and exits shall be designed in accordance with the requirements of the Isabella County Road Department. Self-storage facilities shall have direct access to a paved public road. Local traffic movements shall be accommodated within the site so that entering and exiting vehicles can make normal and uncomplicated movements onto or off of the public road.
- D. **Screening.** Evergreen screening shall be required whenever a self-storage facility is located within two hundred fifty (250) feet of a residentially-zoned property. Screening shall consist of evergreen trees, not less than eight (8) feet in height at the time of planting, planted and maintained in live condition not less than fifteen (15) feet on-center (see Section 10).
- E. **Dimensions.** The maximum length of any self-storage building shall be two hundred fifty (250) feet.
- F. **Prohibited Storage.** Storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined by the Fire Prevention Code, or toxic materials shall be prohibited within self-storage buildings or anywhere upon the premises.
- G. **Outside Storage Prohibited.** No storage outside of the self-storage buildings shall be permitted.
- H. **Limitations on Use.** The use of the premises shall be limited to storage only and shall not be used for operating any other business, for maintaining or repairing of vehicles, recreational equipment, or other items, for recreational activity, hobby, or any purpose other than the storage of personal and business items as described herein.
- I. **Hard-Surfacing Required.** All entrances, exits, driveways, parking areas, and maneuvering areas shall be hard-surface with asphalt or concrete, and shall be drained to move storm water away from the storage units.

## Section 6.39 Solar Energy Systems

### A. Purpose

The purpose of this section is to facilitate the construction, installation and operation of Solar Energy Facilities (SEFs) in Union Township in a manner that protects public health, safety and welfare and avoids significant impacts to protected resources such as important agricultural lands, endangered species, high value biological habitats and other protected resources. It is the intent of this section to encourage solar facilities that reduce reliance on petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, and/or promote economic development diversification.

### B. Supplementary Definitions

For purposes of this section the following terms shall have the following meanings:

1. "Applicant" means the Landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a Solar Energy Facility under this section.
2. "Landowner" means the person or persons or entities possessing legal title to the Parcel(s) upon which a SEF is located.
3. "Parcel" means all land within a legally established parcel.
4. "Protected Lands" means, for the purpose of this section only, lands containing resources that are protected or regulated by established regulatory standards of local, state, or federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.



5. "Review Authority" means the Charter Township of Union.
6. "Solar Energy Facility (SEF)" means an energy facility, principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.
7. "Solar Electric System (SES)" means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.
8. "Uses Allowed" means one of the following:
  - a. Direct Use – a SEF designed and installed to provide on-site energy demand for any legally established use of the property.
  - b. Primary Use – a SEF that is devoted to solar electric power generation primarily for use off-site.

**C. Applicability.**

1. This section applies to the construction of any new SEF within the Township.
2. A SEF legally established or permitted prior to the effective date of this section shall not be required to meet the requirements of this section, however:
  - a. Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this section. Only the modification or alteration is subject to this section; and
  - b. Routine operations and maintenance activities or like-kind replacements do not require a permit.

**D. Parcel Line Setbacks.**

The minimum setbacks from the Parcel line to the closest part of the SEF structure, such as panels, racking, or inverters, shall be as shown in Table 1. Fencing, roads, landscaping, and utility interconnection infrastructure may occur within the required setback.

**Table 1. Minimum Setbacks**

	Direct Use Facility	Primary Use Facility
<b>Minimum Setback from All Property Lines</b>	Shall conform to the setbacks per zoning for that district.	75 feet

**E. Height.**

For ground mounted systems, height restrictions shall be measured from finished grade below each module in the event the site has topographic changes.

**Table 2. Maximum Height Limits**

Type	Maximum Height
Ground Mounted	15'
Roof Mounted	5' above roof surface not to exceed the roof ridge

**F. General Requirements.**

The following requirements apply to all SEF uses unless otherwise noted.

1. Building Permits Are Required
  - a. Nothing in this Section modifies the minimum building requirements to construct a SEF, consistent with applicable building and fire codes. The SEF components and all accessory equipment shall comply with the most recently adopted Building Code as determined by the Building Official and Fire Code as determined by the Fire Official.
  - b. A site plan shall be provided at the time of the Building Permit application demonstrating compliance with the minimum setbacks in Table 1.
  - c. The Building Permit application shall be reviewed by local permitting departments including, but not limited to, the local Fire Authority, for health and safety requirements.
2. Supplemental Information Required for Primary Use SEFs
  - a. The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
  - b. On site power lines between solar panels and inverters shall be placed underground, unless site conditions or a utility does not allow.
  - c. If the solar energy facility consists of battery storage, adequate design must be provided to ensure all local, state and federal requirements regulating battery storage have been met.
  - d. A copy of the project's interconnection application with the utility shall be provided to the Township.
  - e. An affidavit or evidence of an agreement between the property owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility shall be provided to the Township.
  - f. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, estimated number of panels, and angles of orientation shall be provided to the Township.
  - g. An information sign shall be posted and maintained at the entrance(s) to the site that lists the name and phone number of the operator.
  - h. For ground mounted SEFs, a description of the groundcover beneath and around the solar panels (i.e. grass, plantings) shall be provided, along with a plan for maintaining the groundcover.
3. Off-Site Facilities. When the SEF is located on more than one Parcel, there shall be proper easement agreements or other approved methods for the notification of all impacted parties.
4. Glare. Glass, plastic, or metal panels must not produce excessive glare that is visible from the street or any neighboring home.
5. Septic System Avoidance. SEFs shall not be located over a septic system, leach field area or identified reserve area unless approved by the County Health Department.
6. Conformance with Development Requirements for Underlying Zone. When located on a structure, the SEF shall conform to the development standards for a principal structure in the zone in which the SEF is located, except as otherwise provided herein.
7. Abandonment, Unsafe Facilities, Violations.
  - a. A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence to the Township of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF, unless otherwise approved by the Township.
  - b. Upon determination of abandonment or other violation(s), the Township shall notify the party (or parties) responsible that they must remove the SEF and restore the site to its

condition prior to development of the SEF within ninety (90) days of notice by the Township.

- c. If the responsible party (or parties) fails to comply, the Township may remove the SEF. Primary Use SEFs shall be removed in accordance with the Decommissioning Plan required in Section 6.39.H. The Township may initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a nonhazardous pre-development condition, including sale of removal materials.
- d. Facilities deemed by the Township to be unsafe and facilities erected in violation of this section shall also be subject enforcement action. The Zoning Official or any other authorized employee of the Planning or Building Departments shall have the right to request documentation and/or affidavits from the Applicant regarding the system's operation, and shall make a determination as to compliance with the regulations in this section.

#### **G. Direct Use Solar Energy Facilities.**

1. General Requirements. Direct Use Solar Energy Facilities are ground mounted or rooftop SEFs that provide energy primarily for on-site use. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged. In addition to the General Requirements in subsection F, and the development requirements for the underlying zone, the following requirements shall apply to all Direct Use SEFs:
  - a. Lot Coverage. Rooftop systems can be any size provided they do not extend beyond the edges of the roof. The size of ground mounted systems shall be limited by the allowable lot coverage of the underlying zoning district.
  - b. Setbacks. Ground mounted structures shall conform to the minimum setbacks for the district in which they are located.
  - c. Height Limits. Facilities shall conform to the height limits of Table 2.
  - d. Floodplain. A Direct Use SEF shall not be located in a Floodplain.
2. Biological Resources. The protection of high value biological resources is an important consideration. Direct Use SEF projects shall demonstrate that they have completed due diligence so as to minimize impacts on rare species or features protected by local, state, or federal agencies. If approvals are required, the Applicant shall obtain them from the applicable agency prior to construction.

#### **H. Primary Use Solar Energy Facilities.**

1. General Requirements. Primary Use SEFs are required to obtain to a Special Land Use permit. In addition to the General Requirements in sub-section F and the development requirements for the underlying zone, the following requirements shall apply to all Primary SEFs:
  - a. Maximum Lot Coverage. The size of ground mounted structures shall be limited by the maximum lot coverage of the underlying zoning district.
  - b. Setbacks. Ground mounted structures shall conform to the setbacks as shown in Table 1. The buffer may be reduced if the decision-making body determines that the facility will be substantially screened because of topography, vegetation, an operational management plan, or an agricultural easement.
  - c. Height Limits. Facilities shall conform to the height limits of Table 2;
  - d. Grading. Grading within the Township shall be minimized whenever possible.
  - e. Permit Validity. An applicant for a Primary Use SEF shall have up to two (2) years to obtain a building permit and start construction, with options for extension from the Township when progress and need has been demonstrated.
2. Biological Resources. The protection of high value biological resources is an important consideration. Primary Use SEF projects shall demonstrate that they have completed due diligence as to minimize impacts on rare species or features protected by local, state, or federal agencies. If approvals are required, the Applicant shall obtain them from the applicable agency prior to construction.

3. Soil Stabilization, Erosion Control and Ground Water Management.
  - a. To the extent feasible and compatible with the climate and pre-project landscaping the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the Township.
  - b. A storm water management plan shall be submitted, which shall show existing and proposed grading and drainage, demonstrating the project is in compliance with applicable storm water regulations.
  - c. Prior to issuance of a building permit, a maintenance plan shall be submitted for the continuing maintenance of the SEF, which may include, but is not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required.
  - d. After construction is completed, as-built surveys for the project must be prepared by a licensed professional surveyor or other approved qualified professional. The as-built surveys shall be submitted to the Township Planner for review and record keeping. The surveys shall show that the as-built conditions are substantially the same as those submitted for building permit.
  
4. Visibility.
  - a. Through the Special Land Use review process the Planning Commission may evaluate screening and buffering requirements on a site-by-site basis to assure the proposed SEF is appropriately screened from adjacent land uses. When it is properly demonstrated there exists no need to buffer due to existing natural vegetation or lack of impact on adjoining land uses (for example because the adjoining site is limited to crop production or is occupied by a wood lot), screening and buffering requirements may be waived provided, however, that SEFs located in a residential area shall have a minimum landscape buffer of twenty-five (25) feet. The buffer in a residential area shall contain evergreen trees planted no more than fifteen (15) feet apart. The trees shall be at least eight (8) feet tall at time of planting. A buffer area will not be required between a solar energy facility and an industrial or commercial use. A planted buffer will not be required if an opaque fence is installed. The Planning Commission has the authority to reduce the buffer requirements based on site conditions.
  
5. Miscellaneous Requirements
  - a. If lighting is required for site access or safety, it shall be activated by motion sensors, fully shielded and downcast so that the light does not spill onto the adjacent property.
  - b. No display advertising is permitted, except for reasonable identification of the panel, inverter or other equipment manufacturer, warning signs, and the facility owner;
  - c. SEFs shall be enclosed by a fence, or other appropriate barriers. Fences or barriers shall work to incorporate wildlife friendly design, when identified as appropriate.
  
6. Decommissioning Plan.
  - a. The SEF project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of its project life or facility abandonment.
  - b. Decommissioning shall include: Removal of all structures (including transmission equipment and fencing) and equipment to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within ninety (90) days of the end of project life or facility abandonment.
  - c. The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the type of surety to be provided prior to issuance of a building permit.
  - d. Surety:
    - i. The owner(s) and/or operator of the SEFs shall post a surety in a form acceptable to the Township, such as security bond, irrevocable letter of credit, escrow, or other form deemed acceptable by the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs, prior to issuance of a building permit. The cost of decommissioning shall be

reviewed between the operator and the Township Board every five (5) years to ensure adequate funds are allocated for decommissioning; the surety shall be appropriately adjusted to reflect the current decommissioning estimate.

- ii. The surety shall be established and maintained with a company licensed in the State of Michigan and/or a Federal- or State-chartered lending institution acceptable to the Township.
- iii. The company providing the surety shall provide the Township with 90 days' notice of the expiration of the surety. Lapse of a valid security bond is grounds for the actions defined in subpart v, below.
- iv. In the event of sale or transfer of ownership and/or operation of the SEF, a surety shall be maintained throughout the entirety of the process.
- v. If at any time during the operation of the SEF or prior to, during, or after the sale or transfer of ownership and/or operation of the SEF the surety is not maintained, the Township may take any action permitted by law to revoke the conditional use permit and to order a cessation of operations and order removal of the structure and reclamation of the site in accordance with the decommissioning plan.
- vi. The Township shall have access to surety for the expressed purpose of completing decommissioning if decommissioning is not completed by the owner(s)/operator within ninety (90) days of the end of the project life or facility abandonment.
- vii. The Township is granted right of access to the site, pursuant to reasonable notice, in the event that decommissioning is not completed by the owner(s)/operator within ninety (90) days of the end of the project life or facility abandonment.

## Section 6.40 Private Swimming Pools

- A. **Applicability.** The requirements in this section apply to any basin or structure for holding water for swimming, diving, and other aquatic recreation, provided, however, that these requirements do not apply to plastic, canvas, vinyl or rubber pools temporarily erected upon the ground that hold less than three hundred (300) gallons of water.
- B. **Filtration System.** The pool shall be equipped with filtration, circulation, and chlorination systems adequate to maintain the water in a clean and healthy condition in accordance with the requirements of the Central Michigan District Health Department.
- C. **Pool Discharge.** The discharge pipe leading from any private swimming pool shall be composed of durable material and size approved by the Zoning Official. A private swimming pool shall not be wholly or partially emptied onto another property, unless written permission is first obtained from the property owner.
- D. **Plumbing Permit.** A plumbing permit shall be required if the pool system is connected to a potable water supply.
- E. **Enclosure.** Every private swimming pool shall be completely enclosed by a permanent fence and lockable gate, not less than four (4) feet in height above ground level.
- F. **Setbacks.** Swimming pools shall not be located in the front yard; on corner lots, no part of any pool shall be constructed within the front yard of either street. Swimming pools shall be set back a minimum distance of twenty (20) feet from any side or rear lot line.
- G. **Lighting, Electrical.** No electrical wiring shall overhang the surface of the water or be located where there is a danger of it falling in the water. Lighting of the pool and surrounding area shall be focused to not shine on adjacent properties or buildings.

## Section 6.41 Veterinary Services

- A. **Building Setback.** Buildings housing veterinary facilities shall be set back a minimum distance of fifty (50) feet from all property lines.
- B. **Outdoor Animal Enclosures.** Outdoor animal enclosures shall be set back a minimum distance of one hundred (100) feet from all property lines and a minimum distance of five hundred (500) feet from any residentially-zoned property.

## Section 6.42 Wind Energy Conversion Systems

A wind energy conversion system (WECS), as defined in sub-section B, below, is allowed as a Special Land Use when approved by the Planning Commission in accordance with the process defined herein. In addition to the standards and requirements for issuance of a Special Land Use permit specified in Section 14.3 of this Ordinance, the Planning Commission shall not approve the issuance of a Special Land Use Permit unless the following requirements are met:

### A. Purpose and Intent.

The purpose of this Section is to establish requirements and procedures for the installation and operation of a Wind Energy Conversion System (WECS) for both residential and commercial use in the Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

Union Township recognizes the potential impact on the broad landscape and rural character currently enjoyed throughout the community. On a site-specific scale, safety implications such as falling towers and ice throw are a concern, as are the potential impositions of constant or cyclical sound and shadow flicker. For these reasons, and others, the Township finds it prudent and necessary to develop regulations for the responsible placement of wind energy conversion systems.

### B. Supplementary Definitions.

1. **Ambient Sound Level:** The decibel measurement (dB(A) or dB(C)) of background sound pressure level exceeded 90% of the time at a given location prior to the installation of the WECS (also known as  $L_{90}$ ).
2. **Anemometer Tower:** A freestanding tower containing instrumentation such as anemometers, that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system, which is an accessory land use to a Utility - Scale Wind Energy Conversion System.
3. **dB(A):** The sound pressure level in decibels on the "a" weighted scale defined by ANSI S1.32 (1997 or most recent) for sound frequencies below the 1,000 HZ octave band.
4. **dB(C):** The sound pressure level in decibels on the "c" weighted scale defined by ANSI S1.32 (1997 or more recent) for acoustic energy from the 20 HZ octave band and higher.
5. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. **FAA:** The Federal Aviation Administration
7. **IEC:** The International Electrotechnical Commission
8. **ISO:** The International Organization for Standardization
9. **LMax (LAMax or LCMax):** The maximum dB(A) or dB(C) sound level measured using the "fast response" setting of the sound meter (equivalent to 0.125 second exponential averaging time).
10. **Lease Unit Boundary:** The boundary around a property(ies) that is leased or purchased for purposes of operating a Wind Energy Facility, including adjacent leased or purchased parcels. For purposes of minimum setbacks, the Lease Unit Boundary shall not cross road rights-of-way.

11. **On-Site Wind Energy Conversion System:** A wind energy conversion system intended to generate electric power from wind solely for use on the site on which the system is located. A WECS primarily intended to provide on-site power, but contribute surplus energy to the grid, may also be considered an On-Site WECS.
12. **Participating and Non-Participating Parcels:**
  - a. Participating Parcel shall mean a parcel of record that is to be used, occupied, maintained, let, leased or authorized to be used for developing or operating a WECS, including construction of improvements, providing access to improvements, providing space for collection or distribution lines, or to meet requirements and regulations set forth herein.
  - b. Non-Participating Parcel shall mean a parcel of record that is not a Participating Parcel.
13. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects.
14. **Sound Pressure:** An 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.
15. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
16. **Utility-Scale Wind Energy Conversion System:** A WECS intended to generate power primarily to supplement the electric utility grid. Utility-scale WECS may include accessory uses such as, but not limited to, SCADA towers, anemometers, or electric substations.
17. **Wind Energy Conversion System (WECS):** A combination of the following components:
  - a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers;
  - b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
  - c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
  - d. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.
  - e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS such as substations, anemometer towers, cables and wires and other buildings accessory to such facility.
18. **Wind Energy Facility:** Clusters of two or more Utility - Scale Wind Energy Conversion Systems, placed upon a lot or parcel with the intent to provide electricity to sites or locations other than the premises upon which the Wind Energy Conversion Systems are located. Said Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.

**C. On-Site Wind Energy Conversion Systems.**

The following requirements shall apply to on-site WECS, including accessory Anemometer Towers, in addition to the general Special Land Use approval requirements in Section 14.3 of this Ordinance:

1. Purpose. On-site WECS shall be designed to primarily serve the needs of a home, farm, or small business.

2. Maximum Height. The maximum height of an on-site WECS shall be 75 ft., except where state and federal regulations require a lesser height, or where, as a condition of Special Land Use approval, the Planning Commission requires a lesser height. Height shall be measured from the average grade at the base of the pole to the highest point of WECS when a blade is in its vertical orientation.
3. Minimum Setbacks. The distance between an on-site WECS and the property lines shall be equal to 150% of the height of the tower, as measured in sub-section C.2. The distance between an Anemometer Tower and the owner's property lines shall be equal to 150% of the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than 20 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
4. Minimum Lot Area Size. The minimum lot size for a property to be eligible to have an on-site WECS shall be two (2) acres.
5. Minimum Ground Clearance. The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be twenty (20) feet for an on-site WECS employing a horizontal axis rotor.
6. Noise Emission. An on-site WECS shall not exceed fifty-five (55) dB(A) ( $L_{max}$ ) or sixty (60) dB(C) ( $L_{max}$ ) at the property line closest to the WECS. If the ambient sound pressure level exceeds these limits, then the requirement shall be ambient sound pressure level plus 5 dB.
7. Construction Codes, Towers, & Interconnection Standards. All on-site WECS, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site WECS, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected on-site WECS shall comply with Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards. Off-grid systems are exempt from MPSC and FERC requirements.
8. Safety. All on-site WECS shall meet the following safety requirements:
  - a. The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
  - b. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
  - c. A sign shall be posted near the tower or operations and maintenance office building that shall contain emergency contact information. Signage placed at the road access shall warn visitors about the potential danger of falling ice.
  - d. All collection system wiring shall comply with all applicable safety and stray voltage standards.
  - e. WECS towers shall not be climbable on the exterior.
  - f. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the breaking system.
  - g. A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.
9. Shadow Flicker.
  - a. On-site WECS shall produce no off-site shadow flicker. Measures to eliminate the effects of shadow flicker on adjacent properties, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, may be required.
  - b. The shadow flicker restriction may be waived if the owner of the affected property submits a signed and notarized letter of acknowledgement that verifies the owner's understanding that shadow flicker at the residence or structure may result from the installation and

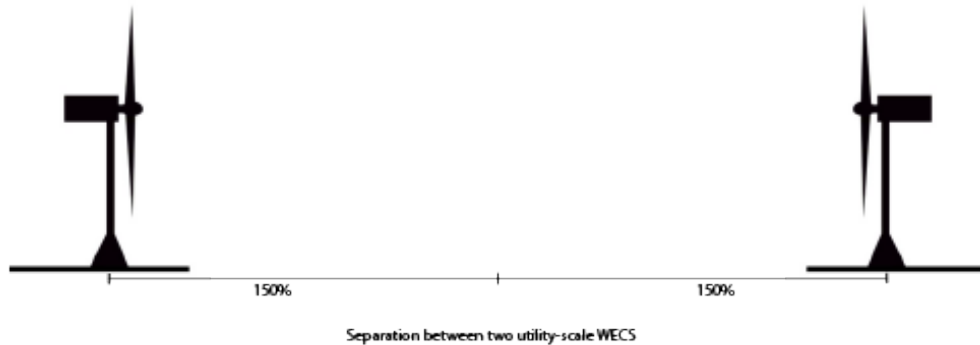


waives the Township requirement for no shadow flicker on the property. If the affected property owner wants this waiver to apply to future owners of the affected property, the signed and notarized letter of acknowledgment must be recorded with the Isabella County Register of Deeds.

**D. Utility-Scale Wind Grid Energy Conversion System.**

The following requirements shall apply to utility-scale WECS, including accessory Anemometer Towers, in addition to the general Special Land Use approval requirements of Section 14.3 of this Ordinance:

1. Maximum Height. The maximum height of any utility-scale WECS shall 500 feet. The height of a WECS shall be measured from the average grade at the base of the pole to the highest point of the WECS when a blade is in its vertical orientation.
2. Minimum Setbacks.
  - a. Utility-scale WECS shall be set back a distance equal to 150% of the height of the tower, measured from the outside edge of the base of the tower to all Non-Participating parcel property lines.
  - b. Any operations or maintenance office building, substation, or ancillary equipment shall be set back a minimum of (50) feet from any single family property lines, lease unit boundary line, and overhead transmission lines power poles. Such buildings and equipment shall be bordered by green space and screened by trees and shrubs, subject to review by the Planning Commission.
3. Minimum Tower Separation. The distance between any two (2) utility-scale WECS towers shall be no less than 150 percent of the height of both towers (see illustration).



4. Minimum Lot Size. The size of a single property, or a leased unit to be used for a utility-scale WECS shall be sufficient to comply with all setback requirements in this section.
5. Minimum Ground Clearance. The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 75 feet for a utility-scale WECS employing a horizontal axis rotor.
6. Transmission Lines. New transmission lines required to connect a WECS with a new or existing network for the distribution of electricity shall be installed underground. This requirement applies to all new transmission lines associated with the WECS, regardless of whether they are within the property boundary or lease unit boundary or outside of said boundary.
7. Sound Pressure Level. Utility-scale WECS shall not exceed fifty-five 55 dB(A) ( $L_{max}$ ) or sixty (60) dB(C) ( $L_{max}$ ) at the property line or lease unit boundary closest to the WECS, measured in accordance with the protocol set forth herein. If the ambient sound pressure level exceeds these limits, then the requirement shall be ambient sound pressure level plus 5 dB.
8. Construction Codes, Towers, & Interconnection Standards. All utility-scale WECS, including towers, shall comply with all applicable state construction and electrical codes and local building

permit requirements. Utility-scale WECS, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected utility-scale WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

9. Safety. All utility-grade WECS shall meet the following safety requirements:

- a. The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
- b. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
- c. A sign shall be posted near the tower or operations and maintenance office building that shall contain emergency contact information. Signage placed at the road access shall warn visitors about the potential danger of falling ice.
- d. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- e. WECS towers shall not be climbable on the exterior.
- f. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the breaking system.
- g. A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.

10. Visual Impact.

- a. Utility-grade WECS shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color.
- b. 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).
- c. Projects consisting of several WECS shall use a similar design, size, and appearance for each WECS.
- d. Lettering, company insignia, advertising, and graphics are not permitted on the tower, hub, or blocks. Identification of the owner or manufacturer may be placed on the nacelle.
- e. A registered engineer and authorized factory representative shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards.
- f. 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 shall blend facility components with the natural setting and the environment existing at the time of installation.

11. Shadow Flicker.

- a. No amount of Shadow Flicker may fall on or in a Non-Participating Parcel. Site plan and other documents and drawings shall show mitigation measures to eliminate potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis (see Section 6.42(E)(12)(e)). Measures to eliminate all effects of shadow flicker on all Non-Participating parcels beginning at the property lines, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, shall be required.
- b. If the Shadow Flicker Impact Analysis shows potential for shadow flicker to fall on any Non-Participating Parcel and the affected property owners wishes to waive his/her rights to the protections provided by this Ordinance, the property owner shall submit a signed and notarized letter of acknowledgement that verifies the owner's understanding that shadow flicker on his/her parcel may result from the installation and waives the Township requirement for no shadow flicker on the Non-Participating Parcel. If the affected property

owner wants this waiver to apply to future owners of the affected property, the signed and notarized letter of acknowledgment must be recorded with the Isabella County Register of Deeds.

12. Lighting. A lighting plan that includes all proposed lighting for each WECS shall be submitted for approval by the Planning Commission. The plan shall include, but is not limited to, the planned number and location of lights, light color, whether any lights shall be flashing, and all proposed shielding mechanisms. All tower-mounted lighting shall be of the radar-activated variety and shielded from view at ground level, unless otherwise directed by the FAA. All tower lighting shall comply with FAA regulations and guidance and shall be consistent with U.S. Fisheries and Wildlife Service/Michigan Department of Natural Resources guidelines.
13. Interference. No utility-scale WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce interference with signal transmission or reception. Any signal interference incurred following the installation of a WECS shall be resolved to the satisfaction of the person receiving that signal interference. No utility-scale WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce interference in the link's operation unless the interference is insignificant.
14. Accessory Buildings and Structures. Accessory buildings and structures related to a WECS shall be subject to the dimensional and locational standards for the zoning district in which it is located. Where structures are visible from adjacent properties, vegetative or manmade screening may be required to minimize visual impact off-site.
15. Inspection. The Township shall have the right upon issuing any WECS or wind energy facility Special Use Permit to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the WECS.
16. Decommissioning.
  - a. The applicant shall engage a professional engineer registered in the State of Michigan to estimate the total cost of decommissioning the structure in accordance with the requirements of this ordinance, including reclamation of the site to its original condition. The cost of decommissioning shall be reviewed between the operator and the Township every two (2) years to ensure adequate funds are allocated for decommissioning. The security bond, defined herein, shall be appropriately adjusted to reflect the then current decommissioning estimate.
  - b. All above and below ground materials shall be removed when the WECS is decommissioned.
  - c. The ground shall be restored to its original condition within sixty (60) days of removal of the structures. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land.
  - d. In the event that the WECS owner or operator fails to comply with the decommissioning requirements of this Ordinance, the Township may, upon thirty (30) days written notice to the WECS owner and/or operator, utilize the security bond referenced in subsection (D) (19) to complete the decommissioning process.
17. Abandonment. Any WECS that is not used to produce energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this ordinance, unless the applicant receives a written extension of that period from the Township Board in a case involving an extended repair schedule for good cause.
18. Reasonable Conditions. In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of WECS as a Special Land Use.

19. Security Bond.

- a. The owner(s) and/or operator of the WECS shall post a security bond in a form acceptable to the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs. The cost of decommissioning and reclamation shall be reviewed between the operator and the Township Board every two (2) years to ensure adequate funds are allocated for this purpose. The security bond shall be appropriately adjusted to reflect the current decommissioning estimate.
- b. The security bond shall be posted and maintained with a bonding company licensed in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Township.
- c. Any bonding company or lending institution shall provide the Township with ninety (90) days' notice of the expiration of the security bond. Lapse of a valid security bond is grounds for the actions defined in subpart e., below.
- d. In the event of sale or transfer of ownership and/or operation of the WECS, the security bond shall be maintained throughout the entirety of the process.
- e. If at any time during the operation of the WECS or prior to, during, or after the sale or transfer of ownership and/or operation of the WECS the security bond is not maintained, the Township may take any action permitted by law, including revoking the Special Land Use Permit, ordering a cessation of operations, and ordering removal of the structure and reclamation of the site.

20. Transfer or Sale.

- a. In the event of a transfer or sale of the WECS, the Township shall be notified and the Special Land Use Permit, without a public hearing, may be amended administratively by the Township.
- b. Any proposed changes to the operating procedure or approved site plan shall be submitted for Township review according to the procedures for all WECS as outlined herein, including a public hearing.
- c. Upon transfer or sale, the security bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.

**E. Wind Energy Conversion System Review Procedures.**

An application for a WECS shall be reviewed in accordance with the requirements for Site Plan Review (Section 14.2) and Special Land Use (Section 14.3). Site plans and supporting documents for WECS shall include the following additional information, as appropriate:

1. Documentation that noise emissions, construction code, tower, and safety requirements have been reviewed by the appropriate third-party professionals, and the submitted site plan has been prepared to show compliance with these issues.
2. Proof of the applicant's public liability insurance for the project.
3. A copy of the applicant's lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal descriptions of the property(ies), and Lease Unit(s); a site plan showing the boundaries of the leases as well as the boundaries of the Lease Unit Boundary; and, copies of any letters waiving the sound and/or shadow flicker limit on Non-Participating Parcels.
4. An un-redacted safety manual from the turbine manufacturer and a statement from the applicant verifying that the WECS is or will be operated in compliance with all requirements therein.
5. A schedule showing the phases of construction.
6. A drawing showing the project area boundaries.
7. The location, height, and dimensions of all existing and proposed structures and fencing.

8. A description of the routes to be used by construction and delivery vehicles and of any road improvements that shall be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the WECS. The applicant shall obtain required permits from the Isabella County Road Commission prior to moving equipment or materials or installing driveways.
9. All new infrastructure above and below ground related to the project, including transmission line locations.
10. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
11. Description of operations, including anticipated regular and unscheduled maintenance.
12. Additional Requirements for Utility-Scale Wind Energy Conversion Systems only:
  - a. A Wind Assessment Study conducted within a potential project area shall be completed within 18 months of the date of application for a WECS. The study must show analysis for a period of time no less than one (1) year. The height of an anemometer (or similar) device measuring wind availability shall be placed within the potential vertical swept blade area of the proposed WECS. Temporary (one-year) installation of said device may be applied for through the Township site plan approval process and may be approved for a height acceptable to determine feasibility of a WECS height allowed by this ordinance. The anemometer shall be decommissioned in accordance with Section 6.42(D) (16) and (17), including the provision of a security bond covering decommissioning costs.
  - b. A Noise Modeling and Analysis Report completed by a third-party acoustician shall be submitted to the Township for review. The report shall include a site plan that shows the locations of noise-producing equipment, with placement so as not to exceed the maximum sound pressure levels permitted by this Ordinance. The noise modeling and analysis shall conform to the most current protocol for The International Electrotechnical Commission (IEC) 61400, Parts 11 and 14, The International Organization for Standardization (ISO) 9613-2, and ANSI S12.62, including all tolerances and uncertainties. After installation of the WECS, sound pressure level measurements shall be performed by a third party acoustician acceptable to the Township according to the procedures in the most current version of The American National Standards Institute (ANSI) S12.9, Part 3 and ANSI S12.100 for measurements (with an observer). All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the actual sound pressure level measurements shall be provided to Union Township within 60 days of the commercial operation of the project and when requested by the Township in response to a noise complaint from a resident.
  - c. A Visual Impact Simulation showing the completed site as proposed on the submitted site plan shall be submitted. The visual impact simulation shall be from four viewable angles.
  - d. An Environmental Analysis by a third party qualified professional acceptable to the Township shall be prepared to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that shall remain after mitigation efforts.
  - e. A Shadow Flicker Impact Analysis shall be prepared on Non-Participating Parcels to 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 site plan shall identify problem areas where shadow flicker may affect the

owners and/or occupants of the Non-Participating Parcels and show measures that shall be taken to eliminate the problems.

- f. An Avian and Wildlife Impact Analysis by a third party qualified professional shall be prepared to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects of the project on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.

- g. A Decommissioning and Restoration Plan shall be submitted which includes the following supporting documentation, at minimum:
  - i. The anticipated life of the project.
  - ii. The estimated decommissioning costs as defined in this ordinance.
  - iii. The security bond, or similar Township-approved security, ensuring that funds shall be available for decommissioning and restoration.
  - iv. The anticipated manner in which the project shall be decommissioned, and the site restored.
- h. The name and contact information for a person to which any notice of complaint may be sent shall be submitted to the Township.

**F. Fees.**

To administer the provisions relating to WECS, the Township may hire consultants and experts as are reasonably necessary in the sole discretion of the Township. The applicant shall pay the Township in advance for the costs of such consultants and experts. The Township may charge an annual fee to be determined by the Union Township Board and assess additional fees in order to execute its responsibilities related to a project. Any fees charged must be reasonable in light of efforts required.

## Section 6.43 Wireless Telecommunications Facilities

**A. General Requirements.**

- 1. Standard A. Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval if all of the following requirements are met:
  - a. The wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound.
  - b. The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township Planning Commission.

- c. The proposed colocation will not do any of the following:
    - i. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.
    - ii. Increase the width of wireless communications support structure by more than the minimum necessary to permit colocation.
    - iii. Increase the area of the existing equipment compound to greater than 2,500 sq. ft.
  - d. The proposed colocation complies with the terms and conditions of any previous final approval by the Planning Commission.
2. **Standard B.** Wireless communications equipment is subject to special land use approval, in accordance with Section 14.3 of the Zoning Ordinance, if the equipment does not meet requirements “(c)” and “(d)” under Standard A, but the equipment meets all of the following requirements:
- a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound,
  - b. The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township Planning Commission.
3. **Standard C.** Wireless communication equipment is subject to special land use approval, in accordance with Section 14.3 of the Zoning Ordinance if the proposal does not involve colocation (e.g., is a new facility).

**A. Approval Procedures.**

The following procedures have been established to achieve approval of a proposed wireless communications facility:

- 1. **Standard A.** Standard A Wireless communication equipment proposals require no zoning approval. However, plans for Standard A improvements shall be submitted to the Township.
- 2. **Standard B.** Standard B wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures in Section 14.3 and the following special procedures.
 

<u>Steps</u>	<u>Action</u>
1.	Applicant submits plan and \$1,000 fee.
2.	Within 14 days Township administration determines if application is complete.
3.	If application is incomplete, administration notifies applicant.
4.	If application is complete, administration initiates SLU review by scheduling special land use public hearing. Special land use review must be complete <u>(60) days</u> after the application is considered complete.
5.	Township Planner reviews plan, transmits letter to Planning Commission.
6.	Planning Commission reviews plan, makes recommendation to Township Board.
7.	Township Board approves or denies application.
- 3. **Standard C.** Standard C wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures outlined for Standard B, except that in Step 4 the special land use review must be complete not more than ninety (90) days after the application is considered complete.

**B. Standards and Conditions.**

All applications for wireless communication facilities that require special land use approval shall be reviewed in accordance with the following standards and conditions. If approved, such facilities shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed by the Planning Commission and Township Board.

1. Public Health and Safety. Facilities and/or support structures shall not be detrimental to the public health, safety and welfare.
2. Harmony with Surroundings. To the extent feasible, facilities shall be designed to be harmonious with the surrounding areas.
3. Compliance with Federal, State and Local Standards. Wireless communication facilities shall comply with applicable federal and state standards, including requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and Michigan Aeronautics Commission. Wireless communication support structures shall comply with all applicable building codes.
4. Maximum Height. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to colocate on the structure), but shall not exceed two hundred (200) feet. Higher towers may be permitted, however, if necessary to achieve colocation. The buildings, cabinets, and other accessory structures shall not exceed twenty (20) feet in height.
5. Minimum Setbacks. The setback of a new or modified support structure from any residential-zoned district or existing or proposed right-of-way or other publicly traveled road shall be no less than the total height of the structure and attachments thereto.

Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the support structure shall comply with the required setbacks for principal buildings specified in the Schedule of Regulations for the zoning district in which the facility is located.

Buildings and facilities accessory to the wireless communication facility (other than the support structure) shall be set back a minimum distance of fifty (50) feet from all property lines.

6. Access. Unobstructed permanent access to the support structure shall be provided for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. The permitted type of surfacing, dimensions and location of such access route shall be subject to approval by the Planning Commission, based on evaluation of the location of adjacent roads, layout of buildings and equipment on the site, utilities needed to service the facility, proximity to residential districts, disturbance to the natural landscape, and the type of vehicles and equipment that will visit the site.
7. Division of Property. The division of property for the purpose of locating a wireless communication facility shall be permitted only if all zoning requirements, including lot size and lot width requirements are met.
8. Equipment Enclosure. If an equipment enclosure is proposed as a building or ground-mounted structure, it shall comply the required setbacks and other requirements specified for principal buildings in the Schedule of Regulations for the zoning district in which the facility is located. If an equipment enclosure is proposed as a roof appliance on a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.
9. Design Objectives. The support structure and all accessory buildings shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. Accordingly, support structures shall be grey or white and shall not have lights unless required otherwise by the Federal Aviation Administration (FAA). Only monopole towers are permitted; lattice towers and towers with guy wires are prohibited. Equipment buildings shall have a brick exterior. No signs or logos visible from off-site shall be permitted on a support structure.
10. Fencing. Wireless communication facilities shall be enclosed by an open weave, green or black vinyl-coated, chain link fence having a maximum height of six (6) feet. Barbed wire may be permitted.
11. Structural Integrity. Wireless communication facilities and support structures shall be constructed and maintained in structurally sound condition, using the best available technology, to minimize any



threat to public safety.

12. Maintenance. A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the Township if maintenance responsibilities change.
13. Proximity to Airports. Wireless communication facilities shall be subject to the approval of the Federal Aviation Administration (FAA) and Michigan Bureau of Aeronautics with respect to location, height, and lighting in relation to public airports, airstrips, and helipads.
14. Interference with Reception. Wireless communication facilities shall not interfere with television and radio reception in nearby areas.

#### **C. Removal of Unused or Obsolete Facilities.**

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of no use.
  - b. Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.
2. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition, removal, and site restoration.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

#### **E. Application Requirements.**

1. Site Plan and Special Land Use Review. A site plan prepared in accordance with Section 14.2 shall be submitted, showing the location, size, screening and design of all buildings, outdoor equipment, and structures. Where the wireless communication facility is subject to special land use approval the procedures and standards in Section 14.3 shall be followed.
2. Landscape Plan. A detailed landscaping plan shall be submitted illustrating the number, species, location, and size at the time of planting of all proposed trees and shrubs. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
3. Structural Specifications. Structural specifications for the support structure and foundation shall be submitted for review. The structural specifications shall state the number of various types of antennae capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Township Engineer.
4. Security. The application shall include a description of security to be posted immediately upon issuance of a building permit for the facility to ensure removal of the facility when it has been

abandoned or is no longer needed, as previously noted. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required herein, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.

5. Contact Person. The application shall include the name, address and phone number of the person to contact for engineering, maintenance and other notice purposes.

**F. Small Cell Wireless Communication Facilities.**

1. Definition. A "small cell wireless facility" is a wireless facility that meets both of the following requirements:
  - a. 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.
  - b. 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, telecommunication demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
2. Township Review Authority. Pursuant to Section 17(1) of Michigan Public Act 365 of 2018, the Small Wireless Communications Facilities Deployment Act, the following activities are subject to Township review, whether they take place within or outside of the public right-of-way:
  - a. The modification of existing or installation of new small cell wireless facilities.
  - b. The modification of existing or installation of new wireless support structures used for such small cell wireless facilities.
3. Approval Procedures. Application for small cell wireless communication facility approval shall require site plan approval. Accordingly, such applications are subject to the procedures in Section 14.2 and the following special procedures:

Steps	Action
1.	Applicant submits application, plans and fee <sup>1</sup>
2.	Within 30 days Township Planner determines if application is complete
3.	If application is incomplete, Township Planner notifies applicant in writing
4.	If application is complete, Township Planner initiates site plan review process by preparing written review and forwarding application and plans to Planning Commission
5.	Planning Commission reviews the application and plans and makes a final decision within the following time frames: <ul style="list-style-type: none"> <li>• Application for a <i>modification</i> of a wireless support structure <u>or</u> installation of a small cell wireless facility: 90 days</li> <li>• Application for a <i>new</i> support structure: 150 days</li> </ul>

<sup>1</sup> An application fee shall not exceed the following, pursuant to Act 365 of 2018:

- \$500 for a new small cell wireless facility or modification of an existing small cell wireless facility.
- \$1,000 for a new wireless support structure or modification of an existing wireless support structure.

4. Approval Criteria. When evaluating a small cell wireless communication facility proposal, the Planning Commission shall consider the following criteria:
  - a. *The compatibility of the proposed facilities in appearance with other nearby facilities and the surrounding environment*. Small cell wireless communication facilities shall be designed and located to be as inconspicuous as possible. Cabinet color shall be white or grey.
  - b. *The ability to achieve colocation on existing utility poles or other types of existing support structures*.
  - c. *Coordination with other users of the right-of-way*.
  - d. *Height of the facilities relative to other existing facilities in the right-of-way*.
5. Invalid Review Criteria. Pursuant to Section 17(3)(b) of Act 365 of 2018, the Planning Commission shall not evaluate a small cell wireless communication facility proposal on the basis of:
  - a. The need for a wireless support structure or small cell wireless facilities.
  - b. The applicant's service, customer demand for the service, or the quality of service.

## Section 6.44 Yard Sales, Garage Sales

Yard or garage sales shall be permitted subject to the following conditions:

- A. **Number of Days**. Sales shall not operate more than three (3) consecutive days, unless a national holiday falls on a Monday, in which case sales may take place for four (4) consecutive days including the holiday. Material for sale and sales displays shall not be set out prior to the sale, and shall be taken in on the evening of the last day of the sale.
- B. **Number of Sales per Year**. Sales shall not occur more than three (3) times per calendar year.
- C. **Confine to Owner's Property**. Sales shall be conducted entirely on the owner's property. However, several owners can join together to hold a joint sale on the property of one of the participants.
- D. **Resale of Goods**. No goods purchased for resale may be offered for sale.
- E. **Traffic and Access**. No portion of the sale shall be located in the road right-of-way or conducted in such a manner as to impede the flow of traffic or access to other properties in the vicinity.
- F. **Permit Required**. A permit shall be obtained from the Township prior to the sale. The permit fee shall be established by the Board of Trustees in the Schedule of Fees.
- G. **Signs**. Signs shall be permitted as specified in Section 11.

## Section 6.45 Auctions

Auctions shall comply with the following regulations:

- A. **Approval Requirements**. Auction types that are permitted by Special Land Use shall comply with the requirements of Sections 14.2 and 14.3 of the Zoning Ordinance. Accordingly, site plan review and special land use applications shall be completed and submitted along with a site plan. The requirements in this sub-section shall not apply to auctions that are Principal Permitted Uses; site plan review is not required for such auctions.
- B. **Noise**. Outside permanently affixed public address systems are prohibited. Portable address systems are permitted for use during the auction only. Auctions shall comply with the noise standards in Section 9.02, sub-section A.
- C. **Parking**. Permanent live auctions that are permitted by special land use shall provide off-street parking at the rate of 1 space per 125 square feet of gross floor area. Permanent on-line auctions shall provide off-

street parking at the rate of 1 space per 200 square feet of gross floor area. The applicant may provide data to justify need for fewer parking spaces for consideration by the Planning Commission and Township Board. Parking for permanent auctions shall be paved, pursuant to Section 9.5.

- D. **Hours of Operation.** Auctions shall not begin earlier than 8:00 a.m. and shall not continue beyond 10:00 p.m. The proposed hours of operation shall be specified in the application, which shall be subject to approval by the Township.
- E. **Retail Operations.** Retail operations shall not be conducted at an auction facility, unless the facility is located in a district that provides for retail use and site plan approval has been obtained.
- F. **Storage.** Auction facilities shall not be used for long-term storage. Storage of goods shall be limited to those that will be sold in the next scheduled auction or within six (6) months, as appropriate. Outside storage shall be screened in accordance with Section 10.3.
- G. **Signs.** Auction facilities shall comply with the sign requirements for the districts in which they are located.
- H. **Minimum Size.** The parcel size for permanent agricultural auctions shall be a minimum of twenty (20) acres.

## Section 6.46 Retail and Service in Industrial Districts

- A. **Retail Sales of Products Produced.** Limited accessory retail sales of primarily products produced by a permitted use located on the premises, where such retail operations are intended to serve the general public, shall be permitted in the I-1 and I-2 districts, subject to the following requirements:
  - 1. Character of the Principal Use. The principal use of the site shall be industrial in character.
  - 2. Percent of Floor Area. Retail operations shall occupy no more than twenty-five percent (25%) of the total gross floor area of the business.
  - 3. Products Offered for Sale. Retail sales shall be limited primarily to products on the premises. If the sale of limited specialty products not produced on the premises is essential to installation or use of the principal products sold, then such sales may also be permitted.
  - 4. Compatibility of Traffic. The type and quantity of traffic generated by the retail sales operation shall be compatible with the permitted industrial uses in the district.
- B. **Accessory Retail and Service Uses.** Accessory retail and service uses that are intended to serve the employees and patrons of the principal use shall be an incidental use occupying no more than five percent (5%) of the gross floor area of the building that accommodates the principal permitted use. Permitted accessory retail and service uses shall be limited to the following:
  - 1. Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.
  - 2. Personal service establishments which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.
  - 3. Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.
  - 4. Financial institutions, including banks, credit unions, and savings and loan associations.

## Section 6.47 Indoor Commercial Recreation Uses

Indoor commercial recreation uses shall be setback a minimum distance of one hundred (100) feet from any residentially-zoned property.

## Section 6.48 Brewpubs, Microbreweries, and Small Distillers

A. **Brewpubs.** The following regulations shall apply to **brewpubs**, as defined in Section 2.2:

1. Capacity. Brewpub production shall not exceed five thousand (5,000) barrels of beer per year.
2. On-Premise Sales. On-premise sale of alcoholic liquor by a brewpub is permitted, subject to the license obtained pursuant to the Michigan Liquor Control Act, as amended.
3. Sales to Retailers and Wholesalers. A brewpub may not sell its beer to other retailers or wholesalers.
4. Storage. Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.
5. Performance Standards. Brewpubs shall comply with the Performance Standards specified in Section 8.
6. Taproom or Restaurant. Brewpubs shall include a taproom or restaurant that provides full meal service for consumption by patrons while seated on the premises. Twenty-five percent (25%) of the gross sales of the restaurant shall be derived from the sale of food and nonalcoholic beverages. (The provision regarding "25% of the gross sales" is a State of Michigan requirement and would not be subject to local enforcement.)
7. Floor Space Allocation. No more than fifty percent (50%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.
8. Outside Service. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to Section 7.12. Outside table service may be permitted in areas not designated for parking or loading/unloading.
9. Parking. Off-street parking shall be provided at the rate of 1 space per 50 square feet of usable floor area (UFA) or 0.5 spaces per seat, whichever is greater. For the purposes of this requirement, areas dedicated to brewery production shall not be counted as UFA. In addition, brewpubs shall provide employee parking at the rate of one (1) parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in Section 9.
10. Hours of Operation. A brewpub's taproom or restaurant shall comply with State of Michigan regulations with respect to hours of operation.

B. **Microbreweries.** The following regulations shall apply to **microbreweries**, as defined in Section 2.2:

1. Capacity. Microbrewery production shall not exceed thirty thousand (30,000) barrels of beer per year.
2. Sales to Retailers and Wholesalers. A microbrewery may sell beer it manufactures to a licensed wholesaler who may resell the beer to licensed retailers.
3. Storage. Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.
4. Performance Standards. Microbreweries shall comply with the Performance Standards specified in Section 8.

5. Food Service. Microbreweries shall provide food service for consumption by patrons while seated on the premises. The term “food service” does not imply the need for a full-scale restaurant with a complete kitchen.
6. Floor Space Allocation. No more than sixty-five percent (65%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.
7. Outside Service. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to Section 7.12. Outside table service may be permitted in areas not designated for parking or loading/unloading.
8. Parking. Off-street parking shall be provided at the rate of 1 space per 50 square feet of usable floor area (UFA) or 0.5 spaces per seat, whichever is greater. For the purposes of this requirement, areas dedicated to brewery production shall not be counted as UFA. In addition, microbreweries shall provide employee parking at the rate of one (1) parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in Section 9.

C. **Small Distillers**. The following regulations shall apply to small distillers, as defined in Section 2.2:

1. Capacity. Small distiller production shall not exceed 60,000 gallons of spirits annually, of all brands combined.
2. On-Premise Sales. On-premise sale of alcoholic liquor by a brewpub is permitted, subject to the license obtained pursuant to the Michigan Liquor Control Act, as amended.
3. Sales to Retailers and Wholesalers. A small distiller may not sell its spirits to other retailers or wholesalers.
4. Performance Standards. Small distillers shall comply with the Performance Standards specified in Section 8.
5. Tasting Room or Restaurant. Small distillers that sell spirits for on-premise consumption shall have a tasting room or restaurant where food service is offered for consumption by patrons.
6. Outside Service. Outside table service may be permitted in areas not designated for parking or loading/unloading.
7. Parking. Off-street parking shall be provided at the rate of 1 space per 50 square feet of usable floor area (UFA) or 0.5 spaces per seat, whichever is greater. For the purposes of this requirement, areas dedicated to spirit production shall not be counted as UFA. In addition, small distillers shall provide employee parking at the rate of one (1) parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in Section 9.

## Section 6.49 Donation Bins

- A. **Application for a Permit**. Prior to placement of a donation bin anywhere in the Township, a permit application shall be completed and submitted to the Township. The permit application shall include, but not necessarily be limited to, the name, address, and telephone number of the person, business entity, corporation or organization applying for the permit; the proposed location (address) where the bin is to be placed; the name and telephone number of the person who will be placing the bin; the manner and schedule for emptying or removing the bin; and the destination of the clothing, shoes, books, and/or other goods to be removed from the bin. The application shall also include written consent from the owner of the property on which the bin is to be located. The permit shall be subject to review and approval by the Zoning Administrator, based on the regulations in this subsection.

- B. **Fee.** An application processing fee in an amount determined by the Township Board shall be charged for each application.
- C. **Permitted Type of Bin.** Any donation bin shall be of the type that is enclosed by use of a receiving door (also known as a chute) and locked so that the contents of the bin may not be accessed by anyone other than those responsible for retrieval of its contents. A bin shall not cover a ground surface in excess of five (5) feet by five (5) feet, nor be more than six (6) feet in height. Bins shall be placed on a paved surface.
- D. **Number.** A maximum of one (1) donation bin shall be permitted per lot.
- E. **Location.** Donation bins shall comply with the following location requirements:
  1. Donation bins are considered accessory structures. Therefore, they shall not be located on any lot unless a principal structure is already located on the lot.
  2. Donation bins shall be permitted only in non-residential zoning districts.
  3. Donation bins shall be located no closer to the front of the lot than any portion of the principal structure.
  4. Donation bins shall not be placed where they would block the vision of drivers entering or exiting the site.
  5. Donation bins shall not be placed in a location where they would interfere with required landscaping or parking.
- F. **Identification.** All donation bins shall have clearly identified, in writing, on the same side of the bin as the chute used for deposit of the goods, the entity or organization that is responsible for placement and maintenance of the bin. The address and phone number for such entity shall also be written on the bin.
- G. **Maintenance Responsibility.** Each bin shall be regularly emptied of its contents so that it does not overflow, resulting in clothing or other goods being strewn around the surrounding area. The owner, lessee, or other person or legal entity in control of the property where the donation bin is located and the person or entity that owns, maintains or operates the donation bin shall be jointly and severally liable for any violations.

Section 6.50 Reserved

Section 6.51 Reserved

Section 6.52 Reserved

Section 6.53 Reserved

Section 6.54 Reserved

Section 6.55 Reserved

### Section 6.56 Accessory Apartment

Accessory apartments shall comply with the following regulations:

- A. **Accessory Apartment Defined.** An accessory apartment is a dwelling unit that is accessory to and contained within a principal single-family dwelling, and which is occupied by either persons related to the occupant of the principal residence by blood, marriage, or legal adoption; domestic servants; or gratuitous guests. An accessory apartment typically has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

- B. **Residence an Incidental Use.** The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:
  1. Accessory apartments shall be established in, and attached to owner-occupied homes only by means of a fully-enclosed, insulated and heated space.
  2. Only one (1) such accessory residence shall be permitted on each parcel.
  3. The total floor area of the accessory apartment shall not exceed eight hundred (800) square feet.
- C. **Setbacks and Placement on the Parcel.** Accessory residences shall comply with all setback requirements for the district in which they are located.
- D. **Compatibility with Surrounding Land Use.** The design of the accessory residence shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory residence shall not have a front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall appear that only one household occupies the site.
- E. **Parking and Access.** In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.
- F. **Termination.** An accessory apartment that is no longer needed for the purposes outlined herein shall be incorporated into and become a part of the single family home to which it is attached.

### Section 6.57 Multiple Family and Single Family Attached Housing Requirements

The following site development standards shall apply to attached housing developments, including development in the R-3A, Multiple-Family Residential and R-3B, Medium-Density Multiple-Family Residential Districts:

- A. **Permitted Density.** See footnote ‘f’, Section 4.3.
- B. **Building Length.** Multiple family buildings shall not exceed one hundred and fifty (150) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together.
- C. **Building Spacing.** The minimum distance between any two (2) buildings shall be based on the following table:

Relationship Between Buildings	Minimum Distance Between Buildings
Front to Front	70 ft.
Front to Rear	70 ft.
Rear to Rear	70 ft.
Side to Side	30 ft.
Front to Side	50 ft.
Rear to Side	50 ft.

- D. **Street Address.** The address of each dwelling unit must be clearly posted so that the unit can be readily identified from the roadway or adjacent parking area.
- E. **Access and Circulation.** Multiple family developments shall comply with the following requirements for access and circulation (see illustration):
  1. Access to Roads. R-3A and R-3B developments shall have direct access to a paved collector or arterial road. However, alternate means of access may be permitted by the Planning Commission upon finding that, due to special circumstances, substantial improvements in traffic safety could be achieved by



reducing the number of driveways. Furthermore, an alternate means of access shall be permitted only if one or more of the following conditions exists:

- a. The property directly across the street from the development under consideration is zoned for multiple family or non-residential use, or
  - b. The property directly across the street is developed with permanent uses other than single family residences, or
  - c. The proposed development is in an area which, based on study by the Planning Commission, will eventually be used for purposes other than single family use.
2. **Emergency Access.** All dwelling units, including those under construction, shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road, or other approved paved area. Private roads or driveways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:
- a. All roadways shall be paved and bi-directional allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement, provided that the median strip is a minimum of twenty-five (25) feet in width, and the width of each paved moving lane in each direction is at least fifteen (15) feet.
  - b. Streets with no outlet shall be terminated with a T-turnaround or cul-de-sac, designed in accordance with standards established and periodically updated by the Isabella County Road Commission. Such streets with no outlet shall not exceed three hundred (300) feet in length.
  - c. Gatehouses and/or barricades at entrances to private roadways shall be designed so as not to impede fire and emergency vehicle access.
3. **Street Dimensions.** Roads throughout a multiple-family development must be paved with curb and gutter with a minimum width of twenty-four (24) feet. Entrance roads shall have a minimum width of twenty-seven (27) feet.
- F. **Sidewalks.** Sidewalks shall be provided within the development, located no less than five (5) feet from and parallel to access drives. Such sidewalks shall provide convenient access to community buildings and between parking areas and dwelling units. The sidewalks shall be designed and constructed in accordance with Section 7.10.
- G. **Parking.** In addition to the requirements set forth in Section 9, multiple family developments shall comply with the following requirements:
1. **Location.** Required parking shall be located in parking lots or individual driveways, and not in streets or access drives. Parking may be permitted in required side and rear yard setback areas provided that parking lots and access drives shall be located a minimum of ten (10) feet from any property line or public right-of-way. Parking lots and access drives shall not be located closer than twenty-five (25) feet to a wall of any residential structure which contains windows or doors, nor closer than ten (10) feet to a wall of any residential structure which does not contain openings.
  2. **Distance from Dwelling Units.** Parking shall be located within one hundred and fifty (150) feet of the dwelling units the parking is intended to serve, measured along the sidewalk leading to the parking lot.
  3. **Parking for Community Building.** Parking shall be provided for community buildings as specified in Section 9.
- H. **Lighting.** All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in Section 8.2.
- I. **Landscaping.** Multiple family developments shall be landscaped in accordance with Section 10.3.
- J. **Open Space.** Open space shall be provided in any multiple family development containing eight (8) or more units. The open space shall comply with the following requirements:

1. **Size.** Total open space required shall be based on the number and size of units, as indicated in the following chart, provided that each development shall contain a minimum of ten thousand (10,000) square feet of open space.

Type of Unit	Open Space Required per Unit
Efficiency unit	170 sq. ft. per unit
1 bedroom unit	250 sq. ft. per unit
2 bedrooms or more	350 sq. ft. per unit

2. **Location.** Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, and similar limited-use areas shall not be included in the required open space.
  3. **Use of Open Space.** Uses permitted within the required open space include picnic and sitting areas, playground and park space, play equipment, tennis courts, shuffleboard courts, and similar outdoor recreation facilities.
  4. **Phasing.** Open space improvements shall be completed in proportion to the number of units constructed in each phase.
- K. **Garages.** Garages shall be permitted for each unit, in accordance with the provisions for accessory uses in Section 7.5.

## Section 6.58 Open Space Preservation

Open Space Preservation developments may be approved in the AG and R-1 districts, subject to the standards and review procedures set forth herein.

- A. **Purpose.** The purpose of Open Space Preservation is to preserve undeveloped land, thereby maintaining rural character and agricultural lands. The regulations in this sub-section propose to accomplish this purpose by providing for grouping of homes onto the most buildable portions of a site so that the remainder of the site can be preserved in an undeveloped state.

As used in this subsection, the term “undeveloped state” shall have the meaning given to it in Section 102 of the Michigan Zoning Enabling Act (P.A. 110 of 2006), which states the following:

“Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

- B. **Applicability.** Parcels measuring twenty (20) acres or larger in the AG and R-1 districts may be developed according to the Open Space Preservation requirements in this sub-section. If developed as an Open Space Preservation subdivision, the property shall be developed under the conditions and requirements in this sub-section, other applicable zoning regulations, and other applicable Township ordinances.
- C. **Review and Approval Process.** Proposals for Open Space Preservation development shall be reviewed following the same procedures used for conventional subdivision or condominium proposals, except that the applicant shall complete a site features inventory prior to development. The inventory shall consist of maps and written analysis which shall identify, describe and quantify the following features, at minimum: existing vegetation, topography at two-foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on Natural Resources Conservation Service soils information or soil borings), MDEGLE-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered species habitats, and any additional features uniquely affecting the site.
- D. **Permitted Density.** The overall density of residential uses in an Open Space Preservation development shall not exceed the density that would be permitted if the site were developed as a conventional single family subdivision as specified in the following chart:

Zoning District	Overall Density	Maximum Number of Units Per Acre
AG	1 unit/acre	1.0
R-1-S	1 unit/acre	1.0

The permitted density shall be based on the net buildable area of the site which consists of the portions of the site that are not encumbered by regulated wetlands (except that one-quarter of the total wetlands may be counted as buildable), steep slopes, existing and proposed road rights-of-way, easements, existing structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for residential purposes.

To assist the Planning Commission in determining net buildable area and maximum density, the applicant shall submit an alternative plan that shows how the site could be developed under conventional zoning.

Modifications permitted under the Open Space Preservation Option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this subsection.

**E. Dimensional Standards.**

1. Setbacks. Open Space Preservation developments shall comply with the following minimum yard setback requirements:

**Building Setbacks**

Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	35 ft.
Along an internal collector or local road	40 ft.
Along an internal arterial road	50 ft.
Setback from a lake, pond, stream or wetlands	60 ft.

The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on sound planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the use of residents on the site.

**Parking Lot Setbacks**

Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	20 ft.
Setback from lakes, ponds, streams, and wetlands	60 ft.

Docks, bulkheads, patios, terraces, decks, gazebos, and pathways shall be permitted within the 60-ft. waterfront/wetland setback, subject to review and approval by the Township Board, upon receiving a recommendation from the Planning Commission.

2. Minimum Lot Size. Open Space Preservation developments shall comply with the following minimum lot size requirements:

Zoning District	Minimum Lot Size
AG	21,780 sq. ft.
R-1	21,780 sq. ft.

Variation from these lot size standards may be required or permitted where the Planning Commission finds that either of the following circumstances exists:

- a. A larger lot size is required to satisfy Central Michigan District Health Department septic system standards, or
  - b. A smaller lot size is required to achieve the density permitted under sub-section, above.
3. Distances between Buildings. Any detached single family structure (or accessory structure thereto) shall be located at least thirty (30) feet from any other detached single family structure or accessory structure.

4. Floor Area and Height Standards. Buildings in an Open Space Preservation development shall comply with the floor area and height standards for the district in which the development is located.

F. **Open Space Requirements**. Open Space Preservation developments shall provide and maintain open space in an undeveloped state, which shall comply with the following requirements:

1. Open Space Preservation developments shall reserve at least fifty percent (50%) of the parcel in an undeveloped state.
2. Open space shall be located on the parcel to meet the following objectives:
  - a. To preserve distinctive natural features, scenic or wooded conditions, and rural characteristics.
  - b. To preserve farmlands.
  - c. To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
  - d. To maintain open, rural character along main roads.

In addition, no more than twenty-five percent (25%) of the open space may be developed with children's play facilities, picnic facilities, trails, and similar passive recreational facilities to satisfy the needs of future residents of the development, provided that all such facilities shall be compatible in design with other open space requirements and objectives.

3. Required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any storm water retention or detention pond.
4. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will remain undeveloped. Such conveyance shall:
  - a. Indicate the proposed use(s) of the required open space.
  - b. Provide for the privately-owned open space to be maintained by private property owners having an interest in the open space.
  - c. Provide maintenance standards and a maintenance schedule.
  - d. Provide notice of possible assessment to the private property owners by the Union Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
  - e. After approval from the Township, the developer shall record with the Isabella County Register of Deeds notice of the restrictions to all persons having or seeking an interest in the property contained in the Open Space Preservation development. Evidence that the document has been recorded shall be provided to the Township prior to issuance of any permits to commence construction.

G. **Building Location**. Where feasible, Open Space Preservation developments shall comply with the following building location requirements. Modification to these locational requirements may be approved by the Township as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.

1. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields.
2. Buildings shall not be located on the tops of ridge lines or in areas with slopes that exceed 35 percent.
3. Buildings shall not be located in wetlands or floodplains.
4. Buildings shall be set back as far back from public roads as possible so as to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.

- H. **Roads and Driveways.** The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in Open Space Preservation developments. Accordingly, Open Space Preservation developments shall comply with the following standards:
1. Roads shall follow existing contours to minimize the amount of cut and fill.
  2. Where sites include linear features, such as existing access roads, tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
  3. Roads shall not be located in open fields.
- I. **Storm Water Management.**
1. Existing natural drainage shall be maintained to the maximum extent feasible.
  2. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.
- J. **Landscaping and Lawns.**
1. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
  2. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.
  3. Where landscaping is proposed, native species shall be used, where appropriate.
- K. **Existing Structures.**
1. When a parcel contains existing structures deemed to be of historic, cultural or architectural significance (such as farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained.
  2. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

## Section 6.59 Senior Housing

Senior housing shall be subject to the following regulations:

- A. **Intent.** It is the intent of these regulations to permit the development of senior housing in the Township upon determining that the location, size, design, and operating characteristics of the use will be compatible with the surrounding neighborhood. In making this determination, consideration shall be given to the scale, coverage, and density of development; to the availability of utilities and services; to the generation of traffic and capacity of surrounding roads; and to other relevant impacts.
- B. **Minimum Site Size.** The minimum site size for a senior housing development shall be based on compliance with setbacks, maximum coverage, parking, open space, and other requirements set forth herein.
- C. **Project Density.** The number of dwelling units within the facility shall not exceed twelve (12) units per net acre for senior apartments, congregate housing and other types of independent living, and twenty-four (24) units per net acre for assisted living and other types of dependent living. Wetlands on the site may be counted as part of the net acreage for the purposes of determining project density. However, the overall density on the upland portion of the site, together with the wetlands-related density, shall not exceed 130% of the density allowed on the upland portion alone.
- D. **Setbacks.** The minimum setbacks for senior housing shall be as follows:
1. Front: 40 feet from the planned road right-of-way line
  2. Each Side: 30 feet
  3. Rear: 30 feet

- E. **Spacing between Buildings.** Where more than one building is proposed in a senior housing complex, the minimum spacing between buildings shall be in accordance with the following requirements:

Building Relationship	Minimum Building Separation
Front to Front	60 feet
Front to Rear	60 feet
Rear to Rear	60 feet
Side to Side	20 feet
Front to Side	50 feet
Rear to Side	50 feet

- F. **Minimum Floor Area Per Unit.** The minimum floor area per dwelling unit shall be as follows:

Type of Unit	Independent Living (including senior apartments and congregate housing)	Dependent Living (including assisted living)
Studio or Efficiency	450 sq. ft.	325 sq. ft.
1 bedroom	600 sq. ft.	425 sq. ft.
2 bedroom	800 sq. ft.	600 sq. ft.
3 or more bedrooms	800 sq. ft. + 150 sq. ft. for each additional room over four	600 sq. ft. + 150 sq. ft. for each additional room over four

- G. **Building and Site Design.**

1. **Building Length.** The maximum permitted building length along any one continuous plane shall be 225 feet. A continuous plane is defined as an uninterrupted wall, without breaks or corners, other than architectural features customarily found, such as porches, bay windows, projections and/or recesses. A building that turns a corner of at least a 90 degree angle shall be considered an "end" at that corner.
2. **Building Articulation.** Building facades of greater than one hundred (100) feet in length shall incorporate recesses or projections to break up the expanse of the building elevation.
3. **Sidewalks.** Sidewalks shall be provided from the main building entrance(s) to parking areas and to sidewalks along adjacent public or private roads.
4. **Resident Access.** The pick-up/drop-off of residents shall be provided at the front entrance of the building with a covered canopy.

- H. **Building Height.** The senior housing facility shall comply with the maximum building height for the district in which it is located.

- I. **Maximum Coverage.** The maximum coverage of the site by buildings shall be limited to twenty-five percent (25%) of the net site area (not including planned right-of-way).

- J. **Parking.** Parking for senior housing shall comply with the following requirements:

Use	Required Number of Parking Spaces per Unit of Measure*
Senior Apartments	2 spaces per dwelling unit
Dependent Living, Assisted Living	One (1) per four (4) units, plus one (1) per employee based on the greatest number of employees in any one shift
Congregate Care	One (1) per two (2) units, plus one (1) per employee based on the greatest number of employees in any one shift

Use	Required Number of Parking Spaces per Unit of Measure*
Independent Living	One (1) per unit, plus one (1) per employee based on the greatest number of employees in any one shift

\* The Planning Commission may reduce the parking requirements set forth in this table if the applicant provides credible evidence that fewer spaces are needed due to, for example, the operation of a transportation system for residents.

- K. **Loading.** Loading areas shall be located to the side or rear of the building being served such that it is screened from view from adjoining roads and adjacent residential area.
- L. **Vehicular Access.** All vehicular access to the site shall be from a paved collector or primary road. The Planning Commission may allow secondary access from local streets upon making the determination that such access will not create or exacerbate traffic congestion or create unsafe traffic or pedestrian conditions. Vehicles must be able to easily circulate within and through the site to designated pick-up/drop-off areas with impeding circulation on the site or traffic on adjacent roads.
- M. **Open Space.** Common outdoor landscaped open space shall be provided for residents, subject to the following:
  1. Landscaped open space for residents shall constitute a minimum of fifteen percent (15%) of the total site. Enclosed courtyards may be counted as landscaped open space.
  2. Recreation facilities such as paved walkways and covered sitting areas shall be provided in a manner that meets the needs of the resident population.
  3. Road rights-of-way, required setback areas, and access drives shall not be counted as required landscaped open space. Ten percent (10%) of the submerged land areas of a pond, lake, or stream, and wetlands may be counted as required landscaped open space.
- N. **Lighting.** All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the safety of persons using such areas and the security of property, in accordance with the requirements set forth in Section 8.2.
- O. **Landscaping and Screening.** Senior housing developments shall comply with the landscaping and screening requirements in Section 10.3.
- P. **Resident Services.** Support services offered solely to residents may be permitted provided that such services are contained with the principal building and are accessory to the principal senior residential use. Such support services include, but are not necessarily limited to: congregate dining, health care, personal services, private meeting rooms, and social, recreational and educational facilities and programs.

## Section 6.60 Model Homes

Model homes in subdivisions shall comply with the following standards:

- A. **Permitted Use.** The model home shall be used solely as a sales and promotion office for the subdivision in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other subdivisions.
- B. **Termination.** Use of the home for sales and promotion shall cease as soon as all lots in the subdivision are sold to potential end users or in two (2) years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Prior to expiration of the initial or subsequent approvals, the applicant may seek a one (1) year extension from the Planning Commission.
- C. **Appearance.** The model home and site shall be maintained to look like a typical single family dwelling at all times. However, one identification sign shall be permitted, subject to the following requirements:
  - Maximum size: six (6) square feet
  - Maximum height: six (6) feet

- Type: ground or wall
- Location: sign shall comply with setback requirements for district

D. **Parking.** A minimum of two (2) temporary paved off-street parking spaces shall be provided per employee. Off-street parking shall comply with the requirements in Section 9.



## Section 7 General Provisions

### Section 7.1 One Principal Use per Lot

There shall be no more than one (1) principal use on a lot, except where groups of apartments, commercial, or industrial buildings are deemed a principal use collectively. No more than one (1) single family dwelling unit may be located on a lot, except as specifically permitted (e.g., second living quarters on a farm).

### Section 7.2 Permitted Encroachments into Yard Setbacks

The following table indicates permitted encroachments into required yard setbacks.

Projection	Front Yard	Rear Yard	Interior Side Yard	Street Side Yard	Courtyard	Additional Regulations
Air conditioning equipment	X	P	P	X	P	
Architectural features (e.g., cornices, eaves)	P	P	P	P	P	May project up to 2.5 feet into any required setback.
Access drives	P	P	P	P	P	Access drives shall be set back a minimum of 2.0 feet from any side or rear property line.
Arbors or trellises	P	P	P	P	P	
Awnings and canopies	P	P	P	P	P	May project into yard by up to 10% of the yard depth.
Balconies	X	X	X	X	X	
Bay windows	P	P	P	P	P	May project up to 2.5 feet into any required setback.
Chimneys	P	P	P	P	P	May project up to 2.5 feet into any required setback.
Decks (open)	P	P	X	X	X	May project up to 10 feet into a required front or rear yard, provided there is a minimum setback of 5 feet from the front or rear lot line.
Decks (enclosed)	X	X	X	X	X	
Fences and walls	P	P	P	P	P	See Section 7.6.
Flagpoles	P	P	P	P	P	
Gutters and downspouts	P	P	P	P	P	
Live landscape materials	P	P	P	P	P	
Laundry drying equipment	X	P	P	X	X	
Light poles, ornamental	P	P	P	P	P	
Open porches, terraces	P	P	X	X	P	May project up to 10 feet into a required front or rear yard, provided there is a minimum setback of 5 feet from the front or rear lot line.
Sidewalks	P	P	P	P	P	
Signs (approved)	P	P	P	P	P	See Section 11.
Stairways, steps, barrier-free ramps	P	P	P	P	P	
Television and towers and antennas	X	P	P	X	X	
Window air conditioning units	P	P	P	P	P	

### Section 7.3 Exemptions from Height Regulations

The height limitations of this Ordinance shall not apply to chimneys, church spires, public monuments, wireless transmission towers, farm buildings, elevated water towers, cooling towers, elevator penthouses, fire towers, grain elevators, radio and television towers, and flag poles, provided that the following requirements are complied with:

- A. **Flagpoles.** Flagpoles in residential and agricultural districts shall not exceed twenty-five (25) feet in height. Flagpoles in non-residential districts shall not exceed forty (40) feet in height.
- B. **Airport Regulations.** Notwithstanding the above exceptions, structures in proximity to the Mt. Pleasant Municipal Airport are subject to the Airport's height restrictions.

### Section 7.4 Clear Vision Triangle

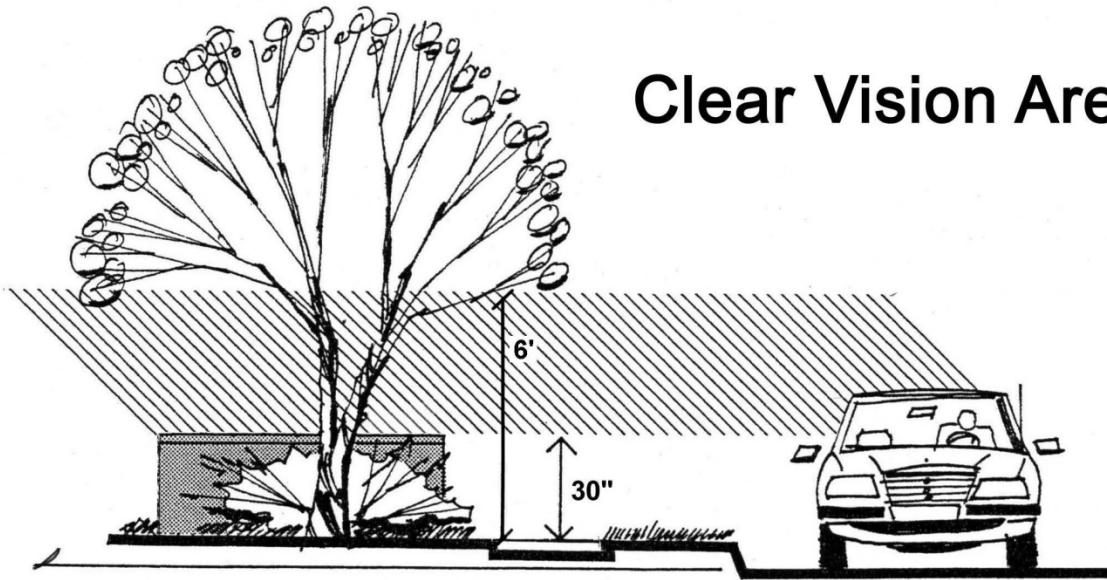
No new fence, wall, or structure shall be erected or established on any lot that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway. Fences, walls and structures located in the triangular areas described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and six (6) feet above the lowest point of the intersecting road(s).

#### *Unobstructed Sight Area/Clear Vision Triangle*

The unobstructed triangular area is described as follows (see illustration):

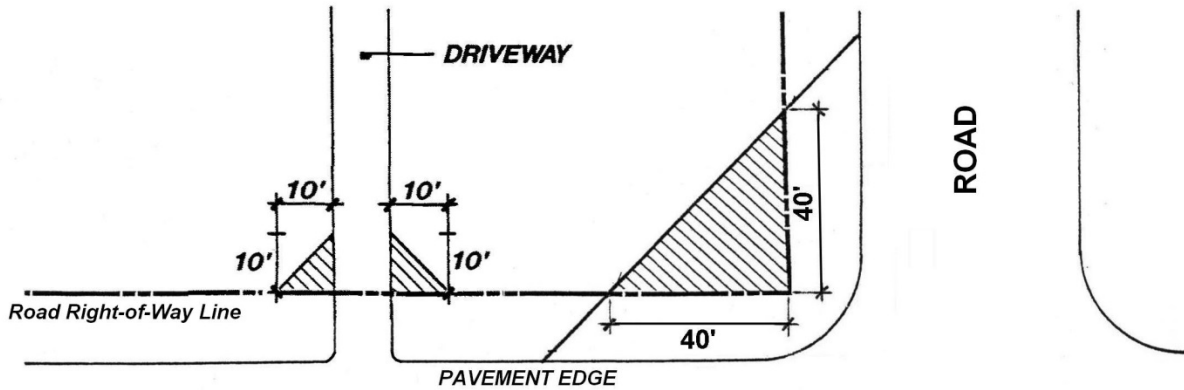
- The area formed at the corner intersection of two public right-of-way lines, the two sides of the triangular area being 40 feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, or
- The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being 10 feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

# Clear Vision Area



MAXIMUM HEIGHT 30" FOR WALLS OR SOLID FENCES, SHRUBS, ETC.

## ELEVATION



## ROAD

### Section 7.4, Unobstructed Sight Area/Clear Vision Triangle

## Section 7.5 Accessory Buildings and Structures

### A. General Requirements.

1. Timing of Construction. No accessory building, structure, or use shall be constructed or established on a parcel unless there is a legally-established principal building, structure, or use being constructed or already established on the same parcel of land.
2. Site Plan Approval. If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.
3. Nuisances. Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, outdoor wood-fired boilers, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance. These restrictions shall not be construed to limit or prevent activities permitted by the Michigan Right to Farm Act.
4. Impact on Adjacent Buildings or Uses. The location and characteristics of an accessory building shall not have an adverse impact on existing adjacent buildings or uses. In evaluating impact on adjacent buildings or uses, factors that the Planning Commission and Township Board shall consider include, but are not limited to:
  - The potential for generation of nuisances, as might be caused by increased traffic or noise.
  - The orientation of doors and access routes.
  - Site drainage patterns.
  - Impact on views.
5. Location in Proximity to Easements or Rights-of-Way. Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.
6. Use of Accessory Buildings and Structures. Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation, or as storage space that is offered for rent, except that an accessory building may be used to house a permitted home occupation or home-based business, subject to the provisions of Section 6.19. An accessory garage on a residential parcel shall be used only for the storage of vehicles or equipment or materials used by the occupants of the residence to which it is accessory.
7. Applicability of Other Codes and Ordinances. Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.
8. Accessory Farm Buildings. The requirements in this section shall not apply to accessory buildings (such as barns and silos) used in the agricultural operations on a farm, as defined in Section 2.2, except that farm buildings shall comply with the setback requirements for the districts in which they are located.

### B. Attached Accessory Buildings.

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements. A breezeway or other attachment between the principal building and the accessory building or structure must have a complete foundation and must provide interior access to both buildings for the accessory building to be considered "attached".

### C. Detached Accessory Buildings.

1. Location. Detached accessory buildings (for example, garages or sheds) shall not be located in a front yard or a required side yard, except as follows:

- a. *Commercial and Industrial Districts.* The following accessory uses may be permitted in the front or side yards of commercial or industrial districts, subject to the approval of the Planning Commission: buildings for parking attendants, guard shelters, gate houses, and transformer pads.
  - b. *Agricultural District.* In the AG district, detached accessory buildings related to agricultural use may be permitted in the front yard provided that they comply with all setback requirements for accessory buildings.
2. **Setbacks.** Detached accessory buildings, including any and all roof overhangs, shall comply with the following setback requirements. A stake survey may be required by the Building Official to determine exact distances from the lot line. The location of the proposed building shall be approved by the Building Official prior to construction.
- a. *Front Yard Setback.* Unless otherwise specified, when an accessory structure is permitted in the front yard it shall comply with the front yard setback for the district in which it is located.
  - b. *Side Yard Setback.* The required side yard setback for detached accessory buildings is five (5) feet.
  - c. *Rear Yard Setback.* Accessory buildings shall be located no closer than five (5) feet to the rear lot line or alley line.
  - d. *Distance from other Buildings.* Detached accessory buildings shall be located at least ten (10) feet from any building on the site.
3. **Size.** Unless otherwise specifically permitted elsewhere in this Ordinance, the size of all detached accessory buildings related to a principal residential use shall not exceed the following requirements:
- a. In residential districts, the total floor area of all detached accessory buildings shall not exceed the limits specified in the following table.

Parcel Size	Maximum Floor Area
Up to 2.5 acres	1,500 sq. ft.
2.5 - 5 acres	2,400 sq. ft.
Greater than 5 acres	No maximum floor area, but site plan review is required if over 4,000 sq. ft.

The area covered by a lean-to or similar unenclosed roof structure shall be counted as part of the total floor area.

- 4. **Height.** Detached accessory buildings in residential districts shall not exceed one (1) story or fourteen (14) feet in height. The maximum height of permitted accessory farm buildings that are essential and customarily used in agricultural operations associated with a bona-fide farm shall be forty-five (45) feet, except that the maximum height of silos shall be one-hundred (100) feet, provided that all such accessory farm buildings shall be located at least one-hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory farm buildings are located.
- 5. **Number.** In residential districts, a maximum of one (1) accessory building shall be permitted per lot. However, where the lot area exceeds four (4) acres, more than one (1) accessory building may be permitted, subject to special land use approval (see Section 14.3).
- 6. **Approval.** Where the total of all accessory buildings is less than 4,000 square feet, administrative approval shall be required. Where the total of all accessory buildings is 4,000 square feet or greater, site plan review and approval shall be required.

**D. Accessory Structures.**

- 1. **General Requirements.** Accessory structures (for example, tennis courts, wind generators, antennas) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance.
- 2. **Exceptions to Accessory Structure Standards.** Wind energy systems shall comply with the height standards specified in Sections 6.42.

3. Solar Panels. Freestanding solar panels shall be subject to the requirements specified in Section 6.39.
4. Donation Bins. Donation bins shall be subject to the requirements specified in Section 6.49.

## Section 7.6 Fences and Walls

### A. Screening Walls and Fences.

Where permitted or required by this Ordinance, screening walls and fences shall be subject to the requirements in this subsection. A screening wall or fence is one where more than fifty percent (50%) of the vertical surface is opaque so as to obstruct vision or prevent observation of activities enclosed by the wall or fence.

1. Location. Required screening walls and fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with placement of the wall or fence at the property line, in which case the wall or fence shall be placed on the utility easement line located nearest the property line.
2. Wall and Fence Specifications. For the uses and districts listed below, a screening wall or fence shall be provided along property lines that abut a residential district or a lot in any zoning district that is used for residential purposes. The height of the wall or fence shall be measured from ground level adjacent to the wall or fence, provided that fill shall not be permitted for the purposes of achieving a higher wall or fence than would otherwise be permitted.

Proposed Use	Wall or Fence Height Requirements	
	Minimum Height	Maximum Height
Any Off-Street Parking	4.5 ft.	6.0 ft.
Office or Commercial Use	4.5 ft.	6.0 ft.
Industrial Use	6.0 ft. or minimum required to completely screen storage, etc.	8.0 ft.
Utility Buildings, Substations	6.0 ft.	8.0 ft.

3. Substitution or Waiver. As a substitute for a required screening wall or fence, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed living landscape material (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. Any such substitute screening shall comply with applicable requirements in Section 10.

The Planning Commission may waive the requirements for a screening wall or fence upon making the determination that:

- a. The adjoining residential district is in transition and will become nonresidential in the future, or
  - b. Existing physical features provide adequate screening, or
  - c. The abutting residential use is a sufficient distance (at least two hundred (200) feet) from the use or district to be screened so that the screening is unnecessary to meet the intent of the Ordinance, or
  - d. The abutting residential district is separated from the use or district to be screened by an arterial or collector road.
4. Non-Required Walls and Fences in Non-Residential Districts. Walls and fences, other than those that are required, may be permitted in non-residential districts, subject to the following conditions:
    - a. Walls and fences shall be permitted in the rear and side yards of non-residential districts, provided that no wall or fence shall extend closer to the front of the lot than any portion of

the principal building. These restricts shall not apply to fences used for agricultural purposes.

- b. *Height.* Non-required walls and fences shall comply with the maximum height requirements specified in Section 7.6(A)(2).

#### **B. Fences in Residential and Agricultural Districts.**

Fences in residential and agricultural districts may be located in the required front, side or rear yard, subject to the following requirements:

1. Maximum Height. The maximum height in a residential district shall be six (6) feet for fences located in the side or rear yard. The maximum height shall be four (4) feet for fences located closer to the road than any portion of the principal dwelling.
2. Fence Design. Fences in the front yard shall be non-obscuring in design (i.e., less than fifty percent (50%) opaque).
3. Fences on Corner Parcels. On corner lots the following regulations shall apply on the side yard facing a road:
  - a. A six (6) foot high fence shall be permitted provided it does not extend closer to the street than any portion of the principal dwelling.
  - b. A four (4) foot high fence may be erected in the setback area, provided that any such fence shall be non-obscuring in design.

#### **C. Fences in Public Areas.**

1. Height. Fences that enclose public parks, playgrounds, or similar public areas located within developed residential areas shall not exceed six (6) feet in height, measured from the surface of the ground.
2. Opacity. No greater than twenty-five percent (25%) of the vertical surface of such a fence shall be opaque so as to obstruct vision.
3. Exemptions. Fences designed as part of a recreational structure (e.g., ball field backstops, tennis court enclosures) shall be exempt from the height limitations specified above.

#### **D. Walls in Residential and Agricultural Districts.**

Walls shall be permitted only in the side or rear yards of residential and agricultural districts, subject to the following requirements:

1. Maximum Height. The maximum height of a wall shall not exceed six (6) feet, measured from ground level adjacent to the wall or fence, provided that fill shall not be permitted for the purposes of achieving a higher wall or fence than would otherwise be permitted.
2. Walls on Corner Parcels. On corner parcels, walls shall not be permitted to extend closer to the road than any portion of the principal dwelling.

#### **E. Entranceway Structures.**

1. Entrance to Residential Developments. Residential subdivision entranceway structures, such as walls, columns and gates that mark the entrance to a single family subdivision or multiple family development, shall be permitted in the required setback area, provided that:
  - a. Entranceway structures shall not exceed eight (8) feet in height and forty-eight (48) square feet in area.
  - b. Entranceway structures shall not be located in the planned or existing road right-of-way.

- c. Approval of the Building Official and issuance of a building permit shall be required prior to construction.
- d. Such structures shall not restrict emergency vehicle access.

**F. General Fence and Wall Requirements.**

1. Corner Clearance. Walls and fences shall comply with the specification for maintenance of unobstructed vision for drivers in Section 7.4.
2. Wall Materials. Walls shall be constructed of masonry material that is architecturally compatible with the materials used on the façade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.
3. Fence Materials. Fences shall consist of materials commonly used in conventional fence construction, such as wood or vinyl. Razor wire is not permitted. Fences that carry electric current shall be permitted only in conjunction with an agricultural use, provided that any such fence shall be set back at least eighteen (18) inches from all property lines. Barbed wire may be permitted in non-residential districts, provided that the barbed wire is at least six (6) feet above the ground, except in the AG district, where barbed wire is permitted up to a height of six (6) feet. Chain link fences shall not be permitted for screening purposes.
4. Finished Appearance. If one side of the fence or wall has a more finished appearance than the other, then the side of the fence or wall with the more finished appearance shall face the exterior of the lot.
5. Obstruction to Use of Adjoining Property. No fence or wall shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence or wall be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Township may require a fence or wall to be set back a minimum distance from a driveway or property line.
6. Fence and Wall Maintenance. Fences and walls shall be maintained in good condition. Rotten, crumbled, or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained or similarly treated.

## Section 7.7 Administrative Regulations

**A. Scope of Regulations.**

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Occupancy for the use for which the building was originally designated, subject thereafter to the provisions of Section 12 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

**B. Minimum Requirements.**

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, and welfare.

**C. Relationship to Other Ordinances or Agreements.**

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.



However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

**D. 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 permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare, to the extent that such rights are not protected by the nonconforming use provisions in Section 12.

**E. Continued Conformity with Yard and Bulk Regulations.**

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

**F. Division and Consolidation of Land.**

The division and consolidation of land shall be in accordance with the Subdivision Control Act (Michigan Public Act 288 of 1967, as amended). No lot or parcel shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all zoning lots resulting from each such division or sale conform to all regulations of the zoning district in which the property is located.

**G. Unlawful Buildings, Structures, Site Designs and Uses.**

A building, structure, or use which did not lawfully exist at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful 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 made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

## Section 7.8 Razing of Buildings

No building, excluding farm buildings, shall be razed until a permit has been obtained from the Zoning Official, who shall be authorized to require a performance bond in an amount that would cover the full cost of demolition and restoration of the site within a reasonable period of time. Conditions of the bond shall also include proper termination of utility connections, full removal of foundations, complete fill of any excavations with clean fill, and seeding of the finished site.

## Section 7.9 Restoration of Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of a building or structure declared unsafe by the Zoning Official, except that compliance with Section 12 dealing with nonconformities is required.

## Section 7.10 Sidewalks and Pathways

Sidewalks and pathways shall be subject to the requirements in the adopted Township Bicycle Path and Sidewalk Ordinance, and the following regulations:

- A. **Where Required.** Sidewalks or pathways shall be required wherever construction is proposed that requires site plan review pursuant to Section 14.2. In addition, sidewalks shall be required on both sides of the road

in single family subdivisions and condominiums and on streets designated by the Sidewalk and Pathways and Prioritization Committee.

- B. **Location and Width.** Required sidewalks shall be a minimum of five (5) feet in width and pathways shall be a minimum of eight (8) feet in width. Sidewalks and pathways shall generally be located one (1) off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk or pathway shall be located one (1) foot inside the planned right-of-way. The Planning Commission may modify this requirement in consideration of the location of utilities, existing or proposed landscaping, or other site improvements.
- C. **Design Standards.** Sidewalks shall be constructed of concrete, and bicycle paths shall be constructed of asphalt, in accordance with the Bicycle Path and Sidewalk Ordinance and established engineering standards for the Township.
- D. **Alignment with Adjacent Sidewalks and Pathways.** Sidewalks and pathways shall be aligned horizontally and vertically with existing sidewalks and pathways on adjacent properties. The Planning Commission may modify this requirement if existing adjacent sidewalks or bicycle paths are not constructed in conformance with the requirements set forth herein.
- E. **Signage** The Planning Commission may require the installation of signage for the purposes of safety where it necessary to separate vehicular traffic from pedestrian and bicycle traffic or where it is necessary to alert vehicular traffic of the presence of sidewalks or pathways.
- F. **Maintenance.** The owner of the property that fronts on a sidewalk or pathway shall be responsible for maintenance of the sidewalk or pathway, including patching deteriorated or cracked pavement, snow removal, and removal of glass and other debris. Where a sidewalk or pathway located along a collector or arterial road adjoins a subdivision or condominium, maintenance shall be the collective responsibility of the property owners in the subdivision or condominium.
- G. **Permits.** It shall be the responsibility of the owner or developer to secure any required permits from the Isabella County Road Commission or Michigan Department of Transportation to allow sidewalk or pathway construction in the right-of-way.

## Section 7.11 Allowable and Prohibited Uses

### A. Allowable Uses.

Only the following uses of land, buildings and structures shall be allowed in the Township:

1. Uses lawfully established on the effective date of this Ordinance.
2. Uses for which a Building Permit has been issued in accordance with the adopted Building Code.
3. Permitted principal and accessory uses in the applicable zoning districts, subject to the requirements specified.
4. Special land uses in the applicable zoning districts, subject to the conditions and requirements specified.
5. Temporary uses subject to the requirements in Section 7.12.

### B. Prohibited Uses.

1. The following uses, as defined in Section 2.2, shall not be allowed anywhere in the Township:
  - a. *List prohibited marijuana uses here.*
2. Uses and structures that are not expressly permitted in this ordinance are prohibited.

## Section 7.12 Temporary Buildings, Uses, and Structures

Temporary buildings and structures shall comply with the following requirements:

**A. Temporary Buildings or Structures Used for Residential Purposes.**

A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the Police, Fire, and Building Officials.

A mobile home or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction of a new dwelling unit or for major repair or remodeling of an existing dwelling unit.

Permits for temporary buildings or structures for residential purposes shall be subject to the following:

1. Such permits may be issued by the Building Official for up to six months in duration and may be renewed for a period of up to six months, provided that work is proceeding in an expeditious manner.
2. The total duration of a temporary permit shall not exceed 12 months.
3. Temporary buildings and structures shall comply with the setback standards for the district in which they are located.
4. The Building Official shall approve electrical and utility connections to any temporary structure.
5. An approved temporary building or structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a Certificate of Occupancy for the permanent dwelling.
6. The applicant shall furnish the Township with a performance guarantee in the amount of no less than \$500.00, as determined by the Building Official, to ensure removal of the temporary building or structure.

**B. Temporary Structures Used for Nonresidential Purposes.**

Temporary buildings or structures for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Building Official. Such temporary buildings or structures shall be removed immediately upon completion of the construction project and prior to a request for a Certificate of Occupancy for the project.

**C. Permits.**

Permits for the utilization of temporary structures shall be issued by the Building Official. The permit shall specify a date for the removal of the temporary structure, and the Building Official may require posting of a bond to insure removal. A Certificate of Occupancy shall be required for such structures.

**D. Use as an Accessory Structure.**

A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

**E. Special Events and Other Temporary Uses.**

The Zoning Official may grant temporary use of land and structures for special events and other temporary uses subject to the following general conditions:

1. Adequate off-street parking shall be provided.
2. The applicant shall specify the exact duration of the temporary use.
3. Electrical and utility connections shall be approved by the Building Official.
4. The Zoning Official may require a performance bond to assure proper clean-up.
5. The following conditions apply to specific temporary uses:
  - a. Carnival or Circus.
    - Maximum duration: 10 days.

- Operator or sponsor: Non-profit entity
  - Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- b. Sidewalk Display and Sale of Bedding Plants.
- Maximum duration: 90 days.
  - Location: In commercial districts only.
  - Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk.
- c. Christmas Tree Sales.
- Maximum duration: 45 days.
  - Location: Shall not be located in or adjacent to any developed residential area.
  - Clean-up: Stumps, branches, and other debris shall be completely removed from site.
- d. Garage Sales.
- Maximum number of sales per year: Two.
  - Location: Residential districts.
  - Purpose: For sale of items belonging to members of the household living on the premises where the sale is being conducted.
  - Permit: A permit shall not be required for garage sales.

## Section 7.13 Required Water Supply and Sanitary Sewerage Facilities

No structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole, or in part, for dwelling, business, industrial, or recreational purposes unless it is provided with a safe potable water supply and system for treatment and disposal of human excrete and other domestic, commercial and industrial wastes. All such installations and facilities shall conform to the minimum requirements of the Central Michigan District Health Department and the Michigan Department of Health and Human Services.

Septic tanks, drain fields, and similar private buried water disposal facilities are permitted where approved by the Central Michigan District Health Department where a public sanitary sewer waste water collection system is not reasonably available.

## Section 7.14 Trash Removal and Collection

Dumpsters may be permitted or required as accessory to any use other than single and two-family residential uses, subject to the following conditions:

**A. Location.**

Dumpsters shall be located in the rear yard, provided any such dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten feet from any building. Dumpsters shall comply with the accessory structure setback requirements for the district in which they are located, and shall be located as far as practicable from any adjoining residential district.

**B. Concrete Pad.**

Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of ten (10) feet in front of the dumpster enclosure.

**C. Screening.**

Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, or solid wood fencing, not less than six (6) feet in height or at least one foot above the height of the enclosed dumpster, whichever is taller.

**D. Wood Screening Standards.**

If wood fencing is selected as the desired dumpster screening alternative, the following standards shall apply:

1. Materials. Only solid No. 1 pressure-treated wood shall be permitted.
2. Posts. Posts shall be set in concrete 42 inches below grade level. Two types of posts shall be permitted:
  - a. 6-inch x 6-inch pressure-treated wood, or
  - b. 3-inch diameter galvanized steel posts.

**E. Bollards.**

Bollards (concrete filled metal posts) shall be installed at the opening to prevent damage to the screening wall or fence.

**F. Site Plan Requirements.**

The location and method of screening of dumpsters shall be shown on all site plans and shall be subject to the approval of the Planning Commission.

## Section 7.15 Essential Services

Essential services, as defined in Section 2.2, shall be permitted as authorized and regulated by franchise agreements and federal, state, and local laws and ordinances, it being the intention of this ordinance to permit modification to regulations governing lot area, building or structure height, building or structure placement, and use of land in the Township when strict compliance with such regulations would not be practical or feasible.

Although essential services may be exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review and special land use review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or essential operation of said services.

## Section 7.16 Uses Not Otherwise Included in a District

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Township Board that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Township Board shall seek the advice and recommendation of the Planning Commission, and shall consider the following:

### A. Determination of Compatibility.

In making the determination of compatibility, the Township Board shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.

### B. Conditions by which Use May Be Permitted.

If the Township Board determines that the proposed use is compatible with permitted and existing uses in the district, the Board shall then decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Township Board shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.

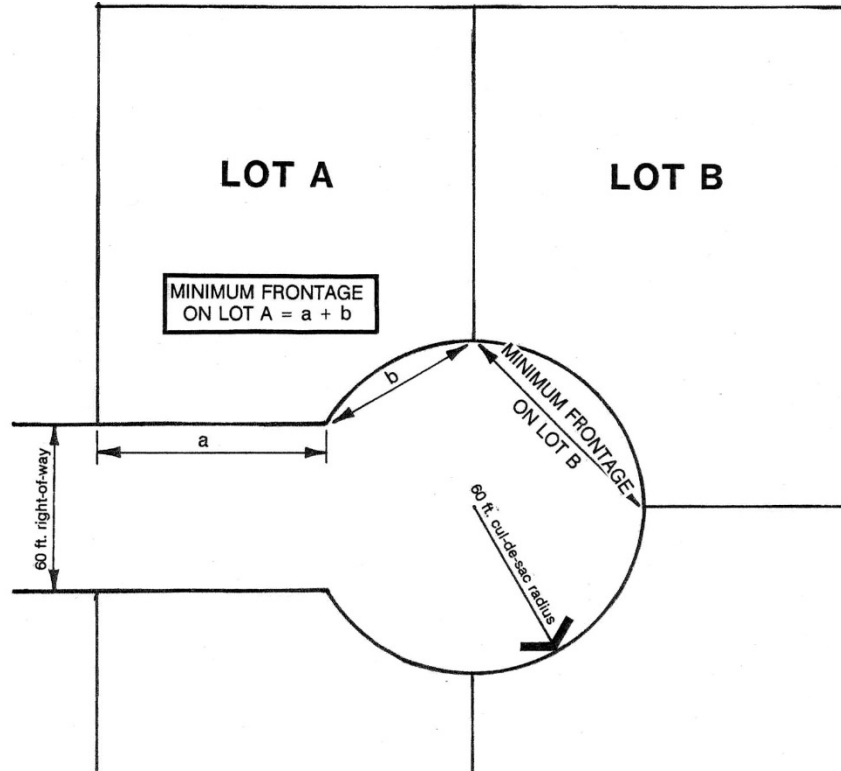
## Section 7.17 Streets, Roads, and Other Means of Access

### A. Intent.

Unimpeded, safe access to parcels of land throughout the Township is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.

### B. Public Access Required/Minimum Frontage.

The front lot line of all lots shall abut onto a publicly dedicated road right-of-way. The required frontage on an approved road right-of-way shall be equal to or greater than the minimum lot width for the district in which the lot is located, as specified in Section 4; except that the minimum frontage of lots that abut the turnaround at the end of a cul-de-sac shall be equal to or greater than 50% of the minimum lot width. On lots located on a curve, frontage shall be measured along a straight line between the two points where the side lot lines intersect the curved right-of-way line (see drawing). Frontage on a "T" turnaround shall not be counted toward the minimum road frontage requirements.



**Section 7.17(B): Measurement of Lot Frontage**

**C. Access on Residential Through Lots.**

On through lots in residential districts, the driveway providing the primary means of vehicular access shall intersect the road on which lot frontage is greatest. However, if the property line abutting the other road has been designated as the "front lot line" on an approved lot split application, subdivision plat, or condominium plan, then the driveway providing the primary means of vehicular access shall intersect the road that abuts said front lot line.

The Planning Commission may approve a primary means of access that varies from these requirements upon finding that such access would facilitate traffic safety (for example, by limiting access on an arterial street) or achieve consistency with existing adjacent and nearby residences.

**D. Road and Driveway Standards.**

Public roads shall comply with the requirements of the Isabella County Road Commission or Michigan Department of Transportation, as applicable. Driveways shall comply with the following minimum requirements in addition to engineering standards that are enforced by the Township.

1. Minimum Driveway Setbacks. Driveways shall be set back a minimum of four (4) feet from any side or rear property line, unless otherwise specified.
2. Residential Road and Driveway Requirements.

Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
Driveways to individual detached units in a plat or site condominium	9 feet	Paved	--
Driveways to individual detached lots not in a plat or site condominium	9 feet	Gravel or Paved	--
Roads throughout a single-family development, including entrance roads	Must comply with Isabella County Road Commission requirements.		

Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
<i>(see note 1)</i>			
Driveways to individual single-family attached units	9 feet	Paved	--
Roads throughout a multiple-family development	24 feet	Paved	Curb and gutter
Multiple-family development entrance roads <i>(see note 1)</i>	27 feet	Paved	Curb and gutter
Roads/driveways within a parking area	See Section 9		
Roads in a Mobile Home Park	See Section 3.11		

- Notes on Table:**
1. An entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within a development.
  2. Shared driveways for adjoining single-family parcels may be permitted, provided that an access easement is recorded that provides for joint use and maintenance of the driveway. Both parcels shall comply with minimum road frontage and lot width requirements.

3. Commercial/Office/Industrial Road and Driveway Requirements.

Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
Driveways serving two or more parcels (e.g., office or industrial park)	31 feet	Paved	Curb and gutter
Main access driveways (commercial/office uses)	31 feet	Paved	Curb and gutter
Main access driveways and internal circulation routes for <u>three or fewer</u> buildable industrial parcels	27 feet	Paved	Curb and gutter No on-street parking
Main access driveways and internal circulation routes for <u>four or more</u> buildable industrial parcels	31 feet	Paved	Curb and gutter
Internal circulation truck routes	31 feet	Paved	Curb and gutter
Internal circulation routes (no trucks)	24 feet	Paved	Curb and gutter
Entrance roads <i>(see note 1)</i>	31 feet	Paved	Curb and gutter
Roads/driveways within a parking area	See Section 9		

- Notes on Table:**
1. An entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within a development.
  2. Curb and gutter requirements are not applicable for access routes through parking lots.

4. Miscellaneous Road Requirements.

Type of Road	Minimum Width	Pavement Required	Curb and Gutter Required?
Boulevard entrances with median (not public)	18 feet <i>each direction</i>	Paved	Curb and gutter
Service drives ( <i>minimum 30-foot setback from parallel public road</i> )	24 feet	Paved	--
"T" turnaround	Must comply with Isabella County Road Commission requirements.		
Cul-de-sac	Minimum cul-de-sac right-of-way or easement radius is 60 feet.		



6. Vertical Clearance. Driveways and roads needed for emergency and fire department access in commercial and industrial districts shall maintain a minimum vertical clearance of 13.5 feet.

**E. Access across Residential District Land.**

No land which is located in a residential district shall be used for a driveway, walkway, or other access to any land which is located in a nonresidential district, unless such access is by way of a public road. This provision is not intended to prevent access across residential district land to gain access to adjacent agricultural lands.

**F. Service Drives/Secondary Access Roads.**

If the Planning Commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a public road, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the road, the Commission may permit or require construction of service drives across abutting parcels and generally parallel to the public road to allow traffic to circulate from one parcel to another without re-entering the public road. The service drive shall comply with the following requirements:

1. An easement shall be recorded with the Isabella County Register of Deeds allowing free vehicular access across the service drive between adjoining parcels. The easement shall be in a form acceptable to the Township Board, and it shall be recorded prior to issuance of a Certificate of Occupancy for the principal building.
2. The service drive shall comply with the design requirements set forth previously in sub-section D. The service drive shall comply with the engineering and construction standards established by the Township Board.
3. In anticipation of a future need for a service drive, the Planning Commission may require, as a condition of site plan approval, granting of an easement to allow future vehicular access between adjoining parcels.
4. In lieu of a designated service drive, the Planning Commission may require the development of parking to permit vehicular circulation between parking lots on contiguous lots or parcels.
5. Each property owner shall be responsible for continued maintenance of the service drive and easement so that it continues to provide a safe means of access from one parcel to another.
6. Backing from parking spaces onto the service drive shall not be permitted except on a temporary basis.
7. The site plan shall indicate the proposed elevation of the service drive at the property line and the Building Official shall maintain a record of all service drive elevations so that their grades can be coordinated. Service drive elevations shall conform to elevations established by the Building Official.

## Section 7.18 Grading Regulations

**A. Intent and Scope of Requirements.**

1. Intent. Grading regulations are established to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to assure protection of trees on sites where grading is to take place. The regulations set forth herein also establish procedures and requirements for grading permits, inspection of finished grading operations, and penalties for violation of the grading regulations.
2. Scope of Application. A Grading Permit shall be required in all instances where grading, excavating, filling, stockpiling, or other alterations to the land exceeding fifty (50) cubic yards on any one lot are proposed. Grading Permits shall be subject to requirements in the adopted building code of the Township, dealing with when permits are required, exempted work, hazards, grading permit requirements, bonds, cuts and fills, setbacks, drainage and terracing, erosion control, grading

inspection, and completion of work. The Grading Permit fee shall be established by resolution of the Township Board.

**B. Grading Plan.**

1. Grading Plan. In the event that a Grading Permit is required, the applicant shall first submit a Grading Plan for review and approval. Grading plans submitted in conjunction with site plan review shall be prepared by a registered professional land surveyor or civil engineer. Grading plans shall be subject to review and approval by the Township Engineer or Building Official.
2. Grading Plan Standards. Grading plans shall comply with the requirements published by the Charter Township of Union Building Department and the requirements in the adopted building code.
3. Subdivision Grading Plans. For any proposed subdivision, a grading plan prepared by a registered land surveyor or civil engineer shall be submitted with the preliminary subdivision plan. The grading plan shall show the topography of the area to be platted, the existing drainage pattern, and the proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties.

**C. Grading Standards.**

1. Slope Away From Buildings. All buildings and structures shall be constructed at an elevation which provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. Unless insufficient space exists on a site, a minimum five percent (5%) slope away from all sides of a building or structure shall be provided for a minimum distance of ten (10) feet.
2. Runoff Onto Adjacent Properties. New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through established drainage courses.
3. Stockpiling. Stockpiling of soil, sand, clay, gravel and similar material shall be prohibited, except where permitted as part of an approved excavation operation, approved construction project, or approved use in an industrial district. Aside from these exceptions, all material brought onto a site in Union Township shall be graded to match the natural grade on adjoining parcels. These restrictions shall not be construed to prohibit MDEGLE-monitored clean-up of contaminated soil.
4. Clean Fill. Fill material brought into the Township shall be free of contamination from hazardous substances, debris, junk, or waste. The Building Official may require verification from a qualified soil testing laboratory that the fill is free of all contamination.
5. Excavations of Holes. The excavation or continued existence of unprotected holes, pits, or wells that constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired from the Township, provided such excavations are properly protected with fencing, guard rails, and warning signs. This section also shall not apply to lakes, streams, ditches, reservoirs, or other bodies of water under the jurisdiction of the State of Michigan, Isabella County, Union Township, or other governmental agency.
6. Review, Inspection, and Approval Procedures. Grading plans shall be reviewed by the Township Engineer and/or Building Official. In the event that the grading plan is submitted in conjunction with a site plan, the Planning Commission shall review the grading plan as a part of normal site plan review. The Building Official shall issue a Grading Permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.

Compliance with a grading plan and permit shall be verified by the Building Official after visual on-site inspection. Before final inspection and issuance of a certificate of occupancy, the rough grading must be completed; final grading shall be completed within six months after a Certificate of Occupancy has been issued.

## Section 7.19 Junkyards and Landfills

**A. Junk Yards or Salvage Yards.**

The following regulations shall apply to Junk Yards and Salvage Yards:

1. Setbacks. A minimum setback of 250 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings and salvage materials shall be set back at least 250 feet from any road or highway right-of-way line, and at least 300 feet from any property line which abuts a residentially-zoned district or property in residential use.
2. Screening. The entire junk yard or salvage yard site shall be screened with an eight foot obscuring masonry wall or solid wood fence constructed in accordance with the Section 7.6. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.
3. Surfacing. All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Building Official so as to confine any wind-borne dust within the boundaries of the site.
4. Regulated Activities. Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.
5. Permits. All required Township, County, and State permits shall be obtained prior to establishing a junk yard or salvage yard.
6. Stacking. Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

**B. Landfills, Dumping and Sewage Disposal Facilities.**

1. General Requirements.
  - a. *Design and Operation Standards*. Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the Michigan Department of Environment, Great Lakes, and Energy, and other regulatory agencies.
  - b. *Environmental Impact Assessment*. An environmental impact assessment shall be prepared and submitted to the Township Board for review and approval.
2. Landfills and Dumping.
  - a. *Intent*. These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including in landfills.
  - b. *Scope of Application*. No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.
  - c. *Exceptions*. These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area.
3. Permit Requirements for Landfills and Dumping.
  - a. *Issuance*. A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.

- b. *Review Procedures.* Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of Special Land Uses in Section 14.3. Permits for such uses shall be issued by the Township Board for a one-year period. Permits may be renewed for one-year periods unless the owner or operator violates any conditions of approval.
- c. *Performance Guarantee.* To assure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee, in accordance with Section 7.20. The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.

The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to ensure that it is adequate to complete the project as proposed, based on current construction costs.

The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.

- d. *Application Requirements.* The following information shall be provided on an application for a landfill or dumping permit:
  - i. Aerial Photography. Vertical aerial photographs of the site, enlarged to a scale of one inch equals 200 feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.
  - ii. Survey. A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one inch equals 200 feet. The survey shall include the boundary of the entire site and topography of the site at two-foot contour intervals.
  - iii. Engineering Report. An engineering report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.
  - iv. Master Plan. A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.
  - v. Restoration Plan. A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two foot contour intervals.
  - vi. Operating Specifications. A detailed description of operating procedures, so as to demonstrate conformance with the requirements in sub-section 4, following.

4. Requirements. All landfill and dumping activity shall be subject to the following standards:

- a. *Limits of Approval.* All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.
- b. *Setbacks.* Landfilling, dumping, and stockpiling shall not be conducted closer than 100 feet to the approved outer boundary for the operation, and not closer than 500 feet to any property line that abuts a residentially zoned or used district. The required setback area may be used only for access roads and greenbelt plantings and landscaping. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least 300 feet from any public street right-of-way line or adjacent property line.

- c. *Noise, Dust, Debris.* All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
  - d. *Road Treatment.* All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.
  - e. *Frontage and Access.* The subject site shall have a minimum frontage of 250 feet on an arterial or collector road.
  - f. *Fencing.* Landfill and dumping operations shall comply with the following fencing requirements:
    - i. Where slopes steeper than thirty (30) degrees exist for a period of one month or more, the proposed operation shall be enclosed with a six foot high cyclone fence or similarly effective barrier located at least fifty (50) feet outside the edge of the excavation area.
    - ii. Where collection of water greater than one foot in depth occurs for a period of one month or more in an area occupying two hundred (200) square feet or more, fencing shall be required as previously noted.
  - g. *Slopes.* Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within 12 months after work has begun on any section.
  - h. *Topsoil and Seeding.* Sufficient topsoil shall be stockpiled so that a minimum of two (2) feet of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Township Board.
  - i. *Berms.* A ten (10) foot high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.
5. Violations. To ensure compliance with these regulations, the Building Official shall conduct periodic inspections. In the event that a violation is found, the Building Official shall send a written notice to the permit holder. Failure to correct the violation within thirty (30) days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.

## Section 7.20 Performance Guarantee

### A. Intent and Scope of Requirements.

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, acceleration/deceleration lanes, traffic control devices, sidewalks, and land reclamation activities.

### B. General Requirements.

The performance guarantee shall meet the following requirements:

1. Type. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. Any such performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township if the bond is canceled. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Supervisor attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township

Supervisor presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the applicant protests that right.

2. When Required. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.
3. Amount. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Building Official.
4. Return of Performance Guarantee. The entire performance guarantee shall be returned to the applicant following inspection by the Building Official and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.
5. Retainage for Landscaping. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Official that all landscape materials are being maintained in good condition.

**C. Unsatisfactory Completion of Improvements.**

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

## Section 7.21 Floodplains

**A. Purpose.**

It is the purpose of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in Union Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency.

Further, the objectives of this Section include:

1. The protection of human life, health, and property from the dangerous and damaging effects of flood conditions;
2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial, and industrial areas;
3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
5. To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and
6. To preserve the ability of floodplains to carry and discharge a base flood.

**B. Delineation of Flood Hazard Area.**

1. Flood Hazard Area. The regulations in this Section apply to the Flood Hazard Area. The boundaries of the Flood Hazard Area, for the purposes of these regulations, shall coincide with the boundaries of the 100-year flood area delineated on the Flood Boundary and Floodway Maps for Union Township. This

map is adopted by reference, appended, and declared to be a part of this Ordinance. The most recent base flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.

2. Boundary Disputes. Where there are disputes as to the location of a Flood Hazard Area boundary, the Zoning Board of Appeals shall resolve the dispute in accord with Section 13.4.
3. In addition to other requirements of this Ordinance, compliance with the requirements of this Section shall be necessary for all development occurring within the Flood Hazard Area. If there is a conflict between the requirements of this Section and other requirements of this Ordinance or any other ordinance, the requirement that furthers the objectives of this Section to the greatest extent shall apply.

#### C. Permitted Uses in the Flood Hazard Area.

Within the Flood Hazard Area, no land shall be used except for one or more of the following uses, which have a low flood damage potential and present no, or minimal obstruction to flood flows. Such uses are permitted to the extent that they are not prohibited by any other ordinance and provided they do not require new structures, fill, or storage of materials or equipment, unless specifically permitted by the regulations herein. No use shall in any manner affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Agriculture, pasture land, and animal grazing.
2. Site grading.
3. Harvesting of a native or wild crop permitted by law, such as wild rice, marsh hay, berries, and seeds.
4. Harvesting of trees.
5. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, par three golf courses, golf driving ranges, bridle paths, nature paths, and trails.
6. Wildlife preserves.
7. Fishing, trapping, and hunting in compliance with current laws and regulations.
8. Hunting and conservation clubs, and noncommercial archery, rifle, and shooting ranges.
9. Historic sites and structures.
10. Swimming beaches, fishing, and boating docks in accord with the provisions of Part 301 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
11. Required open space or lot area for permitted uses that are outside of the Flood Hazard Area.
12. Uses incidental to single family dwellings, including lawns, gardens, and play areas.
13. The following accessory buildings, structures and uses are permitted, subject to the requirements that generally apply to such accessory buildings, structures and uses in Section 7.5: off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pump houses, bank protection structures, signs, fences, and similar outdoor equipment and appurtenances, provided each of the following requirements are met:
  - a. Any such accessory building, structure, or use shall not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.
  - b. All equipment, buildings and structures shall be anchored to prevent flotation and lateral movement.
  - c. Lot coverage of an accessory structure shall not exceed 500 square feet.
  - d. Compliance with these requirements shall be certified by a licensed engineer.
14. Extraction of sand, gravel, and other materials, provided that the owner and/or operator of the extractive operation demonstrates to the satisfaction of the Township Board that no threat of ground water or surface water contamination will result from any part of the operation (including, but not limited to mining, processing, sorting, operation of vehicles and equipment, fueling, or any other part of the operation).

#### D. Filling and Dumping.

Dredging and fill and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met including but not limited to regulations set forth in Parts 31, 301, 303 and 315 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.

**D. Standards for Flood Hazard Areas.**

1. Except as noted in sub-section C, all new construction shall be prohibited in the Flood Hazard Area. Substantial improvements to existing structures shall be prohibited in the Flood Hazard Area, except where the improvements would clearly lessen the impact of the structure on the floodplain.
2. No existing building or structure shall be converted, or substantially improved or replaced unless the lowest floor, including the basement, is elevated to or above the base flood level.
3. No existing building or structure shall be converted, or substantially improved or replaced, and no land shall be filled or building or structure used in a flood hazard area unless the proposed improvements are in full compliance with the Zoning Ordinance. Any proposed conversion, substantial improvement, or replacement of an existing structure shall also comply with adopted Building Code. Approval shall not be granted until permits have been submitted from the Department of Environment, Great Lakes and Energy under authority of Parts 31 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended; and the Isabella County Drain Commissioner.
4. Relocation of a building or structure may be permitted only where the relocation would clearly lessen the impact of the structure on the floodplain.
5. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
6. Land shall not be divided in a manner that creates parcels or lots which cannot be used in conformance with the requirements of this Section.
7. The flood-carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
8. Available flood hazard data from federal, state, or other sources shall be used to determine compliance with this Section. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.
9. Developers of substantially improved or relocated structures within the Flood Hazard Area shall submit written documentation to the Building Official indicating:
  - a. The elevation of the lowest floor in the structure, including basement.
  - b. The elevation to which a structure has been floodproofed, if floodproofing methods have been employed.
10. Proposed specifications and as-built drawings shall be kept on record and made available for public inspection and for use in determining flood insurance risk premium rates.
11. When floodproofing measures are employed, a licensed engineer or architect shall certify that the methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and any other factors associated with the intermediate regional floodplain elevation. Such certification shall indicate the elevation to which the structure is floodproofed.
12. Improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood resistant materials and methods.
13. If new and replaced utility and sanitary facilities must be located below the 100-year flood elevation, they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads and to be resistant to the effects of buoyancy. All measures to flood proof utility and sanitary facilities are subject to approval of the Township Engineer.
14. On-site waste disposal systems, such as septic tanks and leach fields, and service facilities, such as electrical and heating equipment, shall not be located in a floodplain.



15. The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months onto land within the Flood Hazard Area shall not be permitted.
16. Fill shall be protected from erosion by rip-rap, vegetative cover, bulkheading, or other appropriate technique approved by the Isabella County Drain Commissioner.
17. Should any watercourse relocation or alteration be proposed, notification of said change in the watercourse shall be sent by the developer to adjacent affected communities, the Michigan Department of Environment, Great Lakes and Energy, and the Federal Emergency Management Agency. Such modifications shall not impair the flow and impoundment capacity of the floodplain.
18. In no case shall any permanent structure be erected closer than fifty (50) feet to the banks of the Chippewa River or to the center of any open county drain. The banks of the Chippewa River shall be determined by legal survey. The center of public drains shall be determined from legal descriptions which are on public record.
19. New subdivisions and other developments shall be designed and located to minimize flood damage within the Flood Hazard Area, and to prevent adverse impact in the Flood Hazard Area as a result of chemical contamination (for example, from fertilizer, herbicide, and pesticide usage; tree cutting; expanding impervious surface area, etc.). Public utilities in subdivisions, including sewer, gas, electrical, and water systems, shall be located and designed to minimize potential flood damage.
20. Where relocation of an existing structure is permitted, the structure shall be placed on the site so as to minimize obstruction to the flow of floodwaters; accordingly, whenever possible, the structure shall be placed with its longitudinal axis parallel to the direction of flood flow.
21. No approval shall be granted for the substantial improvement or relocation of existing structures, or development of any kind within the floodway hazard area when such improvement, relocation, or development would cause any increase in flood level associated with a 100-year flood.

**E. Disclaimer of Liability.**

Approval of the use of land under this Section shall not be considered a guarantee or warranty of safety from flood damage. Any such approval shall not be considered a guarantee or warranty that areas outside the flood hazard area will be free from flood damage.

## 7.22 Reception Antenna Facilities

In all zoning districts the installation of reception antenna facilities shall be permitted as an accessory use, subject to the provisions in this section.

**A. Purpose.**

The purposes of this section are as follows:

1. To provide reasonable regulations for the placement of reception antenna facilities.
2. To promote safety and prevent dangers to persons and property resulting from accidents involving antenna facilities that may become dislodged and fall due to wind load, snow load or other forces.
3. To require screening of ground-mounted facilities and to minimize the visibility of roof or structure mounted facilities in the interest of maintaining the high architectural and aesthetic qualities of the Township and in the interest of maintaining and preserving property values.

**B. Ground-Mounted or Tower-Mounted Antennas.**

Ground-mounted or tower-mounted antennas shall be subject to the following conditions:

1. Height. The maximum height of any part of a ground-mounted or tower-mounted antenna shall be the minimum height necessary to achieve adequate reception.

2. Setbacks. Ground-mounted or tower-mounted antennas shall comply with the setback requirements for the district in which they are located, and shall not be located in front yards. However, an antenna may be located in the front yard if suitable reception cannot be achieved in any other location on the site, and provided that the antennas in the front yard are screened as noted in the following sub-section 3.
3. Screening. Ground-mounted or tower-mounted antennas shall be obscured from view from adjacent properties and from any public road by a screen wall, fence, evergreen plantings, or a combination thereof in compliance with Township ordinances, provided that screening shall not be required that would unreasonably prevent reception. Antennas with a wind resistance surface of seven square feet or more and all open element and monopole antennas shall be set back from all property lines a minimum distance equal to thirty percent (30%) of the height of the antenna.

**C. Roof-Mounted Antennas.**

Antennas mounted on the roof of a building shall be subject to the following regulations:

1. Dimensions. The maximum length and width of the antenna facility itself shall be eight feet. Antennas mounted on a building shall not exceed the minimum height necessary to achieve adequate reception, but in no case shall a building-mounted antenna be permitted to extend more than 20 feet above the roof line of the building to which it is attached.
2. Location. Roof-mounted antennas shall be permitted on the side of building facing a road only if there is no other option available to achieve adequate reception.
3. Setbacks. Roof or structure-mounted antennas shall comply with the setback requirements for the district in which they are located.

**D. General Requirements.**

All antennas shall comply with the following regulations:

1. Composition and Color. Antennas shall not be solid sheet or panel construction and shall not be used as a sign or message board. Antennas shall be painted white, flat grey or other color to minimize visibility.
2. Permits. Permits required by the adopted building or electrical code shall be obtained prior to construction of an antenna. The applicant shall submit a site plan indicating the exact location where the antenna will be located, plus electrical and structural plans and documentation.
3. Wiring. All wiring to the antenna shall be installed underground.
4. Variances. In the event that approval is requested for an antenna that is higher than the maximum requirements specified in this section, or if other variations from the required standards are proposed, documentation shall be provided demonstrating the need for such variations in order to achieve adequate reception.

## Section 7.23 Soil Erosion and Sedimentation Control

**A. Scope of Requirements.**

All development in Union Township shall comply with the requirements promulgated by the Isabella County Department of Community Development, the Soil Erosion Standards in the Township's Stormwater Management Ordinance, and the requirements set forth in this Section. All site plans, shall include sufficient information to demonstrate compliance with the soil erosion and sediment control requirements. The applicant shall bear the full responsibility for the installation and construction of all such required erosion control measures.

**B. Information Requirements.**

The following information shall be submitted to the Township on or with the site plan for the entire tract of land, whether or not the tract will be developed in stages:

1. A boundary line survey of the site on which the work is to be performed.
2. General topographic and soil conditions of the site.
3. Location and description of existing and proposed development.
4. Plans and specifications for proposed soil erosion and sedimentation control measures to be implemented.
5. A schedule indicating the anticipated starting and completion dates of development.

**C. Design Standards.**

The following design standards shall be used to provide effective control of soil erosion and sedimentation:

1. The development plan shall complement the topography and soils on the site so as to minimize erosion potential.
2. Permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm runoff in a safe manner, shall be scheduled for installation prior to removing the vegetative cover from an area, if feasible.
3. Where feasible, natural vegetation shall be retained where it aids in soil erosion and sedimentation control.
4. The smallest practical area of land shall be exposed at any one time during development, for the shortest practical period of time.
5. Soils exposed during construction shall be protected with temporary vegetation, mulching, or other protection.
6. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
7. Provisions shall be made to accommodate the increasing run-off caused by changed soil and surface conditions during and after development.
8. Permanent vegetation and soil erosion control devices shall be installed as soon as practical during development.

**D. Maintenance of Soil Erosion and Sedimentation Control.**

Individuals or developers carrying out soil erosion and sediment control measures under this Ordinance, and all subsequent owners of property on which such measures have been installed, shall adequately maintain all permanent erosion control measures, devices and plantings in effective working condition.

# Section 8 Environmental Performance Standards

## Section 8.1 General Requirements

### A. Intent and Scope of Application.

1. Intent. The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health, safety, and welfare.
2. Scope of Application. After the effective date of this Ordinance, no structure or tract of land shall hereafter be used, created or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved unless evidence is presented to indicate conformity with the requirements of this Section.
3. Submission of Additional Data. Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Article, provided that the Planning Commission finds that no harm to the public health, safety and welfare will result and that the intent of this Ordinance will be upheld.

### B. Performance Standards.

No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this Section. Agricultural operations are exempt from these performance standards provided the agricultural operations are in compliance with Generally Accepted Agricultural Management Practices (GAAMPs).

1. Noise. A new or substantially modified structure shall be approved for construction only if the owner or developer of such land demonstrates that the completed structure and the activities associated with it on the same property will comply with the noise limits established in the Township's Anti-Noise and Anti-Nuisance Ordinance at the time of initial full-scale operation of such activities.
2. Surface Water Flow. No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement, unless evidence of a feasible alternate method of drainage is presented and approved by the Isabella County Drain Commissioner.
3. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

4. Odor. Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.
5. Glare and Heat. Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) of one (1) foot

candle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

6. Impacts from Other Activities. Proper owners shall provide the Township with evidence of compliance with county, state and federal laws, ordinances, rules and regulations related to any of the following activities:
  - a. Storage and handling of flammable liquids, liquefied petroleum, and explosives.
  - b. Use of above or below ground storage tanks to contain flammable or toxic material.
  - c. The storage, use or manufacture of detonable material.
  - d. Operation of a waste water treatment plant.
  - e. Emission of gasses that could be injurious or destructive to life or property.
  - f. Use of electronic equipment in an industrial, commercial or other operation.
  - g. Use of radioactive material and production of radioactive waste.

### C. **Procedures for Determining Compliance.**

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

1. Official Investigation. Upon receipt of evidence of possible violation, the Zoning Official shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Official may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Official is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

- a. Plans of the existing or proposed facilities, including buildings and equipment.
  - b. A description of the existing or proposed machinery, processes, and products.
  - c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
  - d. The of the amount or rate of emissions of the material purported to be in violation.
2. Method and Cost of Determination. The Zoning Official shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Official using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and special equipment or instruments shall be secured in order to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then the costs of this determination shall be paid by the Township.

3. Appropriate Remedies. If, after appropriate investigation, the Zoning Official determines that a violation does exist, the Zoning Official shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. The owners or operators of the facility deemed response shall be given written notice of the violation. The Zoning Official shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate

action includes the following:

- a. *Correction of Violation within Time Limit.* If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Zoning Official shall note "Violation Corrected" on the Township's copy of the notice, and the notice shall be retained on file. If necessary, the Zoning Official may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this and other ordinances.
- b. *Violation Not Corrected and No Reply from Owner or Operator.* If there is no reply from the owner or operator within the specified time limits (thus establishing admission of violation), and the alleged violation is not corrected in accordance with the regulations set forth in this Section, then the Zoning Official shall take such action as may be warranted to correct the violation.
- c. *Reply Requesting Extension of Time.* If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in the Zoning Ordinance, but that more time is required than was granted by the original notice, the Zoning Official may grant an extension if-
  - The Zoning Official deems that such extension is warranted because of the circumstances in the case, and
  - The Zoning Official determines that such extension will not cause imminent peril to life, health, or property.
- d. *Reply Requesting Technical Determination.* If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Zoning Official may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

If expert findings indicate that violations of the performance standards do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this Ordinance. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation. If the bill is not paid within thirty (30) calendar days, the Township shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If no substantial violation is found, cost of determination shall be paid by the Township.

## Section 8.2 Exterior Lighting

### A. Intent.

The regulations in this section are intended to require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons; prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste; and permit and encourage the use of lighting that complements and enhances the environment in which the lighting is used.

### B. Definitions.

Words and phrases used in this Section shall have meaning set forth below. Words and phrases not defined herein but defined in Section 2.2 shall be given the meanings set forth in Section 2.2. All other words and phrases shall be given their common, ordinary meaning, unless context clearly requires otherwise.

**Bulb (or Lamp):** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.

**Disability Glare:** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.

**Filtered Fixture:** A light fixture that has a glass, acrylic, or translucent enclosure to filter the light.

**Fixture:** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector (mirror), refractor (lens), ballast, housing, and the attachment parts.

**Floodlight:** A fixture or lamp designed to flood an area with light.

**Footcandle:** A measure of light intensity; the level of illuminance produced on a surface one foot from a uniform point source of one candela, or, when one lumen is distributed into an area of one square foot.

**Fully Shielded Fixture:** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.

**High Pressure Sodium (HPS) Lamp:** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 torr).

**Incandescent Lamp:** A lamp that produces light by a filament heated to a high temperature by electric current.

**Laser Source Light:** An intense beam of light, in which all photons share the same wavelength.

**LED Light:** A light fixture that uses a light-emitting diode, which is a semi-conductor diode that emits light when conducting electrical current.

**Light Trespass:** Light falling where it is not wanted or needed (also called spill light).

**Low Pressure Sodium (LPS) Lamp:** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). A LPS lamp produces monochromatic light.

**Lux:** A measure of light intensity. One lux is one lumen per square meter. One footcandle is one lumen per square foot.

**Luminaire:** The complete lighting unit, including the lamp, fixture, and other parts.

**Mercury Vapor Lamp:** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.

**Metal Halide Lamp:** A high-intensity discharge mercury lamp where the light is produced by radiation from metal-halide vapors.

**Non-Essential Lighting:** Outdoor lighting which is not required for safety or security purposes.

**Recessed Canopy Fixture:** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

C. **General Requirements.**

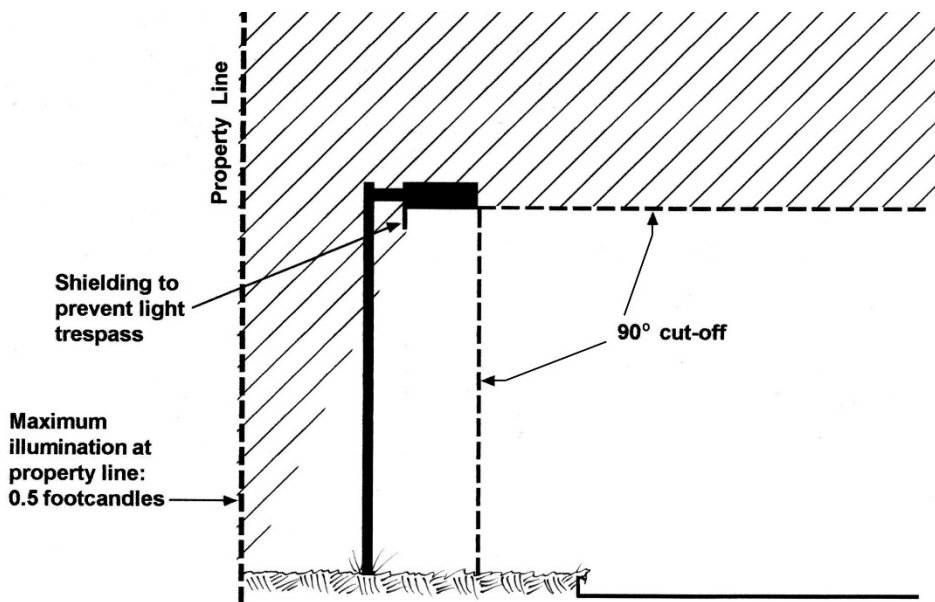
1. Minimum Illumination. Sufficient lighting, as specified in the following table, shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure the security of property and safety of persons.

Location	Recommended Level of Illumination (Footcandles)
Parking Areas (nonresidential)	0.2

Location	Recommended Level of Illumination (Footcandles)
Loading Areas	0.4
Sidewalks in Residential Areas	0.2
Sidewalks in Commercial Areas	0.9
Building Entrances – Infrequent Use	1.0
Building Entrances – Active Use	5.0

For locations other than those identified in the above table, sufficient lighting shall be based on recommendations in the most recent edition of the “Illuminating Engineering Society of North America (IESNA) Lighting Handbook.

2. **Fixture Orientation and Shielding.** Lighting fixtures shall be focused downward and shall be fully shielded to prevent glare and sky glow and to minimize light trespass onto adjoining properties. Full cut-off fixtures shall be used to prevent light from projecting above a ninety degree (90°) horizontal plane (see illustration).



3. **Non-Essential Lighting.** Non-essential lighting shall be turned off after business hours, leaving only that lighting that is necessary for site security. Proposed security lighting shall be identified on the site plan.
4. **Light Trespass at Property Line.** Light trespass from a property shall not to exceed 0.5 footcandles at the property line, measured five feet from the ground.
5. **Uplighting.** Uplighting of buildings for aesthetic purposes shall be confined to the target surface as much as possible to prevent sky glow.
6. **Canopy Lights.** Light fixtures mounted on the underside of a canopy or similar structure shall be fully recessed into the canopy ceiling so that the bottom of the fixture and the lens are flush with the canopy ceiling. The total initial lamp output under a canopy shall not exceed 40 lumens per square foot of canopy.

**D. Permitted Lighting Sources and Shielding Requirements.**

Outdoor lighting shall comply with the following use and shielding requirements:



Lamp Type	Permitted Use	Shielding Requirement
High Pressure Sodium; Low Pressure Sodium; LED	Street lighting; parking and security areas; sports parks, tennis courts; residential or agricultural security lighting	Fully
Metal Halide <i>(filtered and in enclosed luminaries only)</i>	Signage, display and sports lighting, where color rendering is critical	Fully
Fluorescent <i>(warm white or natural lamps preferred)</i>	Residential lighting, internal sign lighting	None
Incandescent, more than 100 watts	Sensor activated residential lighting	None
Incandescent, 100 watts or less	Porch lighting and other residential uses	None
Glass tubes filled with neon, argon, or krypton	Display/advertising	None
Other sources	Subject to administrative review.	

**E. Height.**

Lighting fixtures on parcels used for non-residential purposes shall not exceed a height of twenty-two (22) feet measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven (7) feet above ground level.

The Planning Commission may modify these height standards in industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting exceed the maximum permitted building height in the district in which it is located.

**F. Sign Lighting.**

Illuminated signs shall comply with the regulations set forth in Section 11.

**G. Prohibited Lighting.**

1. Recreational Facility Lighting. No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity in progress prior to 11:00 p.m.
2. Outdoor Building and Landscaping Lighting. Unshielded illumination of the exterior of a building or landscaping is prohibited except with incandescent fixtures having lamps of 100 watts or less, or an equivalent.
3. Mercury Vapor and Wall Pack Lighting. The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.

**H. Exceptions.**

The following exterior lighting shall be exempt from the regulations in this Section 12.11:

1. Fossil Fuel Light. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).
2. Temporary Carnival and Civic Uses. Lighting for a permitted temporary circus, fair, carnival, or civic uses is exempt from the provisions of this Section.
3. Construction and Emergency Lighting. Lighting necessary for construction or emergencies is exempt from the provisions of this article provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the

emergency.

4. Special Conditions. Additional exception may be permitted, subject to site plan review, and upon finding that unique or special conditions on the site warrant the exception.
5. Low Illuminance Lights. The shielding requirements specified herein shall not apply to incandescent lights of 100 watts or less.
6. Traditional or Decorative Fixtures. The cut-off, orientation, and shielding requirements may be waived or modified for traditional-style or decorative lighting fixtures, upon making the determination that the fixtures will comply with the illumination levels specified herein, will not cause glare or interfere with the vision of motorists, and will be consistent with the spirit and intent of this Ordinance.

**I. Application for a Permit.**

1. Any person applying for site plan approval or for a building, electrical or sign permit to install outdoor lighting fixtures, whether for new or replacement lighting, shall submit evidence that the proposed work will comply with this Section.
2. The site plan or building, electrical, or sign permit application shall identify the location, type, height, method of mounting, and intensity of proposed lighting. If available, the manufacturer's catalog specifications and documents, drawings (including a photometric map showing proposed illumination levels on the site), and certified test reports shall be submitted. The information submitted shall be sufficiently complete to demonstrate compliance with Ordinance requirements.

## Section 8.3 Storm Water Management

**A. Storm Water Management Ordinance.**

Compliance with the Township's adopted Storm Water Management Ordinance shall be required for the purposes listed in Section 1.02 of said Ordinance, which are summarized as follows:

1. Protection of the public health, safety, and welfare by requiring storm water management whenever new, expanded, or modified developments are proposed.
2. Promotion of the most efficient and beneficial uses of land and water resources.
3. Control of storm water runoff from development so that water quality is protected, siltation is minimized, and flooding is avoided.
4. Provision of cost-effective and functionally effective storm water management to reduce the need for future remedial projects.
5. Use of the natural drainage system for receiving and conveying storm water runoff so as to minimize the need to construct storm drain pipes.
6. Recognition that it is a private responsibility to incorporate storm water management systems into the early stages of site planning and design.
7. Ensure that all storm water conveyance and detention or retention facilities will be properly maintained.

**B. Regulated Activities.**

A storm water management plan shall be submitted for review and approval in accordance with Article 3 of the Storm Water Management Ordinance in conjunction with any of the following activities:

1. Subdivision of land.
2. Development that requires site plan review according to the Zoning Ordinance.

3. Earth-moving involving a parcel of one (1) or more acres.
4. Construction of new impervious surfaces (driveways, parking lots, etc.).
5. Construction of new buildings or additions to existing buildings, with the exception of single-family and two-family residential dwelling units and their accessory structures in an existing subdivision or on a lot of less than one (1) acre in size.
6. Diversion or piping of any natural or manmade stream channel.
7. Installation of storm water systems or appurtenances thereto.

**C. Exemptions.**

In addition to single-family and two-family residential dwelling units, the activities listed in Section 3.02 of the Storm Water Management Ordinance shall be exempt from provisions of the Ordinance.

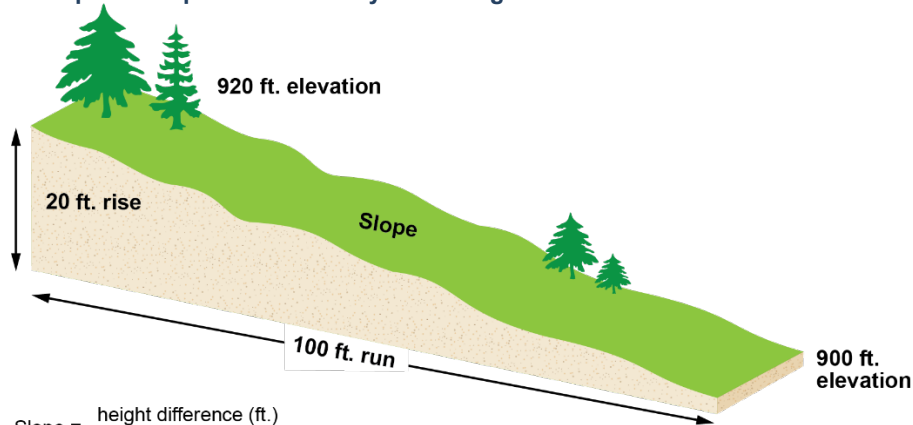
**D. Storm Water Management Plan.**

The Storm Water Management Plan shall be prepared by a professional civil engineer licensed in the state of Michigan, in accordance with the requirements in Sections 3.03 and 3.04 of the Storm Water Management Ordinance. The Storm Water Management Plan is subject to review and approval as part of the plat or site plan review process.

## Section 8.4 Step Slopes

Where development is proposed on or near a slope greater than 12%, the Zoning Administrator or Planning Commission may require that the plan be reviewed by the City Engineer to determine the development's impact on the slope prior to approval of a site plan or zoning permit, regardless of whether the activity requires a Soil Erosion and Sedimentation Control Permit. Where applicable, the City Engineer may require adequate measures for control of erosion and siltation, including natural and structural protections. Minor activities, such as normal gardening activities in compliance with this Ordinance, do not require a Soil Erosion and Sedimentation Control permit.

### Example of Slope Calculation by Percentage



$$\text{Slope} = \frac{\text{height difference (ft.)}}{\text{horizontal difference (ft.)}}$$

$$\text{Slope} = \frac{920 \text{ ft.} - 900 \text{ ft.}}{100 \text{ ft.}} = \frac{20 \text{ ft.}}{100 \text{ ft.}} = .20 \times 100 = 20\%$$

## Section 8.5 Safety Requirements

**A. Public Service Access.**

All structures shall be provided with adequate access for fire, police, sanitation, and public works vehicles.

**B. Fire Protection.**

All structures shall be provided with adequate fire protection, which may include adequate water supply for firefighting purposes, adequate internal fire suppression system, use of fire walls and fire-proof materials, and other fire protection measures deemed necessary by the Fire Chief or Building Official.

1. Fire Protection Systems. The Fire Chief or Building Official shall have the authority to require fire protection systems installed in any zoning district.
2. Site Development Standards. To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:
  - a. If public water is available, water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate firefighting protection for all buildings and uses, subject to applicable codes and review by the Township officials.
  - b. Prior to construction of buildings and other large structures, a hard surfaced roadbed shall be provided to accommodate access of heavy firefighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed.
  - c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
  - d. The Building Permit holder shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the Building Official.

**C. Excavations and Holes.**

Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the Isabella County Sheriff of their existence.

**D. Building Demolition.**

Before a building or structure is demolished, the owner, wrecking company, or person who requests the demolition permit shall notify all utilities providing service to the building. A demolition permit shall not be issued until all utilities have provided notification that service has been properly terminated.

# Section 9 Parking, Loading, and Access Management

## Section 9.1 Off-Street Parking Requirements

### A. Scope of Off-Street Parking Requirements.

Compliance with the off-street parking regulations shall be required as follows:

1. General Applicability. Off-street parking shall be provided for all buildings and uses established after the effective date of this Ordinance prior to issuance of a Certificate of Occupancy, as required in this Article. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.
2. Change in Use or Intensity. Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.
3. Existing Parking Facilities. Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance. An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.
4. Additional Off-Street Parking; Maximum Parking. Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the Ordinance, provided all such parking is in conformance with the regulations herein. Except for single-family detached residential uses, any person proposing the provision of greater than 125% of the minimum required off-street parking as specified in this Article shall demonstrate to the Planning Commission sufficient justification for the additional parking.
5. Review Procedures. Compliance with the requirements in this Section shall be subject to site plan review and approval as specified in Section 14.2.

### B. General Requirements.

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed.

1. Location.
  - a. *Proximity to Building or Use Being Served.* Off-street parking for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use being served or within three hundred (300) feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking).
  - b. *Within Yards.* Off-street parking in commercial, office, multiple-family, and industrial districts may only be located in a side or rear yard or non-required front yard, provided that all landscaping requirements in Section 10 are complied with, and provided further that off-street parking shall not be permitted within twenty (20) feet of a single-family residential or agricultural district boundary.
2. Residential Parking. Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas

on residential lots, with the exception of approved gravel parking areas. Commercial and recreational vehicle parking in residential districts shall comply with the standards in Section 9.1, sub-section E.

3. Control of Off-Site Parking. It shall be unlawful to park or store any motor vehicle on another's private property without the written consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.
4. Access to Parking. Each off-street parking space shall open directly onto a clearly-defined aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Parking designed for backing directly onto a street or road is prohibited. Access to off-street parking which serves a non-residential use shall not be permitted across land that is zoned or used for residential purposes.
5. Collective Use of Off-Street Parking. Off-street parking for separate buildings or uses may be provided collectively subject to the following:

The total number of spaces provided collectively shall not be less than the sum of spaces calculated according to the procedure below.

- Multiply the minimum parking required for each use, as set forth in Section 9.1(C)(6), by the appropriate percentage indicated in the Shared Parking Factors table for each of the six designated time periods.
- Add together the resulting figures for each of the six columns. The minimum collective parking requirement shall be the highest sum among the six columns.
- If a particular land use proposing to make use of collective parking facilities (e.g., religious institution, municipal use) does not conform to the general classifications in the Shared Parking Factors table (as determined by the Township Planner), the applicant shall submit sufficient data to indicate the principal operating hours of the proposed use. Based upon this documentation, the Township Planner shall determine the appropriate collective parking requirement (if any) for the proposed use.

Shared Parking Factors						
Land Use	Weekdays			Weekends		
	1 AM – 7 AM	7 AM – 7 PM	7 PM - 1 AM	1 AM – 7 AM	7 AM – 7 PM	7 PM - 1 AM
Residential	95%	25%	95%	95%	75%	95%
Commercial/Retail	0%	95%	75%	0%	90%	75%
Office/Service	5%	95%	5%	0%	10%	0%

- Each use served by collective off-street parking shall have direct access to the parking without crossing streets.
- The collective off-street parking shall not be located farther than three hundred (300) feet from the building or use being served.
- Written easements which provide for continued use and maintenance of the parking shall be submitted to the Township for approval before filing with the Isabella County Register of Deeds.

**Example of Collective Parking Calculation (see Section 9.1, sub-section B.5)**

Proposed Uses: (on shared site)	30 townhouse residential units, requiring 15,000 square feet of retail space, requiring 5,000 square feet of office space, requiring	60 parking spaces 48 parking spaces 20 parking spaces
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	Weekdays 1 AM – 7 AM	Weekdays 7 AM – 7 PM	Weekdays 7 PM – 1 AM	Weekends 1 AM – 7 AM	Weekends 7 AM – 7 PM	Weekends 7 PM – 1 AM
<i>Residential</i>	95% of 60 = <b>57</b>	25% = <b>15</b>	95% = <b>57</b>	95% = <b>57</b>	75% = <b>45</b>	95% = <b>57</b>
<i>Retail</i>	0% of 48 = <b>0</b>	95% = <b>46</b>	75% = <b>36</b>	0% = <b>0</b>	90% = <b>43</b>	75% = <b>36</b>
<i>Office</i>	5% of 20 = <b>1</b>	95% = <b>19</b>	5% = <b>1</b>	0% = <b>0</b>	10% = <b>2</b>	0% = <b>0</b>
<b>Total</b>	<b>58 spaces</b>	<b>80 spaces</b>	<b>94 spaces</b>	<b>57 spaces</b>	<b>90 spaces</b>	<b>93 spaces</b>

*The shared parking factors table predicts the parking demand to be highest during weekday evenings, with a total demand of 94 spaces across the three uses. A total of 94 parking spaces would be required in a shared lot, provided all of the other requirements for collective off-street parking are met.*

*If the parking were not to be provided collectively, the three proposed uses would have to construct a total of 128 parking spaces.*

6. Cross Access. Common, shared parking facilities are encouraged in the Township. Wherever feasible, cross-access connections between adjacent parking lots (or a reserved connection when no adjacent parking lot exists but can reasonably be expected to be constructed at a future date) are required. Blanket cross-access easements across the entire parking lot area shall be provided for connected lots under separate ownership or management. The cross-access easements shall be without limitation and shall be recorded with the County Register of Deeds.
7. Storage and Repair Prohibited. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service required to start vehicles shall be permitted.
8. Duration. Except when land is used as permitted storage space in direct connection with a legitimate business, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles in any parking area in any district for any period of time.
9. Parking Structures. Parking structures shall be permitted subject to the following standards:
  - a. Any parking structure shall comply with the required building setbacks for the district in which it is located.
  - b. Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.
  - c. The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site.
  - d. Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Any such landscaping shall be compatible with the overall landscape plan for the entire site.

**C. Off-Street Parking Requirements.**

The following standards shall be used in determining the required number and characteristics of off-street parking spaces:

1. Units of Measurement.
  - a. *Floor Area*. For the purposes of determining required number of parking spaces, "floor area" shall be measured in accordance with the definitions in Section 2.2. If the usable

floor area of a building is not known at the time of review, eighty percent (80%) of the gross floor area shall be used as the basis for parking calculations.

- b. *Fractional Spaces.* When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one space.
  - c. *Employee Parking.* Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time during the largest typical daily work shift. However, the number of required parking spaces may be reduced if an employer provides documentation of participation in an organized rideshare program.
  - d. *Places of Assembly.* For religious institutions, sports arenas, or similar places of assembly in which those in attendance occupy benches, pews, or similar seating, each twenty-four (24") inches of such seating shall be counted as one seat.
  - e. *Persons.* Any parking standard calculated on the basis of 'persons', 'students', 'employees', or a similar group shall be based upon the maximum permitted occupancy of the structure or facility.
2. Use of Loading Space. Required loading space shall not be counted or used for required parking.
  3. Parking During Construction. Temporary off-street parking shall be provided for workers during construction a rate of one (1) space per employee. Gravel surfacing may be permitted for such temporary parking.
  4. Banked Parking. If the minimum number of required parking spaces exceeds the amount necessary to serve a proposed use, the Planning Commission may approve the construction of a lesser number of parking spaces, subject to the following:
    - a. The banked parking shall be shown on the site plan and set aside as landscaped open space.
    - b. Banked parking shall be located in areas suitable for future parking and that meet Ordinance requirements.
    - c. The Township may require construction of the banked parking upon finding that vehicles are regularly parked on unpaved surfaces, on the road, or off-site.
  5. Bicycle Parking. Parking facilities for short- and long-term bicycle parking shall be provided to meet the needs of the business or residential use. Bicycle parking facilities shall allow a cyclist to safely secure a bicycle from incidental damage or theft, while not hindering access for pedestrians or other vehicles. Bicycle parking facilities shall be located in highly-visible and accessible areas. Bicycle parking facilities shall be located at least 3 feet from adjacent walls, poles, landscaping, street furniture, drive aisles, and primary pedestrian routes and at least 6 feet from vehicle parking spaces.



6. **Barrier-Free Parking Requirements.** Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Barrier-free parking shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, the adopted Township Building Code, and the Federal Americans with Disabilities Act.

- a. *Dimensions of Barrier-Free Parking Spaces.* Each barrier-free parking space shall have no more than a nominal three percent (3%) grade and shall be not less than eight (8) feet in width and be adjacent to an access aisle not less than five (5) feet in width. Required van-accessible barrier-free spaces must be eight (8) feet in width and be adjacent to an access aisle not less than eight (8) feet in width.
- b. *Minimum Required Number of Barrier-Free Parking Spaces.* The number of barrier-free spaces required is as follows:

Total Number of Parking Spaces Provided in Lot	Minimum Number of Barrier-Free Spaces Required	Number of Van-Accessible Barrier-Free Spaces Required
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2% of total parking provided	1/8 of total barrier-free spaces
1001 and over	20, plus 1 for each 100 over 1000	1/8 of total barrier-free spaces

**D. Schedule of Required Parking.**

- 1. **Parking Spaces Required.** The amount of required off-street parking (including stacking spaces for certain uses) shall be determined in accordance with the schedules which follow. Applicants are encouraged to minimize the amount of parking provided in order to minimize excessive areas of pavement, which negatively impact aesthetic standards and contribute to high volumes of storm water runoff. The Planning Commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.
- 2. **Uses Not Cited.** For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the Planning Commission and/or Township Planner.

### Section 9.1(D)(3) – Schedule of Off-Street Parking: Residential Uses

Land Use	Minimum Parking Required
Single-Family Detached Two-Family / Duplex	2 spaces per dwelling unit
Single-Family Attached Multiple Family—Mid-Rise	2 spaces per dwelling unit
Multiple Family—Low-Rise	1.66 spaces per dwelling unit
Senior Adult Housing—Attached	0.61 spaces per dwelling unit
Assisted Living	0.39 spaces per bed
Senior Congregate Housing Adult Foster Care Facility	0.3 spaces per bedroom, plus 1 space per employee
Mobile Home Park	See Section 3.11, Additional Requirements

### Section 9.1(D)(4) – Schedule of Off-Street Parking: Institutional Uses

*Parking requirements based on persons or students shall be based upon maximum facility occupancy.*

Land Use	Minimum Parking Required
Default standard if not specified	0.33 spaces per person
Child care center †	1 space per 350 sq. ft. UFA <sup>a</sup>
Fraternity, sorority, dormitory	0.5 spaces per person
Hospital	3.75 spaces per bed
Nursing Home Home for the Aged	0.43 spaces per bed
Municipal Building or Facility (post office, museum, library, etc.)	1 space per 1,000 sq. ft. GFA <sup>a</sup>
Place of Assembly † (theater, religious institution, etc.)	0.33 spaces per seat
School, elementary <sup>b</sup>	0.15 spaces per student
School, junior high <sup>b</sup>	0.15 spaces per student
School, senior high <sup>b</sup>	0.26 spaces per student

<sup>a</sup> UFA = usable non-residential floor area; GFA = gross floor area.

<sup>b</sup> Schools shall additionally provide one (1) space for every three (3) seats in each public assembly space (e.g., gymnasium, theater, auditorium, stadium).

† In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.

## Section 9.1(D)(5) – Schedule of Off-Street Parking: Commercial Uses

*Parking requirements based on persons shall be based upon maximum facility occupancy.*

Land Use	Minimum Parking Required
Automobile Service and Repair <sup>‡</sup>	<b>2</b> spaces per service bay
Automobile Sales <sup>‡</sup>	<b>1</b> space per 200 sq. ft. UFA <sup>a</sup> (exclusive of spaces for dealer stock)
Gas Station / Filling Station <sup>‡</sup>	<b>1.5</b> spaces per fueling location
Car Wash <sup>‡</sup>	<i>Stacking spaces only; see Section 4.01(D)(8)</i>
<i>The above uses shall additionally provide one space per 200 sq. ft. UFA<sup>a</sup> of any associated retail sales area.</i>	
General Retail Sales	<b>1</b> space per 250 sq. ft. UFA <sup>a</sup>
Banks & Financial Institutions	<b>1</b> space per 200 sq. ft. UFA <sup>a</sup>
Beauty and/or Barber Shops <sup>‡</sup> Nail Salons <sup>‡</sup>	<b>1.5</b> spaces per chair
Convenience Stores	<b>1</b> space per 200 sq. ft. UFA <sup>a</sup>
Exhibition & Assembly Halls <sup>‡</sup>	<b>0.5</b> spaces per person
Home Improvement Stores <sup>‡</sup> Lumber Yards <sup>‡</sup> Machinery/Equipment Sales <sup>‡</sup> Construction Showroom <sup>‡</sup>	<b>0.75</b> space per 1,000 sq. ft. GLA <sup>a</sup>
Hotel	<b>1.15</b> spaces per room/suite <sup>c</sup>
Motel or Other Lodging <sup>‡</sup>	<b>0.72</b> spaces per room <sup>c</sup>
Laundromat	<b>0.5</b> spaces per machine
Mortuaries Funeral Homes	<b>1</b> space per 50 sq. ft. UFA <sup>a</sup> in parlor area
Mini-warehouse; Self-storage units	<b>0.1</b> spaces per storage unit, plus <b>5</b> spaces at site office
Open Air Business <sup>b</sup>	<b>1</b> space per 200 sq. ft. sales area
Pharmacy without Drive-Through	<b>2.19</b> spaces per 1000 sq. ft. GLA <sup>a</sup>
Pharmacy with Drive-Through	<b>2.27</b> spaces per 1000 sq. ft. GLA <sup>a</sup>
Restaurant, Quality	<b>17</b> spaces per 1,000 sq. ft. GLA <sup>a</sup> or <b>0.5</b> spaces per seat, <i>whichever is greater</i>
Restaurant – Lounge/Bar	<b>14.12</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Restaurant – Fast Food with Drive Through	<b>12.41</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Shopping Center	<b>3</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Supermarket	<b>3</b> spaces per 1,000 sq. ft. GLA <sup>a</sup>
Commercial uses not otherwise specified and not deemed similar to above uses <sup>‡</sup>	<b>1</b> space per 250 sq. ft. UFA <sup>a</sup>

<sup>a</sup> UFA = usable non-residential floor area; GLA = gross leasable area.

<sup>b</sup> Any indoor retail sales area associated with an open-air business shall additionally provide parking at the

rate of 1 space for every 250 square feet of usable non-residential floor area.

<sup>c</sup> Any use(s) accessory to a hotel, motel, or other lodging (e.g., restaurant/bar, assembly room) shall provide additional parking according to the type of accessory use, as provided for in this Section. The total parking provided for such multi-use establishments shall not be less than 90% of the sum of the minimum requirements for each use individually. Swimming pools reserved for the exclusive use of overnight guests shall not require additional parking.

<sup>‡</sup> In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.

### Section 9.1(D)(6) – Schedule of Off-Street Parking: Office & Industrial Uses

Land Use	Minimum Parking Required
Business & Professional Offices, except as otherwise specified	2.39 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Medical, Dental, Veterinary Offices	3.23 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Real Estate Offices	1 space per 125 sq. ft. UFA <sup>a</sup>
Research and Development Center	2.58 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Contractor or Construction Uses <sup>b</sup>	1 space per employee
General Light Industrial Uses <sup>c</sup>	0.65 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Industrial Park	1.20 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Manufacturing	0.92 spaces per 1,000 sq. ft. GFA <sup>a</sup>
Wholesale Sales <sup>c</sup> Warehousing Establishments <sup>c</sup>	0.39 spaces per 1,000 sq. ft. GFA <sup>a</sup>

<sup>a</sup> UFA = usable non-residential floor area; GFA = gross floor area.

<sup>b</sup> Equipment storage shall be provided separately from any required parking area.

<sup>c</sup> Any accessory retail or office use shall provide additional parking at the rates specified in this Section for general retail or office uses.

### Section 9.1(D)(7) – Schedule of Off-Street Parking: Recreation Uses<sup>§</sup>

*Parking requirements based on persons shall be based upon maximum facility occupancy.*

Land Use	Minimum Parking Required
Archery Facilities	1.5 spaces per target
BMX Course	50 spaces per course
Bowling	4 spaces per lane
Field Sports (e.g., baseball, football)	25 spaces per field
Tennis Clubs Other Court-based Recreation	4 spaces per court
Health/Fitness Club	4.73 spaces per 1,000 sq. ft. GFA
Arcade <sup>‡</sup>	0.5 spaces per machine
Clubs and Lodges <sup>‡</sup>	0.5 spaces per person
Indoor Recreation <sup>‡</sup> (fitness centers, pool or	5.80 spaces per 1,000 sq. ft. GFA

## Section 9.1(D)(7) – Schedule of Off-Street Parking: Recreation Uses<sup>§</sup>

*Parking requirements based on persons shall be based upon maximum facility occupancy.*

Land Use	Minimum Parking Required
billiard halls, skating rinks, etc.)	
Golf Course (standard or miniature) <sup>‡</sup>	8.5 spaces per hole
Golf Driving Range <sup>‡</sup>	1 space per tee
Swimming Pools or Swim Clubs <sup>‡</sup>	0.25 spaces per person
Stadium or Sports Arena <sup>‡</sup>	0.33 spaces per seat

<sup>§</sup> Any use(s) accessory to a recreation use (e.g., pro shop, game room, restaurant/bar) shall provide additional parking according to the type of accessory use and as provided for in this Section. The total parking provided for such multi-use establishments shall not be less than 90% of the sum of the minimum requirements for each use individually.

<sup>‡</sup> In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.

## Section 9.1(D)(8) – Schedule of Off-Street Parking: Stacking Spaces

Land Use	Minimum Stacking Spaces Required
Banks and Financial Institutions	6 spaces per service lane
Car Wash, automatic	8 spaces before wash lane, plus 2 spaces after
Car Wash, self-service	3 spaces before each wash bay, plus 2 spaces after
Drive-Through Restaurants	10 spaces per service lane
Other Drive-Through Uses	6 spaces per service lane

Stacking spaces shall have a minimum width of 8 feet and a minimum length of 20 feet.

### E. Layout and Construction.

Off-street parking facilities containing four (4) or more spaces shall be designed, constructed, and maintained in accordance with the following requirements:

1. **Review and Approval Requirements.** Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the Building Official for review and approval prior to the start of construction. Upon completion of construction, the parking lot must be inspected and approved by the Building Official before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

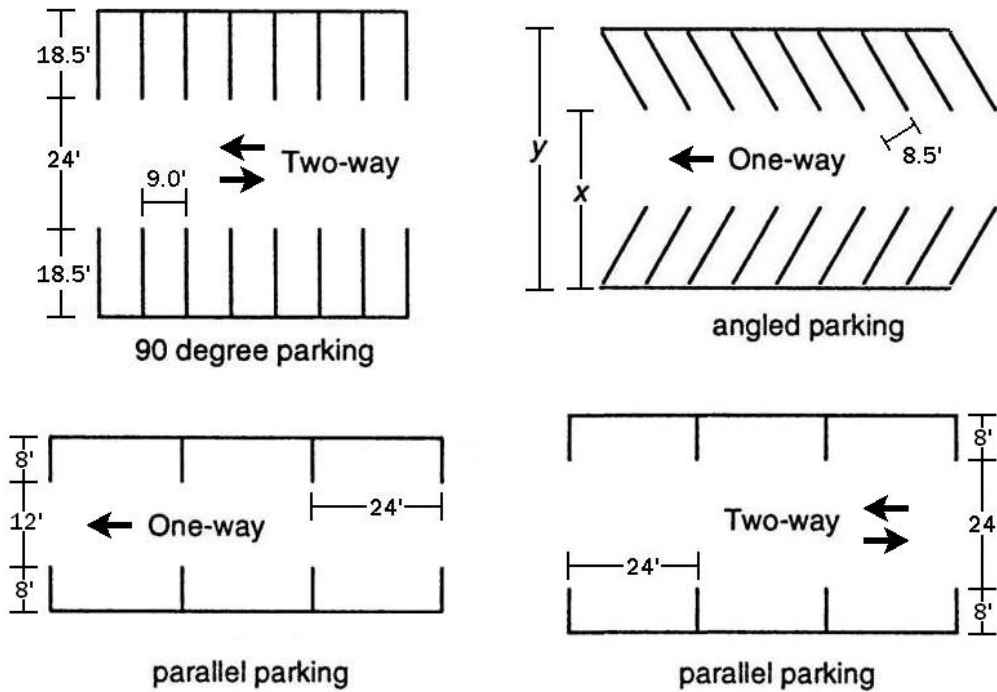
Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout.

In the event that required parking cannot be completed because of cold or inclement weather, a temporary Certificate of Occupancy may be issued by the Building Official provided the applicant first deposits a performance guarantee in accordance with Section 14.7.

2. Dimensions.

- a. Off-street parking shall be designed in conformance with the following standards and diagram:

Parking Angle	Parking Stall Dimensions		Drive Aisle Width	Total Width (wall-to-wall) of Drive Aisle and Parking	
	Width	Depth to Wall		One Row of Stalls (x)	Two Rows of Stalls (y)
0° (parallel)	24.0 feet	8.0 feet	12.0 ft ( <i>one-way</i> ) 24.0 ft ( <i>two-way</i> )	20.0 feet ( <i>one-way</i> ) 32.0 feet ( <i>two-way</i> )	28.0 feet ( <i>one-way</i> ) 40.0 feet ( <i>two-way</i> )
Up to 45°	8.5 feet	16.6 feet	12.0 feet ( <i>one-way only</i> )	28.6 feet	45.2 feet
46° to 60°	8.5 feet	18.2 feet	16.0 feet ( <i>one-way only</i> )	34.2 feet	52.4 feet
61° to 75°	8.5 feet	18.5 feet	20.0 feet	38.5 feet	57.0 feet
76° to 90°	9.0 feet	18.5 feet	24.0 feet	42.5 feet	61.0 feet



- b. *Spaces.* Adjacent to Landscape Area. Any parking space abutting a landscaped area on the driver's or passenger's side of the vehicle shall provide an additional 18 inches above the minimum stall width requirement to allow for access without damaging the landscaped area.
- c. *Driveways.* Driveways providing access to residential, commercial or industrial uses shall comply with the standards in Section 7.17.

3. Layout.

- a. *Ingress and Egress.* All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least twenty- five (25) feet from the nearest point of any adjacent property zoned for single-family residential use.
- b. *Parking Rows.* Continuous rows of parking shall be limited to not more than 20 contiguous spaces. Longer rows shall provide landscaped breaks (e.g., islands or bio-swales) with shade trees.
- c. *Consolidated Landscaping.* Parking spaces and rows shall be organized to provide consolidated landscape areas and opportunities for on-site storm water management. The use of bio-swales and/or rain gardens is encouraged.
- d. *Pedestrian Circulation.* The parking lot layout shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. Pedestrian crosswalks shall be provided, distinguished by textured paving or pavement striping and integrated into the sidewalk network.

4. Surfacing and Drainage.

- a. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Porous paving materials may be permitted at the discretion of the Planning Commission, provided that installation and maintenance plans are in accordance with the manufacturer's guidelines. A written maintenance plan must be submitted for the Planning Commission's review.

The Planning Commission may permit a gravel surface for heavy machinery storage areas, provided the applicant or property owner provides sufficient evidence that a paved surface could not support the heavy machinery without being damaged and dust control is provided to the satisfaction of the Township.

- b. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
  - c. Grading, surfacing and drainage plans shall be subject to review and approval by the Building Official and/or Township Engineer. Where appropriate, on-site storm water management shall be provided to 1) capture and hold water during storms to be released later at an agricultural rate, and 2) to screen pollutants so they do not enter streams, wetlands, or the Chippewa River.
5. Curbs, Wheel Chocks. A curb of at least six (6) inches in height shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property. Curbs shall be continuous except as part of an overall storm water management design incorporating bio-swales and/or rain gardens. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines.
6. Lighting. All parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements in Section 8.2. Parking lot entrances shall be illuminated.
7. Buildings. No building or structure shall be permitted on an off-street parking lot, except for a maintenance building and/or parking attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.
8. Signs. Accessory directional signs shall be permitted in parking areas in accordance with Section 11.

9. Screening and Landscaping. All off-street parking areas, except those serving single and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in Section 10.
10. Maintenance. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.
11. Electric Vehicle Charging Stations. If and when appropriate, charging stations shall be provided for electric-powered vehicles. The placement of charging stations shall be subject to review by the Planning Commission.

**F. Commercial and Recreational Vehicle Parking in Residential Districts.**

1. Commercial Vehicle Parking.

- a. One (1) commercial vehicle with a rated capacity of less than one (1) ton and owned/operated by a resident of the premises, or one (1) piece of commercial equipment, may be parked on each lot located in a residential district, provided that the vehicle or piece of equipment is not a utility truck, such as a wrecker, septic tank pumper, or a truck that carries flammable or toxic materials.
- b. The parking or storage of vehicles with a rated capacity of over one (1) ton may be permitted where such vehicles are used in conjunction with an agricultural operation on a farm that is five (5) acres or greater in size.
- c. The parking of no more than one (1) commercial vehicle with a rated capacity of over one (1) ton, or one (1) piece of commercial equipment, may be permitted on a residential parcel subject to the following conditions and review and approval by the Planning Commission:
  - i. The parcel of land must be at least five (5) acres in size and shall not be part of a recorded plat or other single or multiple-family residential development.
  - ii. The parcel of land shall have a minimum width of at least three hundred thirty (330) feet.
  - iii. The commercial vehicle or equipment must be owned and operated by a resident of the premises.
  - iv. The vehicle or equipment shall be screened when parked. Such screening may be provided by parking the vehicle in a garage, or by parking the vehicle in a rear yard which provides complete screening from adjacent properties. Screening of vehicles or equipment located outdoors may be accomplished with existing or new landscaping, topographic barriers, or through construction of screening walls or fences.
  - v. Approval to park a commercial vehicle or equipment shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle or equipment.
  - vi. In considering whether to permit parking of a commercial vehicle or equipment on a site, the Planning Commission shall consider the potential off-site impacts, including: the impact from additional dust, odors, fumes, and noise generated by the vehicle or equipment; the disruption from additional vehicular traffic at various times during the day; and, possible safety hazards related to operation of a commercial vehicle or equipment on public or private residential roads.

2. Recreational Vehicle Parking.

Recreational vehicles as defined in Section 2.2, including campers and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following requirements. Unless otherwise noted, the requirements in this sub-section apply to recreational vehicles that are parked or stored for a period of more than forty-eight (48) hours.

- a. *Connection to Utilities.* Recreational vehicles parked or stored shall not be connected to



electricity, water, gas, or sanitary sewer facilities.

- b. *Use as Living Quarters.* At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.
- c. *Location.* Recreational vehicles that are not parked or stored in a building may be parked or stored on a lot provided that the vehicles are located no closer to the front of the lot than any portion of the principal structure and no closer than ten (10) feet from a side or rear property line. If any portion of a recreational vehicle is parked or stored within a required side or rear yard setback, or if more than two (2) vehicles are parked or stored, then the vehicle(s) shall be screened from adjoining property in accordance with Section 10. Vehicles shall be stored in a location where they are readily accessible and capable of being moved.
- d. *Lot Coverage.* Recreational vehicles may occupy no more than twenty percent (20%) of the required rear yard.
- e. *Temporary Parking.* Notwithstanding the above provisions concerning "Location", recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle within a seven (7) day period.
- f. *Condition.* Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit.
- g. *Storage of Mobile Homes.* The parking or storage of an unoccupied mobile home as defined in Section 2.2, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in the Mobile Home Park District.
- h. *Waiver of Regulations.* The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the Zoning Official. No more than two (2) permits shall be issued for each activity (repair, storage of guest vehicle) per calendar year.
- i. *Multiple Family Complexes and Mobile Home Parks.* The Planning Commission may require that a screened storage area be provided on the site of a multiple family complex or mobile home park for parking and storage of recreational vehicles.

## Section 9.2 Loading Space Requirements

### A. Scope of Loading Space Requirements.

Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

1. General Applicability. On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this section.
2. Change in Use or Intensity. Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

**B. General Requirements.**

1. Location. Required loading space shall be located to the rear of the building being served such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking. No loading space shall be located closer than fifty (50) feet to a residential district.
2. Size. Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a vertical clearance of fifteen (15) feet.
3. Surfacing and Drainage. Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the Building Official and/or Township Engineer.
4. Storage and Repair Prohibited. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in a required loading space.
5. Use of Loading Space. Required loading space shall not be counted or used for required parking.
6. Central Loading. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
  - a. Each business served shall have direct access to the central loading area without crossing streets or alleys.
  - b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
  - c. No building served shall be more than three hundred (300) feet from the central loading area.
7. Minimum Number of Loading Spaces. The amount of required loading space shall be determined in accordance with the schedule that follows. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Schedule of Loading Space Requirements	
Gross Floor Area	Number of Loading Spaces
0 - 4,999 sq. ft.	<i>see note below</i>
5,000 - 19,000 sq. ft.	1 space
20,000 - 99,999 sq. ft.	1 space, plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 - 499,999 sq. ft.	5 spaces, plus 1 space for each 50,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	13 spaces, plus 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

Establishments containing less than 5,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a 10 ft. by 50 ft. space if the use of the property changes.

**Section 9.3 Access Management**

**A. Findings.**

The Michigan Department of Transportation (MDOT), City of Mt. Pleasant, and Union Township completed an Access Management Plan in 2006 for the US-127 BR and M-20 corridors. The Plan found that continued

development along the corridors will increase traffic volumes and introduce additional conflict points that could erode traffic operations and increase the potential for crashes. Numerous studies document the relationship between the design of a road system and traffic operations and safety. Those studies and experiences of other communities demonstrate that regulation of the number of access points (driveways and side street intersections) can preserve the capacity of a road and reduce the potential for crashes. Preservation of road capacity through access management protects the substantial public investment in the road system and helps avoid the need for costly reconstruction, which disrupts business operations and traffic flow.

## B. Purposes.

The purposes of the access management requirements in this section are as follows:

1. Preserve the capacity of roads by limiting and controlling the number, location, and design of access points and requiring alternate means of access through shared driveways, service drives, and access off of cross streets in certain locations.
2. Improve safety and reduce the potential for crashes.
3. Establish requirements that treat all properties in a fair and uniform manner.
4. Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when opportunities arise.
5. Require coordinated access between adjacent lands where possible.
6. Improve safety for pedestrians and other non-motorized travelers by reducing the number of conflict points and access crossings.
7. Provide landowners with reasonable access, even though such access may be restricted to a shared driveway or service drive or via a side street.

## C. Definitions.

The following words, as used in this Section, shall have the meaning ascribed to them.

**Access Management:** Controlling vehicular access so as to balance the need to provide reasonable access to property with the need to maintain safety, capacity and speed on the adjoining road.

**Access Point:** A means of obtaining access to a lot or parcel. An access point may be an individual driveway, a shared access with an adjacent use, or access via service drive or frontage road.

**Driveway:** An Access Point designed to provide traffic movement directly from a road or highway to adjoining property. A **Shared Driveway** is one that serves two (2) or more contiguous properties.

**Reasonable Access:** The minimum number of direct and indirect access points necessary to provide safe ingress and egress between a parcel and a public road, consistent with the purpose of this Section, Public Act 200 of 1969, as amended, and other applicable State laws. Reasonable access does not necessarily mean direct access.

**Service Drive:** A private drive that is located on private property and is intended to provide traffic movement between adjoining lots or parcels. Service drives are generally parallel to the front property line and may be located in front of, adjacent to, or behind the principal buildings. A **Frontage Road** is a Service Drive that located at the front of a lot or parcel.

**Sight Distance:** The distance that a driver of a stopped vehicle can see along a road when deciding whether to enter onto or cross the road. Safe Sight Distance is the minimum sight distance necessary to perceive and react to an oncoming vehicle and to turn onto to the road and accelerate to the posted speed before being reached by an oncoming vehicle.

## D. Applicability.

The requirements in this Section shall apply to all lots with frontage on US-127 BR, M-20/Pickard Road, and M-20/Remus Road and along intersecting roads within three hundred fifty (350) feet of the right-of-way of US-127 BR, M-20/Pickard Road, and M-20/Remus Road. The requirements herein apply in addition to, and simultaneously with, the other applicable regulations in the Zoning Ordinance.

**E. Access Management Requirements.**

Access points (**not including driveways that serve a single family home, two family home, or essential service**) shall comply with the following requirements. The spacing requirements specified below apply to existing and proposed driveways and roads, with the exception of single family driveways. If there is a change in use from single family residential to another use, the access point shall be brought into compliance with the requirements of this Section, where feasible.

1. **One Access Point Permitted.** Each lot shall be permitted one access point. This access point may be an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road subject to the standards that follow. An individual driveway may be permitted where the standards of this Article are met, provided that such driveway is located to facilitate shared access by adjacent parcels.
2. **Shared Access Easement.** The location of the access point shall comply with the standards of this section and shall provide the opportunity for shared access with adjoining lots, where applicable. Each lot developed under this ordinance shall be required to grant shared access easements to adjoining lots to allow for future shared access. Where a proposed parking lot is located adjacent to the parking lot of a similar use, there shall be a vehicular connection where feasible.
3. **New Driveway.** A new driveway may be permitted by the Planning Commission upon finding the conditions (1) or (2), below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.
  - a. The site has adequate frontage to meet the spacing standards between driveways specified herein, and the new driveway will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future, or
  - b. A traffic impact study, prepared in accordance with accepted practices, demonstrates the site will generate over 300 trips in a peak hour or 3,000 trips daily, or 400 and 4,000 respectively if the site has access to a traffic signal, and the traffic study demonstrates the new driveway will provide improved traffic conditions (e.g., less congestion, safer ingress/egress) and will not negatively impact through traffic flow.
4. **Driveway Spacing.** Driveways shall be separated from other driveways along the same side of the public street the distances specified in Table 1 (measured from centerline to centerline as shown in the figure), based on the posted speed limit. Driveways that serve a single or two-family residence shall be disregarded.

Table 1 Minimum Spacing between Driveways Located on the Same Side of the Road	
Posted Speed (mph)	Driveway Spacing (in feet) *
25	130
30	185
35	245
40	300
45	350
50+	455

\*Unless greater spacing is required by MDOT

5. **Service to Adjoining Sites.** Where feasible, access points shall be located to ensure the adjacent site(s) can also meet the access location standards.

6. Alignment of Driveways on Opposite Sides of Road. Driveways shall either be aligned directly across from driveways on the opposite side of the street or offset the distance indicated in Table 2, measured centerline to centerline. The Planning Commission may reduce the offset to not less than 150 feet where the offsets are aligned to not create left-turn conflicts.

Table 2 Spacing Between Driveways on Opposite Sides of Road	
Posted Speed (mph)	Driveway Spacing (in feet)
25	255
30	325
35	425
40	525
45	630
50 +	750

7. Driveway Spacing from Intersections. Spacing of driveways from intersections shall comply with the distances specified in Table 3 (measured from pavement edge to pavement edge as shown in the figure).

Table 3 Minimum Driveway Spacing from Intersections *			
Location of Access Point	Type of Intersecting Road	Minimum Spacing for a Full Movement Driveway**	Minimum Spacing for a Driveway Restricting Left-turns
US-127 BR, M-20	Another arterial	300	125
	Collector or local	200	125
Along a county road	US-127 BR, M-20	Isabella County Road Commission (ICRC)	

\* Unless greater spacing is required by MDOT or ICRC, or is required to meet other standards herein.

\*\* Greater spacing may be required based upon the posted speed of the road and the spacing distances required by Table 1.

8. Service Drives. Where direct access consistent with the previous standards cannot be achieved, access should be via a shared driveway or service drive, and/or a side street. The Planning Commission may require a front or rear service drive where such a facility can provide access to signalized locations, or where such a facility can minimize the number of driveways, and provide safer ingress and egress.
9. Shared Access with Public or Private Roads. Where a new public or private road is proposed to intersect with US-127 BR or M-20, the road shall be designed to facilitate shared access with adjacent parcels. Where a private road is proposed to adjoin a side lot line, an access easement shall be granted to allow the adjoining parcel to have driveway access to the road. The Township may require construction of stub roads to allow future shared and lateral cross access to adjoining lots.
10. Service Drive Requirements. Where the Planning Commission determines that reducing the number of driveways may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared driveway, or front or rear service drive connecting two or more lots or uses may be required. In particular, these facilities may be required near existing traffic signals or near locations having potential for future signalization; along major arterial roadways with high traffic volumes; along segments having high accident rates; and where there is limited sight distance. Service drives shall be constructed in accordance with the following standards:
- Location and Alignment. Service drives shall generally be parallel with or perpendicular to the front property line and may be located either in front of, adjacent to, or behind,

principal buildings. In considering the most appropriate alignment for a service drive, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.

- b. *Access Easement.* The service drive shall be within an access easement that permits traffic circulation between properties. This easement shall be at least twenty-four (24) feet wide and recorded with the Isabella County Register of Deeds. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the easement and service drive on the owner's property.
  - c. *Setback from Public Road.* Service drives shall be set back as far as reasonably possible from the intersection of the access driveway with the public road. A minimum of twenty (20) feet shall be maintained between the public road right-of-way and the pavement of the frontage road. A minimum of sixty (60) feet of throat depth shall be provided at the access point, measured between the public road right-of-way and the pavement of the parallel section of the service road.
  - d. *Pavement.* Service drives shall have a minimum pavement width of twenty (20) feet and shall be constructed with the curb and gutter in accordance with public street standards. The Planning Commission may modify these standards based upon site conditions, anticipated traffic volumes, and anticipated types of traffic.
  - e. *Parking on Service Drives.* Service drives are intended to be used exclusively for circulation, not as a parking maneuvering aisles. The Planning Commission may require the posting of "no parking" signs along the service drive. However, one-way or two-way service drives constructed with additional width for parallel parking may be allowed if it will not significantly affect the capacity, safety or operation of the service drive.
  - f. *Elevation.* The site plan shall indicate the proposed elevation of the service drive at the property line and the Township shall maintain a record of all service drive elevations so that grades between adjoining sites can be coordinated.
  - g. *Alignment Modifications.* The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation
  - h. *Service Drive Alternative.* Where it is not possible to develop a separate service drive (for example, on shallow sites or on redevelopment sites), the Planning Commission may require a drive connecting parking lots.
11. Temporary Direct Access. Where the Planning Commission determines that shared access is needed, but it is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate a future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant when the alternative access becomes available. This may require posting of a financial performance guarantee.
12. Safe Sight Distance. Driveways shall be located to provide safe sight distance, as determined by the applicable road agency.
13. Interference with Municipal Facilities. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures, unless the applicant makes provisions for relocation of such facilities.
14. Timing of Improvements. Road or intersection control or driveway design improvements shall be made to improve overall traffic operations prior to the project completion or occupancy of the first building.

15. Subdivision and Condominium Roads. Roads to serve new subdivision or condominiums shall comply with the driveway spacing requirements specified above.

# Section 10 Landscaping and Screening

## Section 10.1 Intent and Scope of Requirements

### A. Intent.

Landscaping enhances the visual image of the Township, while preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

1. Improve the appearance of off street parking areas, vehicular use areas, and property abutting public rights of way,
2. Protect and preserve the appearance, character, and value of the neighborhoods that abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,
3. Reduce soil erosion and depletion, and
4. Increase soil water retention, thereby helping to prevent flooding.

### B. Scope of Application.

No site plan shall be approved unless it shows landscaping consistent with the requirements of Section 10. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in Section 7.20. The requirements in Section 10 shall not apply to single family detached homes, unless otherwise specifically noted.

### C. Minimum Requirements.

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping.

### D. Design Creativity.

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.

### E. Summary of Regulations.

The following tables summarize the landscaping regulations contained in Section 10. In the case of a discrepancy between the table and the text of Section 10, the text shall control.



### Summary of Minimum Landscaping Requirements (see Section 10.2)

	General Landscaping Ratio	Plant Height	Minimum Planting Area Width	Minimum Plant Material Quantities		
				Deciduous or Evergreen Trees	Ornamental Trees	Shrubs
<b>General Site Landscaping</b>	--	--	--	One tree per 3,000 sq. ft. <sup>a</sup>	--	--
<b>Landscaping Adjacent to Roads</b>	--	--	15 feet	One tree per 40 linear feet	One tree per 100 linear feet	Eight shrubs per 40 linear feet
<b>Berms in Front Yard</b>	--	3 feet, maximum	<i>see text</i>	One tree per 40 linear feet	One tree per 100 linear feet	Eight shrubs per 40 linear feet
<b>Greenbelts</b>	--	--	20 feet <sup>b</sup>	One tree per 30 linear feet	--	<sup>c</sup>
<b>Landscape Screening</b>	--	6 feet, minimum	<sup>d</sup>	<sup>e</sup>	--	--
<b>Parking Lot Landscaping</b>	30 sq. ft. per parking space	--	9 feet	One shade tree per 5 spaces	--	--

- <sup>a</sup> Multiple-family residential developments shall provide 2 trees and 4 shrubs per dwelling unit or lot.
- <sup>b</sup> Greenbelts provided in conjunction with a screening wall shall be a minimum of nine feet in width.
- <sup>c</sup> Shrubs may be substituted for up to 50% of the total number of required trees, at a rate of eight (8) shrubs for each tree.
- <sup>d</sup> The minimum width of landscape screening shall be equal to the minimum width for the installation used (i.e., greenbelt or berm).
- <sup>e</sup> Landscaped screening shall consist of closely-spaced (not more than 15 feet on center) evergreens, arranged to form a complete visual barrier within three years of planting.

**The Clear Vision Area requirements of Section 7.4 shall be observed for all landscaping installations.**

### Summary of Plant Material Specifications (see Section 10.4, sub-section C)

	Minimum Caliper	Minimum Height	Minimum Spread
<b>Deciduous Trees</b>	2.5 inches <i>measured at 12 inches above grade</i>	4 feet to first branch	--
<b>Ornamental Trees</b>	2.0 inches <i>measured at 6 inches above grade</i>	4 feet to first branch	--
<b>Evergreen Trees</b>	--	8 feet	3 feet
<b>Shrubs</b>	--	3 feet	2 feet
<b>Hedges</b>	--	3 feet	--

## Section 10.2 General Landscaping Requirements

### A. General Site Requirements.

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

1. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. Such plant material shall extend to the edge of any abutting paved area, roadway, or gravel shoulder, except that trees and shrubs shall be set back a minimum of ten (10) feet from the edge of any uncurbed paved area, roadway, or gravel shoulder. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro-seeded.
2. A mixture of evergreen and deciduous trees shall be planted on non-residential parcels at the rate of one (1) tree per 3,000 square feet or portion thereof of any unpaved open area for which specific landscaping requirements do not appear later in Section 10.2. Required trees may be planted at uniform intervals, at random, or in groupings.

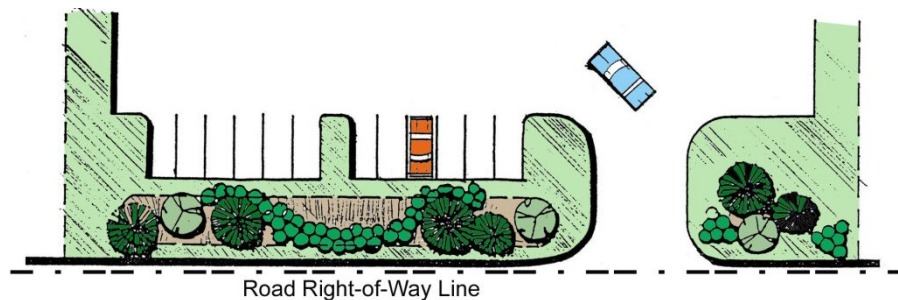
### B. Landscaping Adjacent to Roads.

1. Planting Requirements. Where required, landscaping adjacent to roads shall comply with the following planting requirements:

Type of Plant Material	Minimum Amount Required
Deciduous Shade or Evergreen Tree	1 per 40 linear feet of road frontage
Ornamental Tree	1 per 100 linear feet of road frontage
Shrubs	8 per 40 linear feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted (see diagram). Trees and shrubs may be planted at uniform intervals, at random, or in groupings. Fractional amounts shall be rounded up to the next whole tree or shrub.

2. Location and Dimensions. Required landscaping adjacent to roads shall be located totally on private property within a planting strip adjacent to the road right-of-way. The minimum width of the planting strip shall be fifteen (15) feet.



#### **Example Calculation for Landscaping Adjacent to Roads (Section 10.2, sub-section B)**

Total Parcel Width = 250 feet

Driveway Width = 30 feet

Road Frontage = 250-30 = 220 feet

Deciduous or Evergreen Trees Required = 220 feet / 40 = 5.5 → 6 trees required

Ornamental Trees Required = 220 feet / 100 = 2.2 → 3 ornamental trees required

Shrubs Required = 220 feet / 40 = 5.5 x 8 = 44 shrubs required

### C. Berms.

Berms shall conform to the following standards:

1. Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three (3) feet.
2. Protection from Erosion. Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the Planning Commission.
3. Required Plantings.
  - a. *Front Yard Berms*  
Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads, Section 10.2, sub-section B.
  - b. *Screening Berms*  
Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening, Section 10.2, sub-section E.
4. Measurement of Berm Length. For the purpose of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

### D. Greenbelts.

Where required, greenbelts shall conform to the following standards:

1. Measurement of Greenbelt Length. For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.
2. General Planting Requirements.
  - a. *Grass or Ground Cover Requirements*  
Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.
  - b. *Tree and Shrub Requirements*  
Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion thereof of required greenbelt. Shrubs may be substituted for up to fifty percent (50%) of the total number of required trees, at a rate of eight (8) shrubs for each tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
  - c. *Greenbelt Width*  
The minimum width of any required greenbelt shall be twenty (20) feet, except where used to obscure a screening wall as noted below, in which case the greenbelt shall be at least nine feet in width.
  - d. *Distance from Sidewalk*  
Plant materials other than turf grass or ground cover shall not be placed closer than four (4) feet to the right-of-way line where the greenbelt abuts a public sidewalk.

3. Greenbelts Used for Screening. Greenbelts used for screening shall be landscaped in accordance with the requirements for Screening, Section 10.2, sub-section E.
4. Linking Greenbelts. Every effort shall be made to link greenbelts on adjacent parcels so as to provide a continuous landscaped or natural area.

**E. Screening.**

1. General Screening Requirements. Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least eight (8) feet above ground level within three (3) years of planting. Wherever screening is required adjacent to residentially zoned or used property, the screening must be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening.
2. Screening of Equipment. Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment shall be screened on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.

**F. Parking Lot Landscaping.**

In addition to required screening, all off street parking areas shall be landscaped as follows:

1. Landscaping Ratio. Off street parking areas containing greater than ten (10) spaces shall incorporate at least thirty (30) square feet of interior landscaping per parking space.
  - a. Interior parking lot landscaping shall include the following:
    - i. Internal islands and medians
    - ii. Landscaped areas surrounded on three sides by a parking area (i.e., peninsulas or fingers)
    - iii. Landscaped areas at the corners of a parking area and bordered by parking on at least two sides
  - b. Interior parking lot landscaping shall be located within the parking area to improve its appearance and screen lot edges, reinforce circulation routes, define pedestrian routes through the parking lot, and maximize shade and storm water benefits.
  - c. Interior parking lot landscape areas should be coordinated with the location of light poles and other utilities.
2. Minimum Dimensions.
  - a. Landscaped areas in parking lots shall be no less than nine (9) feet in any single dimension and no less than 300 square feet in area.
  - b. Landscaped areas in or adjacent to parking lots shall be protected with curbing to prevent encroachment of vehicles. Curbs shall be a minimum of six inches in height and shall be continuous around the parking area, except for curb cuts required for integrated on-site storm water management or pedestrian accessibility.
3. Other Landscaping. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
4. Required Plantings.
  - a. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Plant materials other than turf grass or ground cover shall not be placed closer than four (4) feet to the curbed edge of

any interior parking lot landscape area. Trees shall be set back a minimum of four (4) feet from the curbed edge of any interior parking lot landscape area.

- b. A minimum of one (1) deciduous shade tree shall be planted within the parking lot for every five (5) vehicle parking spaces in the lot.
- c. Plantings within parking lots shall comply with the requirements for unobstructed sight distance set forth in Section 7.4. The landscape plan shall indicate the types, sizes, and quantities of all plant material proposed for interior parking lot landscape areas.

**G. Landscaping of Rights-of-Way.**

Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights of way were part of the required landscaped areas or greenbelts.

**H. Maintenance of Unobstructed Visibility for Drivers.**

No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning Unobstructed Sight Distance set forth in Section 7.4.

**I. Potential Damage to Utilities.**

In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be set back from overhead utility lines as indicated in the following chart:

Mature Tree Height	Minimum Distance from Center of Trunk to Nearest Overhead Utility Line
Up to 15 feet	10 feet
15 to 25 feet	20 feet
25 to 45 feet	30 feet
Over 45 feet	50 feet

**J. Landscaping of Divider Medians.**

Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion thereof of median. Plant materials other than turf grass or ground cover shall not be placed closer than four (4) feet to the curbed edge of any landscaped median. Trees shall be set back a minimum of four (4) feet from the curbed edge of any landscaped median.

**K. Irrigation.**

The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards.

### Section 10.3 Specific Landscaping Requirements for Zoning Districts

**A. Requirements for Commercial, Office, and Industrial Districts.**

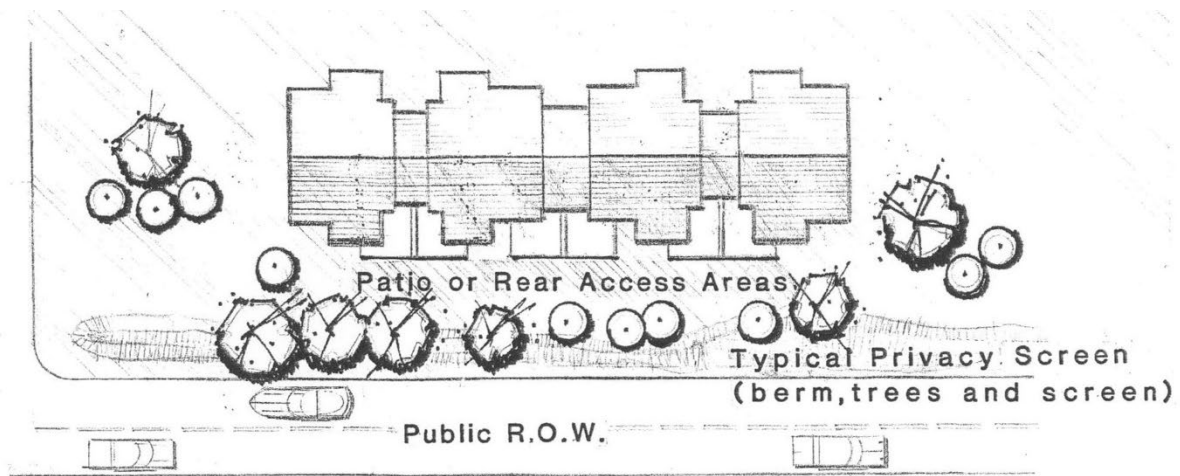
All lots or parcels of land located in the B-4, B-5, B-7, OS, I-1 and I-2 zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping. All developed portions of the site shall conform to the General Site Requirements in Section 10.2, sub-section A, except where specific landscape elements are required.
2. Landscaping Adjacent to Road. All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the road in Section 10.2, sub-section B.
3. Berm Requirements. A berm shall be used to screen off-street parking from view of the road if the parking is located forty (40) feet or closer to the road right-of-way. Berms shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 10.2, sub-section B. Berms shall be located totally on private property, adjacent to the road right-of-way.
4. Screening. Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use in a commercial, office, or industrial district abuts directly upon land zoned for residential purposes, and/or where loading areas would be visible from residential districts. Landscaped screening shall comply with the requirements in Section 10.2, sub-section E. If a wall is used instead of landscaping, the wall shall comply with the requirements in Section 7.6, but a landscaped greenbelt (planted in accordance with Section 10.2, sub-section D) shall be required on the side of the wall facing the residential or agricultural district.
5. Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 10.2, sub-section F.

**B. Requirements for Multiple Family Districts.**

All lots or parcels of land located in the R-3A and R-3B zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping. A minimum of one (1) deciduous or evergreen trees plus four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family development shall not be counted in meeting these requirements for trees.
2. Landscaping Adjacent to Road. All multiple family developments shall comply with the requirements for landscaping adjacent to the road in Section 10.2, sub-section B.
3. Berm Requirements. A berm shall be used to screen off-street parking from view of the road if the parking is located forty (40) feet or closer to the road right-of-way. Berms shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 10.2, sub-section B. Berms shall be located totally on private property, adjacent to the road right-of-way.
4. Perimeter Greenbelt. A perimeter greenbelt shall be required on all sides of a multiple family development. The greenbelt shall comply with the requirements in Section 10.2, sub-section D.
5. Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 10.2, sub-section F.
6. Privacy Screen. Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see illustration). The screen may consist of a combination of trees, shrubs, and berms, subject to review by the Planning Commission.



**Privacy Screen (see Section 10.3, sub-section B.6)**

**C. Requirements for Non-Residential Uses in Residential or Agricultural Districts.**

All non-residential uses developed in residential or agricultural zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping. All developed portions of the site shall conform to the General Site Requirements in Section 10.2, sub-section A, except where specific landscape elements are required.
2. Landscaping Adjacent to Road. All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road in Section 10.2, sub-section B.
3. Berm Requirements. A berm shall be used to screen off-street parking from view of the road if the parking is located forty (40) feet or closer to the road right-of-way. Berms shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 10.2, sub-section B. Berms shall be located totally on private property, adjacent to the road right-of-way.
4. Screening. Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in Section 10.2, sub-section E. If a wall is used instead of landscaping, the wall shall comply with the requirements in Section 7.6, and a landscaped greenbelt (planted in accordance with Section 10.2, sub-section D) shall be provided on the side of the wall facing away from the non-residential use.
5. Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 10.2, sub-section F.

**Section 10.4 Standards for Landscape Materials**

Unless otherwise specified, all landscape materials shall comply with the following standards:

**A. Plant Quality.**

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in central Michigan, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

**B. Non-Living Plant Material.**

Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance.

**C. Plant Material Specifications.**

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

1. Deciduous Shade Trees. Deciduous shade trees shall be a minimum of two and one half (2.5) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
2. Deciduous Ornamental Trees. Deciduous ornamental trees shall be a minimum of two (2) inches in caliper measured six (6) inches above grade with a minimum height of three (3) feet above grade when planted.
3. Evergreen Trees. Evergreen trees shall be a minimum of eight (8) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2.5) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
4. Shrubs. Shrubs shall be a minimum of three (3) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty four (24) inches when planted.
5. Hedges. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of three (3) feet in height when planted.
6. Ground Cover. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
7. Grass. Grass area shall be planted using species normally grown as permanent lawns in central Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.
8. Mulch. Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.
9. Undesirable Plant Material. Use of plant materials that are invasive to natural habitats, that cause disruption to storm drainage, or that are susceptible to pests or disease is not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not encouraged in the Township:

Box Elder <i>Acer negundo</i>	Norway Maple <i>Acer platanoides</i>	Silver Maple <i>Acer saccharinum</i>	Tree of Heaven <i>Ailanthus altissima</i>
European Barberry <i>Berberis vulgaris</i>	Northern Catalpa <i>Catalpa speciosa</i>	Ash <i>Fraxinus spp.</i>	Ginkgo (female) <i>Ginkgo biloba</i>
Honeysuckle <i>Lonicera spp.</i>	Mulberry <i>Morus spp</i>	Cottonwood, Aspen <i>Populus spp</i>	Horse Chestnut <i>Aesculus hippocastanum</i>
Buckthorn <i>Rhamnus spp</i>	Willow <i>Salix spp.</i>	Elm <i>Ulmus spp.</i>	Russian-olive <i>Elaeagnus angustifolia</i>



## Section 10.5 Installation and Maintenance

### A. **Installation.**

Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

### B. **Installation of Perimeter Landscaping.**

Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.

### C. **Seeding or Sodding.**

Lots or parcels shall be seeded or sodded within ninety (90) days after occupancy.

### D. **Protection from Vehicles.**

Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Except for storm water management features such as bio-swales, landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

### E. **Off-Season Planting Requirements.**

If development is completed during the off season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 7.20

### F. **Maintenance.**

1. General Maintenance. Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Zoning Official, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.
2. Irrigation. Underground irrigation of required plant material is strongly recommended. All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within three hundred (300) feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.
3. Maintenance of Manufactured Landscaped Elements. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

## Section 10.6 Treatment of Existing Plant Material

The following regulations shall apply to existing plant material:

### A. **Consideration of Existing Elements in the Landscape Design.**

Where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in Section 10, provided such substitution is in keeping with the spirit and intent of Section 10 and the Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this section.

**B. Preservation of Existing Plant Material.**

Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are six (6) inches or greater DBH. (Diameter at breast height, or DBH, is a standard method of expressing the diameter of a standing tree. For the purposes of this ordinance, breast height diameter should be measured at a height of 4.5 feet above ground.)

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Planning Commission based on consideration of the site and building configuration, available planting space, and similar considerations:

Damaged Tree Size	Replacement Tree Size	Replacement Ratio
Less than 6 inches DBH	2½ to 3 inches caliper	Tree-for-tree
Greater than 6 inches DBH	2½ to 3 inches caliper	One replacement tree for each six inches DBH (or fraction thereof) of damaged tree

**Section 10.7 Modifications to Landscape Requirements**

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of Section 10 and the Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

- Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
- Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
- The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.