

Marshall Township Zoning Ordinance

Calhoun County, Michigan

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Marshall Township Zoning Ordinance

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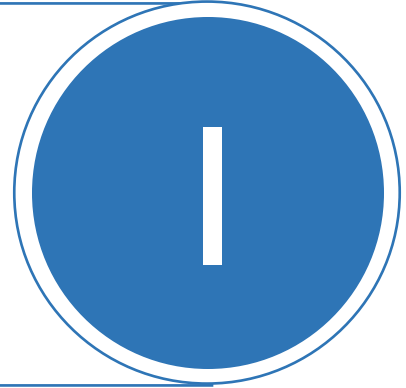
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Part I
Introduction



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Title and Purpose

Article

1

Section 1-1 Title

This document shall be known and may be cited as the "Marshall Township Zoning Ordinance." It is also referred to as the "Zoning Ordinance" or the "ordinance" throughout the document.

Section 1-2 Purpose and Intent

- A. *Master Plan.* The provisions of this ordinance have been designed to implement, so far as possible, the Master Plan of Marshall Township. Further, the purpose and intent of the Zoning Ordinance and the Master Plan is:
1. To promote the public health, safety, and general welfare;
 2. To encourage the use of lands in accordance with their character and adaptability;
 3. To limit the improper use of land and to prevent incompatibility of neighboring uses;
 4. To avoid the overcrowding of population;
 5. To provide adequate light and air;
 6. To lessen road congestion;
 7. To reduce hazards to life and property;
 8. To ensure an efficient transportation system, safe sewage disposal and water supply, and adequate public facilities; and
 9. To conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land and resources.
- B. *Consideration.* The ordinance has been drafted with reasonable consideration to:
1. The character of each district and its peculiar suitability for particular uses;
 2. The conservation of property values and natural resources; and
 3. The general and appropriate trend and character of land, building, and population development.

Section 1-3 Applicability

- A. *Application of Regulations.* The regulations established by this ordinance with respect to the use of land, types of buildings or structures, or the use of buildings or structures within each zoning district, are the minimum regulations necessary for the promotion and protection of the public health, safety, morals, and general welfare of the township and its residents and are uniform for each class of land or buildings, dwellings, and structures, and uses throughout each district.
- B. *Conformance.* This Zoning Ordinance applies to every building, lot, parcel, structure, and use. No building, structure, or land shall be used or occupied except in conformity with this ordinance. No building or structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with this ordinance. All lots, parking areas, buildings, structures, or other spaces created after the effective date of this ordinance shall comply with the minimum requirements of the zoning district in which they are located.
- C. *Restoration of Unsafe Structures.* Subject to the provisions of the *Section 17-5*, nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure that is unsafe or unsecure.
- D. *Spatial Requirements.* A lot or lots in common ownership or a yard, court, parking area, or other space shall not be divided, altered, or reduced in a way that does not conform to the minimum requirements of this ordinance.
- E. *Land Division and Subdivision.* No parcel of land shall be divided in a manner that conflicts with any provisions of this ordinance or the Michigan Land Division Act.

Section 1-4 Organization

- A. *Organization.* The Zoning Ordinance is divided into six (6) parts:
1. Part I Introduction.
 2. Part II Zoning Districts.
 3. Part III Development Provisions.
 4. Part IV Review Processes and Standards.
 5. Part V Administration.
 6. Part VI Definitions.

Section 1-5 Exhibits and Graphics

Exhibits with graphics are provided as “figures” to illustrate the intent of the language included in the ordinance. When there is an apparent discrepancy between the text and a figure, the text shall supersede. In cases where the exhibit is a table, the content within the table is a requirement.

Section 1-6 Interpretation and Conflict

- A. *Minimum Requirements.* The provisions of the Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare in the township.
- B. *Conflict with Other Public Laws, Ordinances, Regulations, or Permits.* The Zoning Ordinance is intended to complement other state, county, and federal regulations that affect land use. The Zoning Ordinance is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of the Zoning Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the Zoning Administrator, shall govern.
- C. *Conflict with Private Agreements.* The Zoning Ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of the Zoning Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, the requirements of the Zoning Ordinance shall govern. Nothing in the Zoning Ordinance shall modify or repeal any private covenant or deed restriction, but the existence of the covenant or restriction shall not excuse failure to comply with the Zoning Ordinance. In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private third parties. All applicants and landowners shall be responsible for obligations and restrictions applicable to subject properties by private agreements.

Section 1-7 Legal Basis

This ordinance is enacted pursuant to P.A. 110 of 2006, the Michigan Zoning Enabling Act, M.C.L. 125.3101 et. seq., as amended.

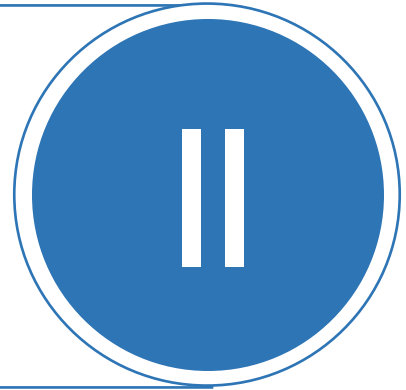
Section 1-8 Validity and Severability

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, the ruling shall not affect any other provisions of this ordinance not specifically included in the ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of the provision to any other land, parcel, lot, district, use, building, or structure not specifically included in the ruling.

Section 1-9 Effective Date

- A. *Adoption and Effective Date.* This ordinance, known as the Marshall Township Zoning Ordinance, was adopted by the Marshall Township Board, Calhoun County, Michigan, at a meeting held on May 15, 2017, and a notice of publication ordered published on May 20, 2017, in the Marshall Advisor, a newspaper having general circulation in the township, and has an effective date of May 28, 2017.
- B. *Repeal of Ordinance.* The Marshall Township Zoning Ordinance adopted and effective on April 11, 1976, and its subsequent amendments, are repealed as of the effective date of this ordinance.
- C. *Pending Applications.* All applications for permits, appeals, and variance requests pending before the Zoning Administrator, the Planning Commission, Township Board, or the Zoning Board of Appeals on the effective date of this ordinance shall be acted upon only in conformance with the Zoning Ordinance in effect at the time the application for the request determined to be complete.

Part II
Zoning Districts



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Zoning Districts and Map

Article

2

Section 2-1 Zoning Districts

The Township is divided into the following zoning districts:

Table 2.1 Zoning Districts		
Abbreviation	District Name	Regulated In
Agricultural and Residential Districts		
AG	Agricultural Residential District	<i>Article 3</i>
R-1	Low Density Residential District	
R-2	Medium Density Residential District	
R-3	Multiple Family Residential District	
MHP	Manufactured/Mobile Home Park District	
OC	Open Space and Waterbody Conservation District	
AB	Agricultural Business District	
Commercial and Industrial Districts		
CS	Community Service Commercial	<i>Article 4</i>
HS	Highway Service Commercial	
LI	Light Industrial District	
IP	Industrial Park District	
Overlay Districts		
CP	Corridor Preservation Overlay District	<i>Article 5</i>
Planned Unit Development District		
PUD	Planned Unit Development District	<i>Article 6</i>

Section 2-2 Zoning Map

- A. *Zoning Boundaries.* The locations and boundaries of the zoning districts identified in *Section 2-1* are established on a map entitled “Marshall Township Zoning Map” which is declared a part of this ordinance.
- B. *Location and Record Keeping.* Regardless of any published copies of the Zoning Map, the official Zoning Map shall be located in the office of the Township Clerk and shall be the final authority as to the current zoning status of all land in the township. A record is to be kept by the Township Clerk of all changes made or required to be made to the official Zoning Map.
- C. *Identification.* The Zoning Map shall be identified by the signature of the Township Clerk.
- D. *Amendments.* The Zoning Map shall be kept up to date and accessible to the public. Once an amendment to the map becomes effective it shall be reflected on the Zoning Map upon the effective date.

Section 2-3 Interpretation of Zoning District Boundaries

- A. *Rules.* Where the boundaries of a zoning district as shown on the official Zoning Map are uncertain, the following rules shall apply:
- Where boundaries approximately follow streets, alleys, or highways, their centerlines or those lines extended shall constitute the zoning district boundaries.
 - Where boundaries approximately follow lot lines, they shall be construed as following those lot lines.
 - Where boundaries approximately follow jurisdictional limits lines, they shall be construed as following those lines.
 - Where boundaries are approximately parallel to the centerline of a street or highway, they shall be construed as being parallel to the centerline and at the distance from the centerline as indicated on the official Zoning Map. If a distance is not given, the location on the map shall be determined by

using a scale.

5. Where boundaries follow the shoreline of a stream, lake, or other body of water, they shall be construed to follow that shoreline. In the event the shoreline changes, the boundaries shall be construed as moving with the shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, drainage ditches, or other bodies of water shall be construed to follow those centerlines.
 6. Where the application of these rules leaves a reasonable doubt as to the boundaries between two (2) districts, the Zoning Administrator shall interpret the boundary location.
- B. *Boundaries Dividing a Lot.* Where a zoning boundary line divides a property, each use and building on the property shall comply with the requirements of the applicable district.

Section 2-4 Similar Land Use Determination

- A. *Intent.* Since every potential land use cannot be addressed in the Zoning Ordinance, each district may accommodate similar uses, as referenced in this section.
- B. *Determination.* All applications for a use not specifically addressed in a zoning district, or inquiries concerning a use, shall be submitted to the Zoning Administrator for review and a decision.
1. Factors. The Zoning Administrator shall base their determination on the following factors:
 - a. The proposed use is not listed as a permitted or special land use in any other zoning district.
 - b. The use is consistent with the district purpose.
 - c. The use is similar to other allowed uses relative to its character, scale, and overall compatibility.
 - d. The use is not expected to create objectionable impacts to public health, safety, and welfare if it were established in the applicable zoning district.
 - e. The use would not be more appropriate within a different zoning district.
 2. Zoning Board of Appeals. The Zoning Administrator may, in their sole discretion, submit a proposed use to the Zoning Board of Appeals for a similar use determination if consideration of the review factors does not lead to a clear conclusion.
- C. *Compliance.* If a proposed use is determined to be similar to a use listed within the district, the proposed use shall comply with all the standards or requirements associated with the listed use. If the named use is a special land use within the applicable zoning district, the use shall be reviewed and approved per the applicable requirements within the Zoning Ordinance.
- D. *Determination.* The determination of whether a proposed use is similar to another listed use shall be considered as an interpretation of the use regulations and is not determined to be a use variance. Once a use has been determined to be similar, it shall be specifically determined to be the named use with which it shares similarities.
- E. *Prohibited Use.* If a use is not specifically listed anywhere in this ordinance and is not determined to be similar to any other specifically listed uses, the use is prohibited.

Section 2-5 Zoning of Vacated Areas

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included shall be subject to all applicable regulations of the district in which it is located.

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Agricultural and Residential Districts

Article

3

Section 3-1 Intent and Purpose

This article outlines the Agricultural and Residential Zoning Districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots.

- A. *Agricultural Residential District (AG)*. The AG District is established to protect and stabilize the essential character of existing agricultural areas within the township and to preserve centennial farms and historic structures. The requirements of this district are designed to prevent unwarranted and premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment, and economy, including the tax base. The intent is to allow for limited residential development to occur through land division of larger parcels while directing more traditional subdivision and site condominium projects into low and medium density residential districts.
- B. *Low Density Residential District (R-1)*. The R-1 District is established to provide for residential development on lots of sufficient size to accommodate safe on-site water supply and septic systems since these areas will likely remain unserved by public water and sewer services for an extended period of time. It is also the purpose of this district to protect and stabilize the essential character of the area to promote and encourage suitable environments for low density development until it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.
- C. *Medium Density Residential District (R-2)*. The R-2 District is established to provide an environment for medium density residential development with suitable open space areas. This district shall generally be located on the fringe of and within close proximity to urban-type development. This district allows flexibility of lot size dependent upon the availability of public sewer and water services.
- D. *Multiple Family Residential District (R-3)*. The R-3 District is established to provide for various types of multiple family residential dwellings and group developments within a high density setting but with suitable open space areas. The requirements of this district are intended to recognize that various forms of housing are desirable to provide a wide range of choices of living environments but at the same time to regulate such development to prevent congestion of the public streets, to reduce hazards to life and property, to provide desirable light and air, and to provide for adequate open spaces and basic amenities. R-3 designated land will generally be in areas of concentrated urban development on or near major streets and should be served by public utilities and services.
- E. *Manufactured/Mobile Home Park District (MHP)*. The MHP District is established to provide an area or areas within the township where manufactured housing and manufactured home park development can occur consistent with the standards established by the State of Michigan Mobile Home Commission/Manufactured Housing Division. MHP zoned lands shall be consistent with areas in the Marshall Township Master Plan designated for Medium Density Residential development.
- F. *Open Space and Waterbody Conservation District (OC)*. It is recognized that the principal use of certain open areas within the township is and ought to be the development, management, and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this district was established and based upon a well-considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels, and lots in order to protect the natural resources, natural habitats of wildlife, waterways and waterbodies, agricultural capabilities, public and private recreation areas, and the public health, safety, and welfare by reducing the hardships and burdens imposed upon the people of the township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas, and the periodic flooding and overflow of creeks and streams. In addition, this district will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, such areas being shown as flood plan by soil types as compiled by the U.S. Soil Conservation Service.
- G. *Agricultural Business District (AB)*. The AB District is established to provide for limited areas within the township where more intensive, business-related agricultural activities may occur. As traditional agricultural areas have been affected by the encroachment of residential uses, more intensive agricultural uses have become incompatible. In addition, many of the existing agricultural uses have expanded or diversified in a manner that increases this incompatibility, resulting in the need to separate

these uses. This can be accomplished through a separate district with increased site development standards, such as lot area and setbacks from other residential development areas.

Section 3-2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in the Zoning Ordinance. Land and/or buildings in the districts indicated at the top of *Table 3.2* may be used for the purposes denoted by the following abbreviations:

- A. *Permitted Use (P)*. Land and/or buildings in this district may be used by right, subject to all other applicable provisions of the Zoning Ordinance.
- B. *Special Land Use (S)*. Land and/or buildings are subject to review and permitting in accordance with *Article 13*.
- C. *Not Permitted*. Blank cells indicate that a use is not permitted.

Table 3.2 Schedule of Uses: Agricultural and Residential Districts								
Use	AG	R-1	R-2	R-3	MH P	OC	AB	Other
Accessory Uses								
Accessory buildings	P	P	P	P	P	P	P	8-2
Amateur radio and over-the-air reception devices	P/S	P/S	P/S	P/S	P/S	P/S	P/S	8-3
Banquet barn	S							8-5
Garage and yard sales	P	P	P	P	P	P		8-12
Home based business	S							8-13
Home occupation, class one	P	P	P	P	P	P	P	8-14
Home occupation, class two	S	S	S				S	8-14
Keeping of farm animals	P							8-16
Solar energy collector, building-mounted	P	P	P	P	P	P	P	8-31
Solar energy collector, ground-mounted	S	S	S	S	S	S	S	8-31
Accommodations, Hospitality, Entertainment								
Bed and breakfast	S	S				S		8-6
Recreation facility, campground	S					S		8-24
Recreation facility, golf course	S	S	S			S		
Agricultural								
Agribusiness							S	
Agritourism, ancillary uses and activities	S							
Commercial stable	P						P	
Farms and farm operations	P	P				P	P	8-11
Farmers market	S						S	
Greenhouses and nursery, accessory landscape business							S	
Roadside stand	P						P	
Infrastructure, Transportation, Communications								
Airstrip	S						S	
Commercial solar energy system	S							8-31
Essential service	S	S	S	S	S	S	S	8-10
Helicopter landing pad	S							
Wind energy conversion systems (WECS), large turbine systems	S					S	S	8-35
Wind energy conversion systems (WECS), small turbine or on-site system, anemometer tower or MET (meeting setback and height requirements for principal buildings in applicable district)	P	P	P	P	P	P	P	8-35

Table 3.2 Schedule of Uses: Agricultural and Residential Districts

Use	AG	R-1	R-2	R-3	MH P	OC	AB	Other
Wind energy conversion systems (WECS), small turbine or on-site system, anemometer tower or MET (exceeding height requirements for principal buildings in applicable district)	S	S	S	S	S	S	S	8-35
Wireless communications	S	S					P	8-36
Wireless communications, collocation/limited increases	P	P	P	P	P	P	P	8-36
Institutional/Civic								
Community public safety	P	P	P				P	
Parks, playgrounds, outdoor recreation areas	S	S	S	S	P	S		
Place of worship	S	S	S					
Recreation facility, community-based	S	S	S		P			
Offices and Services								
Animal services, animal clinic/hospital (indoor), kennel, rescue or shelter							P	8-4
General offices and services for manufactured home communities					P			
Residential								
Day care, adult day care home	S	S	S					
Day care, family day care (children)	P	P	P			P		
Day care, group day care home (children)	S	S	S					
Dwelling, accessory	P	P	P	P				8-7
Dwelling, multi-family/single-family attached				P				8-22
Dwelling, single-family	P	P	P			P		8-8
Dwelling, temporary	P							8-9
Dwelling, two-family			P	P				
Foster care, adult foster care family home	P	P	P	P		P	P	
Foster care, adult foster care group home			S	P				
Foster care, foster family home (children)	P	P	P	P			P	
Foster care, foster family group home (children)			S	P				
Housing, independent and assisted living				S				
Home, convalescent or nursing				S				
Manufactured home community					P			8-18
Other								
Mineral extraction	S	S	S	S	S	S	S	8-19
Similar uses	P/S	P/S	P/S	P/S		P/S	P/S	2-4
Temporary office	S	S	S	S	S			8-32

Section 3-3 Spatial Requirements

All lots shall meet the minimum area and width requirements of *Table 3.3*. New lots shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in *Table 3.3*.

Table 3.3 Spatial Requirements: Agricultural and Residential Districts								
Requirement		AG	R-1	R-2	R-3	MHP	OC	AB
Lots								
Min. Area (s.f.)	Sewer	2 ac	30,000	15,000	1	15 ac	5 ac	40 ac
	Septic	2 ac	30,000	30,000	-	15 ac	5 ac	40 ac
Min. Width (ft.)	Sewer	330	150	75	300	330	330	660
	Septic	330	150	150	300	330	330	660
Max. Lot Coverage		15%	20%	30%	35%	30%	10%	10%
Principal Building Setbacks								
Min. Front (ft.)		60	50	30	35	50	60	75
Min. Least Side (ft.)		50	20	10	50 ⁵	10	50	50
Min. Total Side (ft.)		100	40	25	100	-	-	100
Min. Rear (ft.)		50	50	35	50 ²	10	50	50
Principal Building Size								
Max. Height (ft.)		40 ³	35	35	35	16	40	40
Max. Stories		3	2 ½	2 ½	3	1	3	3
Min. GFA (s.f.)		800	800	800	600	800	800	800
Min. Average GFA (s.f.)		-	-	-	700	-	-	-
Accessory Buildings								
Max. Height (ft.)		25	18	25	15	15	25	40
Max. Stories		1	1	1	1	1	1	1
Accessory Building Setbacks								
Min. Front (ft.)		60	-	-	-	-	60	75
Min. Side (ft.)		5	5	5	5	5	5	50
Min. Rear (ft.)		5	5	5	5	5	5	50
Min. Separation from Principal Building (ft.)		10	10	10	10	10	10	10

¹ One (1) acre for the first dwelling unit of each multiple dwelling structure; 3,000 square feet for each additional dwelling unit containing two (2) or more bedrooms; 2,000 square feet for each additional dwelling unit containing less than two (2) bedrooms.

² No building shall be located less than 100 feet from the boundary of an AG, R-1, R-2, or R-3 Zoning District.

³ Maximum height requirement does not apply to farm buildings and structures.

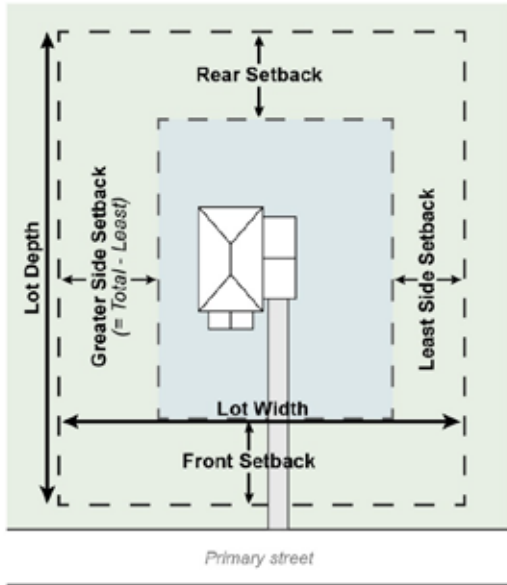


Figure 3-1 Spatial Requirements, Interior Lot

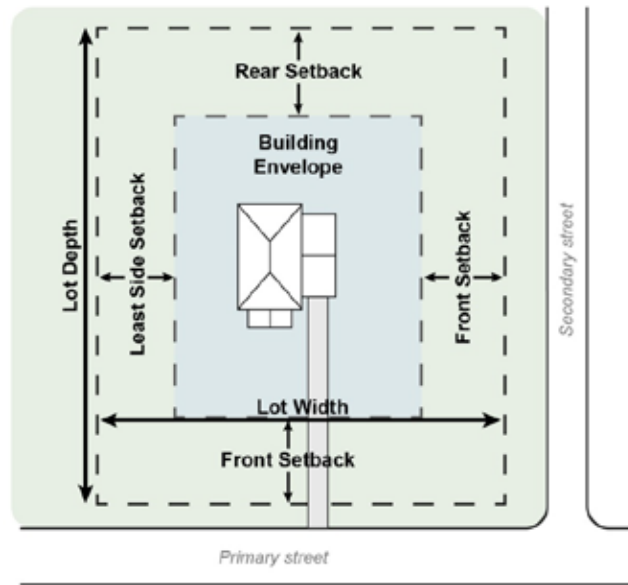


Figure 3-2 Spatial Requirements, Corner Lot

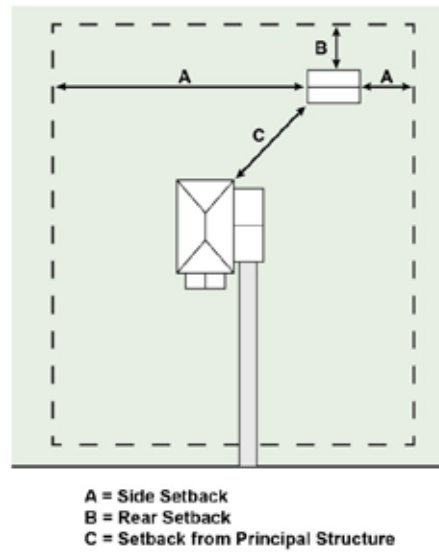
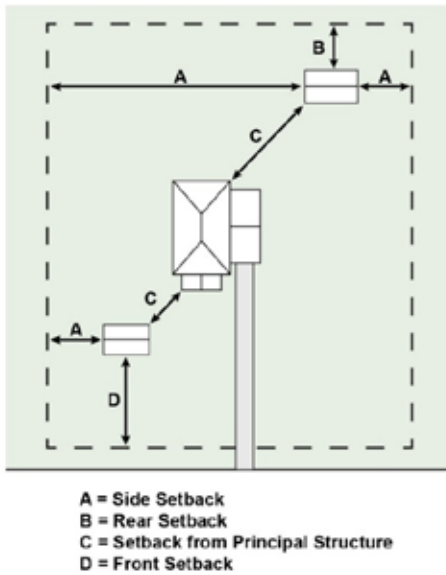


Figure 3-3 Accessory Bld. Setbacks (AG, OC, AB) Figure 3-4 Accessory Bld. Setbacks (R-1, R-2, R-3, MHP)

Section 3-4 Other Requirements

In addition to the requirements of this article, all development in the Agricultural and Residential Districts shall meet the applicable requirements included elsewhere in the Zoning Ordinance:

- A. *General Provisions for All Districts. Article 7*, as applicable and if noted in the far-right column in *Table 3.2*.
- B. *Specific Use Requirements. Article 8*, if noted in the far-right column in *Table 3.2*.
- C. *Parking and Loading. Article 9*.
- D. *Landscaping, Screening and Lighting. Article 10*.
- E. *Signs. Article 11*.
- F. *Site Plan Review. Article 12*, as applicable.
- G. *Special Land Use Permits. Article 13*, if noted as “S” in *Table 3.2*.

Section 3-5 Open Space Preservation

- A. *Purpose and Intent*.
 - 1. This section is intended to carry out the provisions of “open space preservation” section of the Michigan Zoning Enabling Act.
 - 2. Lands satisfying certain criteria may be developed, at the option of the landowner, with the same number of dwellings on a smaller portion of the land that could otherwise be developed under existing ordinances, laws, and rules on the entire land area.
 - 3. This development option is intended to accommodate parcels of land that have physical assets such as tree stands, unique topographic conditions, water and/or swamp areas, or other readily identifiable land characteristics which should be preserved, or parcels where such development could provide a transitional area of low density residential use between a higher density residential use or any nonresidential use of land. Land designated for this development option must either be platted under the provisions of the Michigan Land Division Act or must comply with the Condominium Act (Act 59 of 1978, as amended) and all township ordinances
- B. *Process*. For a landowner to exercise the open space preservation option of that statute, the land involved must be rezoned to a Planned Unit Development (PUD) zoning designation pursuant to this *Article 6* and all the requirements of this section.
- C. *Qualifying Conditions*. To qualify for the open space preservation housing option, the parcel must meet one (1) or more of the following locational characteristics:
 - 1. This housing option shall only be applied to AG, R-1, R-2, R-3, and OC zoned property.
 - 2. Development pursuant to this section shall not have previously been exercised with respect to the same land.
 - 3. The parcel of land must also possess one or more of the following physical or locational characteristics:
 - a. Topography of the site exceeds 14 percent slope.
 - b. Street slopes would exceed the maximum of six (6) percent on the site without mass grading of the parcel.
 - c. The area of open space planned accounts for at least 25 percent of the total horizontal development area of the parcel. Land under water (lakes, streams, creeks, watercourses, and similar bodies of water) shall not be included in the computation.
 - d. The parcel contains a readily identifiable physical resource which is to be conserved by the developer. Items classified as a physical resource may include streams, watercourses, swamps,

topographically sloped areas having a slope over 14 percent on at least 25 percent of the site, tree stands and/or other natural vegetation areas and similar items.

D. *Dwellings.*

1. Requirements. All the spatial, dimensional and other zoning requirements governing the development of land within the zoning district where the land is located shall apply unless modified pursuant *Section 6-4 D.*
2. Attached Single-Family. Where attached single-family units are planned, the common walls of the dwelling units shall not overlap by more than 70 percent of the lineal distance of the common wall.

E. *Land Use.* Only those residential land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this section.

F. *Procedure.*

1. Existing Zoning Plan. In addition to the preliminary PUD plan required by *Article 6*, an application shall also include an Existing Zoning Plan. The applicant shall prepare and submit to the township a conceptual site plan to demonstrate the number and location of dwelling units that could be developed on the land at issue under its existing zoning if the open space preservation development option provided for by this article were not exercised.
2. Developable Area. When reviewing an application submitted under the terms of this article, the Planning Commission shall determine whether the existing zoning plan accurately reflects the number and location of dwelling units that could be developed on the land under its existing zoning if the open space preservation development option provided by this article were not exercised. If the Planning Commission determines that the number and/or location of dwellings shown on the existing zoning plan exceeds the number of dwellings that could be permitted or developed on the land if it were developed under its existing zoning if the open space preservation development option provided by this article were not exercised (or the locations are not accurate), the applicant shall submit a revised existing zoning plan which accurately reflects the number and location of dwellings which could have been developed under existing zoning if the open space were not exercised pursuant to this article. For purposes of determining the number and location of dwellings that would have been permitted or developed on the land under its existing zoning if the open space preservation development option were not exercised, the following shall be deemed land not developable and shall be excluded from the formula of determining otherwise developable land area under existing ordinances:
 - a. Wetlands as defined by Michigan law.
 - b. Land located under a lake, pond, river, or stream.
 - c. Land with slopes exceeding 14 percent.
 - d. Land for which an on-site private septic system or private well could not be utilized under Calhoun County Health Department regulations.
 - e. Land located within a flood plain or which is subject to periodic flooding.
3. Restrictions Document. The applicant shall submit a copy of the proposed deed restrictions, restrictive covenants, conservation easement, plat dedication, or other legal document which the applicant proposes to utilize if the proposed development is approved pursuant to this section and which would have the legal effect of preserving in perpetuity the open space required by this article in an undeveloped state. Such document shall be reviewed and approved by the township and the Township Attorney (as to form and content) prior to recording. At a minimum, the document(s) shall provide for all the following:
 - a. Indicate the proposed permitted use(s) of the undeveloped open space.
 - b. Require that the open space be maintained permanently in an undeveloped condition, without buildings, structures, or other improvements, except such drainage improvements, utilities, riding trails, hiking trails, picnic areas, park or playground equipment, growing of crops, agricultural

structures, or similar improvements which are approved by the Township Board.

- c. Require that the undeveloped open space be maintained by the parties who have an ownership interest in it.
- d. Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
- e. The approved restrictions document shall be fully executed by all the owner(s) of the land and shall be recorded with the Calhoun County Register of Deeds before any lots are sold and before any building permits are issued.
- f. If the site development plan complies and all aspects of the proposed development satisfy all requirements of this article, the Township Board shall approve the site development plan and the PUD rezoning for the proposed development.

G. *Requirements for Open Space.*

1. Required Open Space. At least 50 percent, but no more than 80 percent, of the land proposed for development under the provisions of this article shall remain in a perpetually undeveloped state (i.e., "open space") by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land as approved by the Township Board (upon recommendation by the Planning Commission) and the Township Attorney.
2. Lands to be Set Aside as Open Space. It shall be the Township Board (upon recommendation from the Planning Commission) that determines which 50 percent or more of the land shall be set aside for open space, as well as which portion or portions of the land may be developed. At the discretion of the Township Board (upon recommendation from the Planning Commission), the land to be set aside as permanent open space need not be contiguous. The Township Board (upon recommendation from the Planning Commission) shall also determine what percentage of the total land area (between 50 percent and 80 percent) shall be set aside as permanent open space.
3. Restrictions. The following areas shall not constitute open space and may not be utilized to satisfy the open space requirement:
 - a. Any areas located within or under any public street easement or right-of-way.
 - b. Property located under or within any private street or road easement.
 - c. The land located under or the area within any easement for overhead utility lines.
 - d. The area within a platted lot or site condominium unit.
 - e. Off-street parking areas.
 - f. Detention and retention ponds.
 - g. Community drain fields.
 - h. The lands or area located underneath a lake, pond, river, or stream.
 - i. The area within a wetland as defined by Michigan law.
 - j. Lands with slopes exceeding 14 percent.
 - k. Areas subject to flooding or within a flood plain.
4. Standards for Open Space. The following standards shall apply to the open space required pursuant to this article:
 - a. The open space shall not include a golf course.
 - b. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 - c. The open space shall be available for all residents of the development subject to reasonable

rules and regulations. The open space may, but is not required to be, dedicated to the use of the public.

- d. If the land contains a lake, stream, or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
 - e. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
 - f. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
 - g. Open space shall be located to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
 - h. Open space shall be located to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands, or agricultural land.
5. Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Township Board (upon recommendation by the Planning Commission), at its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

Commercial and Industrial Districts

Article

4

Section 4-1 Intent and Purpose

This article outlines the Commercial and Industrial Zoning Districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots.

- A. *Community Service Commercial (CS)*. The CS District is established to accommodate smaller retail commercial businesses, office uses, and residential use where natural transition to commercial is occurring. Uses are typically located in a neighborhood commercial center that has expanded onto former residential lots.
- B. *Highway Service Commercial (HS)*. The HS District is established to accommodate various retail and service activities which cater primarily to the traveling public. The intent of this district is to permit and encourage the development of service centers which are typically located along highways, near the intersections of major routes, and adjacent to highway interchanges and which provide the necessary goods and services for private and commercial traffic.
- C. *Light Industrial District (LI)*. The LI District is established to accommodate light manufacturing and other limited industrial use. The uses allowed in this district have a higher potential to affect more sensitive uses and properties. This district has been located within the township to permit the development of these industrial uses to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.
- D. *Industrial Park District (IP)*. The IP District is designed to provide the location and space for industrial uses requiring a substantial parcel size, based upon manufacturing or research, employment needs, and distribution needs, or for industrial storage/warehouse facilities. It is the intent of this district to allow for the development of certain activities while protecting any abutting agricultural or residential properties from incompatible industrial activities. This district shall require the development of an open space perimeter adjacent to those properties where residential development exists or is designated within the Marshall Township Master Plan. Internally, within the industrial park area, there shall be an emphasis on open space and landscaping, when coupled with the open space perimeter, to achieve a campus-like setting. While certain uses are excluded which would function more effectively in other districts, the range of industrial uses is quite broad based upon the ability to provide separation and avoid interference with the operation of the uses permitted in this district.

Section 4-2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in the ordinance. Land and/or buildings in the districts indicated at the top of Table 4.2 may be used for the purposes denoted by the following abbreviations:

- A. *Permitted Use (P)*. Land and/or buildings in this district may be used by right, subject to all other applicable provisions of the Zoning Ordinance.
- B. *Special Land Use (S)*. Land and/or buildings are subject to review and permitting in accordance with Article 13.
- C. *Not Permitted*. Blank cells indicate that a use is not permitted.

Table 4.2 Schedule of Uses: Commercial and Industrial Districts

Use	CS	HS	LI	IP	Other
Accessory Uses					
Accessory buildings	S/P	S/P	S/P	S/P	8-2
Amateur radio and over-the-air reception devices	P/S	P/S	P/S	P/S	8-3
Garage and yard sales	P				8-12
Home based business	S				8-13

Table 4.2 Schedule of Uses: Commercial and Industrial Districts

Use	CS	HS	LI	IP	Other
Home occupation, class one	P				8-14
Home occupation, class two	S				8-14
Mobile food unit	P	P	P	P	8-21
Outdoor display and sales, not including vehicle and equipment sales		S			8-23
Outdoor donation collection facility	S	S	S	S	8-24
Outdoor storage related to a principal use	P/S	P/S	P/S	P/S	8-23
Solar energy collector, building-mounted	P	P	P	P	8-31
Solar energy collector, ground-mounted	S	S	S	S	8-31
Accommodations, Hospitality, Entertainment					
Banquet hall	P				
Bed and breakfast	P				8-6
Distillery, small	S	P			
Hotel/motel		P			
Micro-brewery	S	P			
Recreation facility, campground	S	P			8-25
Recreation facility, commercial indoor		P	P		
Recreation facility, commercial outdoor		S			
Restaurant	P	P	S		
Restaurant with drive-through	S	P			8-26
Restaurant with micro-brewery or small winery	S	P			
Restaurant with outdoor dining or service	P	P			
Tavern		S			
Theater, indoor		S			
Theater, outdoor		S			
Winery, small	S	P			
Agricultural					
Agribusiness					
Agritourism, ancillary uses and activities					
Commercial stable					
Farms and farm operations				P	8-11
Farmers market					
Greenhouses and nursery, accessory landscape business					
Roadside stand					
Industrial					
Manufacturing, processing and packaging, light			P	P	8-15
Manufacturing, processing and packaging, heavy				S	8-15
Salvage and impound operation			S	S	8-27
Warehousing			P	P	
Wholesale and distribution		S	P	P	
Mini-warehouse/self-storage		S	P		8-20
Infrastructure, Transportation, Communications					
Airstrip			S	S	
Commercial solar energy system			S	S	8-31
Essential services	P	P	P	P	8-10
Helicopter landing pad			S	S	
Infrastructure and utilities, regional		P	P	P	
Parking facility, public or commercial	S	P	P		
Waste management facility			P	P	

Table 4.2 Schedule of Uses: Commercial and Industrial Districts					
Use	CS	HS	LI	IP	Other
Wind energy conversion systems (WECS), large turbine systems					8-35
Wind energy conversion systems (WECS), small turbine or on-site system, anemometer tower or MET (meeting setback and height requirements for principal buildings in applicable district)	P	P	P	P	8-35
Wind energy conversion systems (WECS), small turbine or on-site system, anemometer tower or MET (exceeding height requirements for principal buildings in applicable district)	S	S	S	S	8-35
Wireless communications		P	P		8-36
Wireless communications, collocation	P	P	P	P	8-36
Institutional/Civic					
Community oriented cultural facility	P				
Community public safety	P	P	P	P	
Governmental facility	P	P	P	P	
Meeting facility	P				
Parks, playgrounds, outdoor recreation	P				
Place of worship	P				
Recreation facility, community-based	P				
School, college or university	P	P			
School, private	P	P			
School, specialized/training		S	S		8-28
Offices and Services					
Animal services, animal clinic/hospital, kennel, rescue or shelter	S	P	P		8-4
Body branding, piercing and tattoo facility		P	P		
Child care center	P	P			
Crematorium			P	P	
General offices and services	P	P			
General offices and services with a drive through facility	S	P			
Offices and services, such as a landscaping and tree removal company, exterminator, carpet cleaner, contractors' office.		S	P		
Medical services, clinics and medical offices	P	P			
Medical services, hospital	S	P			
Vehicle repair, major			S		8-33
Vehicle repair, minor		S	P		8-33
Vehicle wash		S	P		
Vehicle wash, trucks and heavy equipment			P	P	
Residential					
Day care, adult day care home	S				
Day care, family day care (children)	S				
Day care, group day care home (children)	S				
Dwelling, accessory	S				8-7
Dwelling, multi-family/single-family attached					8-22
Dwelling, multi-family/single-family attached, over commercial or office use	S				
Dwelling, single-family	S				8-8
Dwelling, temporary	S				8-9
Dwelling, two-family	S				

Table 4.2 Schedule of Uses: Commercial and Industrial Districts					
Use	CS	HS	LI	IP	Other
Foster care, adult foster care family home	S				
Foster care, adult foster care group home	S				
Foster care, foster family home (children)	S				
Foster care, foster family group home (children)	S				
Housing, independent and assisted living	S				
Home, convalescent or nursing	S				
Retail					
General retail (indoor)	P	P			
General retail (outdoor)		S	S		
General retail with a drive through facility	S	P			
Liquefied petroleum gas (LPG) sales			S		8-17
Service station	S	S	S		8-29
Vehicle sales and rental: automobiles, light trucks, boats	S	S			8-34
Vehicle sales and rental: heavy equipment/tools, heavy trucks, RVs, manufactured homes	S	S	P		8-34
Other					
Mineral extraction	S	S	S	S	8-19
Sexually oriented business			S		8-30
Similar uses	P/S	P/S	P/S	P/S	2-4
Temporary office			S	S	8-32

Section 4-3 Spatial Requirements

All lots shall meet the minimum area and width requirements of *Table 4.3*. New lots shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in *Table 4.3*.

Requirement		CS	HS	LI	IP
Lots					
Min. Area (s.f.)	Sewer	20,000	43,560	43,560	5 ac
	Septic	43,560	43,560	43,560	5 ac
Min. Width (ft.)	Sewer	100	150	200	330
	Septic	150	150	200	330
Setbacks					
Min. Front (ft.)		30	35	70	70
Min. Side (ft.)	Non-Residential	15	20	35	35
	Residential	15	50	50	50
Min. Rear (ft.)	Non-Residential	30	20	50	50
	Residential	30	50	50	50
Project Perimeter Open Space Buffer		-	-	-	200
Non-Residential Principal and Accessory Buildings					
Max. Height (ft.)		35	35	45	45
Max. Stories		3	3	3	3
Max. Lot Coverage		25%	25%	30%	30%
Residential Accessory Buildings					
Min. Front (ft.)		30	-	-	-
Min. Side (ft.)		5	-	-	-
Min. Rear (ft.)		5	-	-	-
Min. Separation from Principal Building (ft.)		10	-	-	-

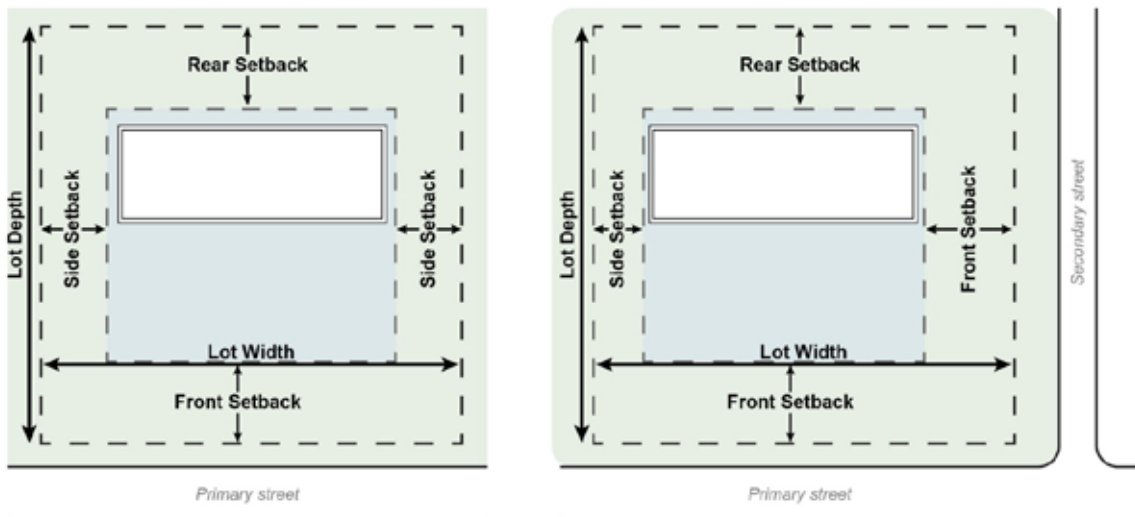


Figure 4-1 Spatial Requirements, Interior Lot (left) and Corner Lot (right)

Section 4-4 Other Requirements

In addition to the requirements of this article, all development in the Commercial and Industrial Districts shall meet the applicable requirements included elsewhere in the Zoning Ordinance:

- A. *General Provisions for All Districts. Article 7, as applicable and if noted in the far-right column in Table 4.2.*
- B. *Specific Use Requirements. Article 8, if noted in the far-right column in Table 4.2.*
- C. *Parking and Loading. Article 9.*
- D. *Landscaping, Screening and Lighting. Article 10.*
- E. *Signs. Article 11.*
- F. *Site Plan Review. Article 12, as applicable.*
- G. *Special Land Use Permits. Article 13, if noted as "S" in Table 4.2.*

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Corridor Preservation Overlay District

Article

5

Section 5-1 Intent and Purpose

The Marshall Township Master Plan has established access management as the underlying basis for development regulation along the Michigan Avenue corridor. The intent is to establish additional setback distances for all uses along this corridor to preserve the right-of-way for future expansion. In addition, these overlay standards provide for improved traffic flow through the township by limiting the number of turning movements and access points where accidents are of the greatest likelihood. This potential for expansion of the right-of-way and the reduction in the number of access points may also support the use of this corridor for non-motorized and pedestrian movement. The intent will also be to achieve a consistent pattern and appearance of development, creating a unified corridor regardless of the specific use.

Section 5-2 Location

The CP Overlay District shall include all land within 200 feet of the Michigan Avenue right-of-way. Michigan Avenue's overlay shall extend from the City of Marshall border on the east to the Emmett Township border on the west.

Section 5-3 Site Development Regulations

In addition to the standards for the zoning district in which the use is located, the following regulations shall apply to all land within the CP Overlay District.

- A. *Lot Width.* Unless existing at the effective date of this ordinance, the minimum width for any parcel served by a private driveway shall be 330 feet. If shared driveways are proposed, minimum lot widths applicable to the underlying zoning district shall apply.
- B. *Front Yard Setback.* The minimum front yard setback is established as 125 feet from the existing centerline of the road or 50 feet from the right-of-way line to be preserved, whichever is greater.
- C. *Appearance.* An improved and uniform appearance of non-residential buildings within the CP Overlay District is desired by the Township. Within the CP Overlay District, the following building materials are required on new buildings and existing buildings that are proposed to be expanded in square footage by 25 percent or more:
 1. The use of masonry or horizontal siding is required on 100 percent of all front building facades facing Michigan Avenue.
 2. The use of masonry or horizontal siding is required on 25 percent of all side building elevations.
 3. The following materials shall be considered masonry for the purposes of these requirements: natural stone, face brick, face tile, decorative pattern concrete block, brick or stone veneer, or a material determined to be similar by the Zoning Administrator. Horizontal siding shall be wood, cementitious, or vinyl, or a material determined to be similar by the Zoning Administrator. Excluding overhead doors, the square footage of all windows and doors shall count as masonry.

Planned Unit Development Districts

Article

6

Section 6-1 Intent and Purpose

- A. *Intent.* The intent of this article is to offer an alternative to conventional development and traditional zoning districts by permitting flexibility in the regulations for development by authorizing Planned Unit Development (PUD) Districts. The standards in this article are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed while ensuring compatibility with adjacent land uses.
- B. *Purpose.* The PUD rezoning process is provided as a design option to allow for one (1) or more of the following:
1. Innovative land development in terms of variety, design, layout, and type of structures constructed;
 2. Efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
 3. Adaptive re-use of significant or historic buildings;
 4. Mix of compatible uses or residential types;
 5. Preservation and protection significant natural features, open space, and cultural/historic resources;
 6. Promote efficient provision of public services and utilities;
 7. Minimal adverse traffic impacts and accommodate safe and efficient pedestrian access and circulation;
 8. Convenient recreational facilities; and
 9. Use and improvement of land where site conditions make development under conventional zoning difficult or less desirable.
- C. *Design Flexibility.* The PUD process and standards provide for flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of the Zoning Ordinance on the basis of the total PUD plan, subject to the approval of the PUD. A PUD shall not be sought primarily to circumvent the standards and requirements of other zoning districts.

Section 6-2 Qualifying Conditions

The following criteria shall apply to all PUDs:

- A. *Unified Control.* The PUD shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as an integral unit.
- B. *Minimum Acreage.* The gross area of a tract of land to be developed in a PUD district shall be a minimum of five (5) acres.
- C. *Recognizable Benefit.* The applicant shall demonstrate that the PUD provides at least four (4) of the following site design elements, which could not be attained through a project designed under conventional zoning:
1. Mixed-use development with residential and non-residential uses or a variety of housing types;
 2. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;
 3. High quality architectural design beyond the site plan requirements of this article;
 4. Extensive landscaping beyond the site plan requirements of this article;
 5. Preservation, enhancement, or restoration of natural resources (trees, slopes, wetland areas, water views, etc.);
 6. Preservation or restoration of significant or historic resources;
 7. Provision of open space or public plazas or features;

8. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g. topography, shape, etc.);
 9. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allowing incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
 10. Shared vehicular and pedestrian access between properties or uses;
 11. Mitigation to offset impacts on public facilities (such as street improvements); or
 12. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.
- D. *Compatibility with Adjacent Uses.* The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, waste receptacles, swimming pools, tennis courts, and facilities of a similar nature, shall not be located near the perimeter of the PUD or so as to negatively impact the residential use of adjacent lands.
- E. *Master Plan.* The proposed PUD shall be consistent with the Marshall Township Master Plan.

Section 6-3 Permitted Uses

- A. *Uses.* Any use permitted by right or by special land use allowed in any district may be permitted in a PUD, provided all the objectives and standards of this article are determined to be met and there is compliance with the procedures of this article. Compatible residential, commercial, and public uses may be combined in PUD districts, provided the proposed location of the commercial or public uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building spatial requirements of the residential districts shall apply except as modified in accordance with this article.
- B. *Public Use.* The actual amount of land devoted to commercial and public use in a residential/commercial development shall be determined by the Planning Commission and approved by the Township Board.
- C. *Mixed Use.* Residential and non-residential uses may be permitted in combination to create an integrated, mixed-use development.
- D. *Approval of Uses.* Approval of a PUD shall include the identification of the specific uses permitted within the PUD, and only those uses approved through this process shall be permitted. Land use shall be consistent with the Marshall Township Master Plan in all cases.

Section 6-4 Zoning Requirements

- A. *Residential.* For projects that include single-family dwellings, the PUD concept plan narrative shall state minimum spatial requirements for single-family lots. A PUD shall be compliant with base residential district spatial standards unless deviations from the minimum standards and requirements of the based zoning district are approved.
- B. *Non-Residential.* Non-residential developments shall meet the area, height, and placement requirements of the Commercial and Industrial Districts unless deviations from the minimum standards and requirements of the based zoning district are approved.
- C. *Mixed Use.* Each use in a mixed-use development (containing both residential and commercial development) shall meet the height, area and placement requirements of the zoning district that corresponds to each element of the proposed development.
- D. *Deviations from Minimum Requirements.* District regulations applicable to a land use in a PUD may be altered from those of the district(s) in effect immediately prior to the PUD rezoning, which shall be limited

to, modification from the lot area and width, building setbacks, height, lot coverage, minimum floor area, landscaping, lighting, signs, and parking. The applicant for a PUD shall identify, in writing, all intended deviations from the prior zoning being proposed. Deviations may be approved during the PUD Concept Plan review by the Township Board after the Planning Commission recommendation. These adjustments may be permitted only if they will result in a higher quality of development or better integration of the proposed use(s) with surrounding uses. The deviations shall also satisfy one (1) or more of the following criteria:

1. Preserves the best natural features of the site;
2. Creates, maintains or improves habitat for wildlife;
3. Creates, improves or maintains open space for the residents;
4. Enhances the views into the site as well as the view from dwellings to be built on site; and/or
5. Results in a better development, consistent with the purposes of PUD expressed in *Section 6-1* and the recommendations of the Marshall Township Master Plan.

Section 6-5 Review Procedure

The PUD review and approval process includes the following steps:

- A. *Pre-Application*. Pre-application conference with the Zoning Administrator to review the PUD concept and discuss the review process.
- B. *PUD Concept Plan and Rezoning*.
 1. Planning Commission review of PUD Concept Plan and PUD Rezoning and scheduling of public hearing;
 2. Planning Commission public hearing; review and recommendation of the PUD Concept Plan and Rezoning; and
 3. Township Board review and approval of PUD Concept Plan and PUD rezoning.
- C. *PUD Final Site Plan*. Planning Commission approval of PUD Final Site Plan in accordance with the process for Level "B" Site Plan review.

Section 6-6 Pre-Application Conference

A pre-application conference shall be held with the Zoning Administrator for the purpose of determining the eligibility of the request for consideration as a PUD.

- A. *Conference Request*. A request for a pre-application conference shall be made to the Zoning Administrator. As part of the pre-application conference, the applicant shall submit a copy of a sketch plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
- B. *Guidance*. The Zoning Administrator shall advise the applicant of the conformance of the PUD concept with the objectives of the township, whether the concept qualifies under the requirements of this article, and whether the general concept is substantially consistent with the Marshall Township Master Plan. Formal action shall not be taken at a pre-application conference and statements made at the pre-application conference shall not be considered binding commitments or an approval of the concept.

Section 6-7 PUD Concept Plan Review

- A. *PUD Concept Plan Submittal*. Collectively, the materials listed below constitute the PUD Concept Plan. The plan shall be professionally prepared by a licensed engineer, architect, or landscape architect. The Preliminary Site Plan shall be drawn to an engineer's scale of not less than one (1) inch = 50 feet for property less than three (3) acres, or one (1) inch = 100 feet for property three (3) acres or more in size.

1. Information.
 - a. Name and firm address of the professional individual responsible for preparing site plan and professional seal.
 - b. Name and address of the property owner or petitioner.
 - c. Scale, north arrow and date.
 - d. Acreage, gross and net.
 - e. Zoning of adjacent properties.
 - f. Legal property description.
2. Existing Conditions.
 - a. Boundary survey lines and setbacks.
 - b. Location sketch showing site, adjacent streets and properties within 200 feet
 - c. Location, width and purpose of all existing easements.
 - d. Abutting street right-of-way and width.
 - e. Topography with contour intervals of no more than two (2) feet.
 - f. Natural features such as wooded areas, surface water feature, high risk erosion areas, slopes over 14 percent, beach, sand dunes, drainage ways, and other significant site features.
 - g. Existing buildings, structure, paved surfaces, installed landscaping, and other significant physical infrastructure.
 - h. Size and location of existing utilities.
3. Proposed Development.
 - a. Conceptual layout of proposed buildings, structures, driveways, parking lots, landscaped areas, and other physical infrastructure, as applicable.
 - b. Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
 - c. Layout and typical dimensions of proposed parcels and lots, of applicable.
 - d. Parking calculations.
4. Site Development.
 - a. Conceptual water and sewer service plan.
 - b. Preliminary grading plan.
 - c. Stormwater concept plan
5. Building Details.
 - a. Building type concepts.
6. Supplemental Information.
 - a. A narrative shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) upon which the proposed density and the area, height and placement requirements are based, and documentation indicating how the qualifying conditions in *Section 6-2* and the standards of *Section 6-9* are met.
 - b. Table of Deviations. The application shall include a table detailing all requested deviations identified in the concept plan narrative. This table shall clearly identify the requirement in comparison to the requested deviation.

- c. **Additional Information.** Any additional information requested by the Planning Commission to better assist in the determination of PUD qualification such as, but not limited to market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

B. *Planning Commission Review of PUD Concept Plan and Rezoning.*

1. **Initial Review.** The Planning Commission shall review the draft PUD concept plan at a regular or special meeting. Upon determination by the Planning Commission that the application meets the requirements of this article, a public hearing shall be set for a date certain. Notice of the public hearing shall conform to the requirements of Section 103 of the State of Michigan Zoning Enabling Act and *Section 14-4*.
2. **Public Hearing and Recommendation.** The Planning Commission shall review the PUD concept plan in consideration of public hearing comments, technical reviews from township staff and consultants, correspondence from applicable review agencies, and compliance with the standards of this article, and other applicable township standards and requirements. The Planning Commission shall recommend approval, approval with conditions or denial of the PUD Concept plan and rezoning to the Township Board. The recommendation shall be based on the following:
 - a. Whether all applicable provisions of this article are met;
 - b. Whether the proposed PUD meets the intent of this article, as outlined in *Section 6-1*;
 - c. Whether the qualifying conditions in *Section 6-2* are met; and
 - d. Whether the standards of approval in *Section 6-9* are met.

C. *Township Board Review of PUD Concept Plan and Rezoning.*

1. **Township Board Action.** Following receipt of a recommendation from the Planning Commission on the PUD Concept Plan and rezoning, the Township Board shall review the application and approve, deny, or approve with conditions.
2. **Conditions.** In accordance with the Michigan Zoning Enabling Act, reasonable conditions may be attached to the approval of a PUD for the purpose of: ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources; ensuring compatibility with adjacent uses of land; promoting the use of land in a socially and economically desirable manner; and furthering implementation of the Marshall Township Master Plan. Conditions attached to the approval shall be incorporated into the PUD adoption ordinance.
3. **Rezoning.** Upon approval by the Township Board, the property subject to the PUD Concept Plan shall be rezoned to PUD, which shall become effective after notification and publication according to the Michigan Zoning Enabling Act.

Section 6-8 PUD Final Site Plan Review

- A. **Final Site Plan Submittal.** Following PUD Concept Plan and PUD rezoning approval, the PUD Final Site Plan for the entire PUD or individual phases of the PUD shall be submitted in accordance with *Article 12-8*.
- B. **Conformance with PUD Concept Plan.** All PUD Final Site Plans subsequently submitted shall substantially conform with the PUD Concept Plan, all conditions attached to preliminary approval, the PUD adoption ordinance, and the requirements of this article.
- C. **Changes.** Major or minor changes and deviations between the PUD Concept Plan and the PUD Final Site Plan shall be considered through the following processes:
 1. **Minor changes.** Minor changes may be approved according to *Section 6-10*.

2. Major changes. Any changes from the approved PUD Concept Plan not determined to be minor shall require that a new PUD Concept Plan be submitted and approved according to *Section 6-7*, before further consideration of the changed plan(s).
- D. *Approval*. If the Planning Commission finds that the PUD Final Site Plan is in substantial conformance with the approved PUD Concept Plan and the requirements of this article, it shall approve the plan.

Section 6-9 PUD Concept Plan and Rezoning Standards of Approval

A PUD shall only be approved if it complies with each of the following standards as well as applicable standards established elsewhere in this article:

- A. *Intent and Qualification*. The proposed PUD complies with the Intent and all Qualifying Conditions of *Sections 6-1* and *6-2* of this article, respectively.
- B. *Uses*. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with the Marshall Township Master Plan.
- C. *Design*. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. *Character*. The PUD shall not change the essential character of the surrounding area.
- E. *Impact*. The PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- F. *Public Service Capacity*. The PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
- G. *Utilities*. Underground utilities, including telephone and electrical systems, are required within the limits of all PUDs. Appurtenances to these systems, which can be effectively screened, may be exempt from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed unit development.

Section 6-10 Amendments

Changes to an approved PUD Concept Plan or variations shown on a PUD Final Site Plan shall be permitted only under the following circumstances:

- A. *Minor Changes*. A minor change to an approved PUD Final Site Plan may be approved by the Zoning Administrator per the requirements of this section, if already approved. The Planning Commission may approve a minor change to a PUD Final Site Plan during their review. A change that would alter any specified conditions imposed as part of the original approval not be considered as a minor change. Minor changes include the following:
 1. Reduction of the size of any building and/or sign.
 2. Movement of buildings or signs by no more than 50 feet, provided the required setbacks are not reduced.
 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans of up to 10 percent of the total floor area that do not alter the character of the use or increase the amount of required parking.
 5. Internal rearrangement of a parking lot that does not affect the number of parking spaces, access locations, or design.
 6. Changes required or requested by the Marshall Township, Calhoun County, or other state or federal regulatory agency to conform to laws or regulations.

- B. *Other Minor Changes.* A change that is not considered minor may be submitted to the Planning Commission to determine if the change is minor in scope and/or effect and that the change would not alter the basic design or intent of the approved PUD. If Planning Commission determines that the proposed change is minor, the Zoning Administrator shall be authorized to approve it administratively.
- C. *Major Changes.* A change that the Zoning Administrator or Planning Commission determines is not minor must be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application, *Section 6-7*.

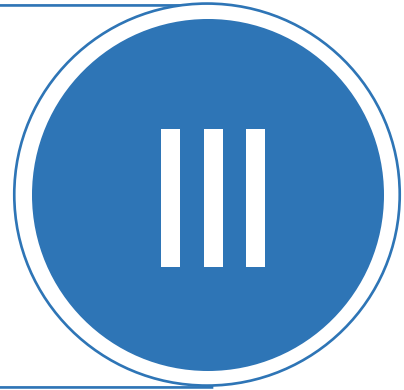
Section 6-11 Expiration and Extension

- A. *Expiration of Concept Plan Approval.* Approval of the PUD Concept Plan and rezoning by the Township Board shall confer upon the owner the right to proceed through the subsequent final planning phase for a period not to exceed two (2) years from date of approval.
- B. *Expiration of PUD Final Site Plan Approval.* Each development shall be under meaningful construction within one (1) year after the date of approval of the Final PUD Site Plan.
- C. *Termination of Rights.* If either plan expires, the PUD Concept Plan and PUD Final Site Plan, if approved, shall automatically become null and void and all rights of development based on the plan shall terminate.
- D. *Extension.* The Township Board may for good cause approve one (1) extension of up to one (1) year, if requested in writing by the applicant prior to the expiration date of the original PUD Concept Plan approval or PUD Final Site Plan approval.
- E. *Township Initiated Rezoning.* Upon expiration of a PUD Concept Plan, the Township Board may direct the Planning Commission to conduct a public hearing and make a recommendation to revoke the PUD zoning and rezone the property to its original designation or other district as appropriate

Section 6-12 PUD Appeals and Variances

The Zoning Board of Appeals shall have no jurisdiction to hear appeals of or make interpretations of any decisions regarding this article or proposed PUD Concept Plan or PUD Final Site Plan. Additionally, no variances may be requested for requirements within an approved PUD.

Part III
Development Provisions



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General Provisions for All Districts

Article

7

Section 7-1 Intent and Purpose

This article outlines requirements that are applicable for situations that may occur in any location in Marshall Township regardless of the zoning district designation, unless otherwise specified.

Section 7-2 Access Management

- A. *Commercial Lots.* A single lot with the required frontage on a public road (or on an approved private road) shall be served by a single driveway. Where the building line extends more than 200 feet from the public road or where shared access is provided to two (2) contiguous lots meeting the required lot width standard, they shall be served by a private driveway, and such private driveway shall be no less than 20 feet in width. Public access to commercial, industrial, or recreational uses shall not be designed so as to pass through the residential neighborhoods.
- B. *HS District.* No establishment in the HS District shall have more than two (2) driveways, each of which shall not exceed 25 feet in width, unless otherwise required by the Calhoun County Road Commission. No driveway shall be located closer than 50 feet from an intersection and no closer than 150 feet from the point that the edge of an interstate highway ramp merges with the outer edge of the outer pavement of the intersecting highway.
- C. *Residential.* A private driveway may be established to serve no more than two (2) single family dwellings. Frontage requirements shall be met for all new lots and parcels.

Section 7-3 Alternative Heat/Fuel Furnaces

- A. *Applicability.* This section applies to the use of any free-standing furnace structure that is designed to provide heat or hot water to any residence or accessory building, not located within the residence or accessory building.
- B. *Setback.* The building housing the furnace structure shall be located within the rear yard and shall be separated no less than 150 feet from nearby residences and no less than 100 feet from all property lines.
- C. *Fuel.* The outdoor storage of any fuel material for the furnace, such as wood, corn, or pellets, shall be setback no less than 50 feet from any property line and shall be screened from the road and adjoining properties by buildings, fencing, or evergreen landscaping, or combination of these methods.
- D. *Emissions.* The furnace shall not emit dense smoke for more than 20 minutes within any hour of a 24-hour period, when the fire is being kindled. The emission of a dense smoke shall be defined as: smoke of a density equal to or greater than the density described as number two (#2) on the Ringelmann Smoke Chart, hereby adopted by reference, as published by the Department of the Interior, Bureau of Mines, as amended or revised.
- E. *Chimney.* The chimney shall have a spark arrestor installed at the top of the stack. The stack shall be no less than six (6) feet above the height of the roof line where it has been installed, with this height no less than (2) feet above the roof peak of the building housing the furnace.

Section 7-4 Condominium and Subdivision Developments

Subdivisions and site condominium projects shall be processed in accordance with the Marshall Township Subdivision/Site Condominium Ordinance.

Section 7-5 Control of Heat, Fumes, Dust, Noise, Vibration, and Odors

Every use shall be conducted and operated in a way that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the parcel on which the use is located.

Section 7-6 Governmental Improvements

The provisions of this ordinance shall be applicable to and enforceable against Marshall Township itself and all other governmental agencies and units, federal, state or local, except when precluded by any local, state and federal laws.

Section 7-7 Grading and Excavating

- A. *Banks and Shorelines.* No persons shall alter, change, transform or otherwise vary the edge, bank, or shore of any lake, river, or stream except in conformance with this section.
1. As provided for in the Inland Lakes and Streams Act, Act 346 of the Public Acts of 1972, as amended, and in accordance with the requirements of the Michigan Department of Natural Resources.
 2. If any edge, bank, or shore of any lake, river, or stream is proposed to be altered in anyway by any person, such person shall submit to the Planning Commission all data, exhibits, and information as required by the Department of Natural Resources.
- B. *Drainage.*
1. Slope. Elevations for any site with a building located on it, or a site proposed for a building, shall have a grade sloping away from the walls of the building to prevent the ponding of surface water along foundations.
 2. Runoff. No site shall be filled or graded in a way that will discharge surface runoff onto adjacent properties in a manner that increases the amount of runoff more than predevelopment conditions.
- C. *Elevating a Building Site.* Grading and/or filling of materials to elevate the first-floor elevation of a structure is permitted, however, structure height on waterfront lots will be measured from the existing elevation prior to grading.
- D. *Excavation.* The construction, maintenance or existence of any unprotected, un-barricaded, open or dangerous excavations, holes, pits or wells, which, in the opinion of the Zoning Administrator, constitute or are likely to constitute a danger to the public health, safety or welfare is prohibited; provided, this section shall not apply to any excavation for which a building permit or a temporary permit has been issued by the township and which is properly protected and warning signs posted.

Section 7-8 Floodplain Development

In a floodplain, the construction or location of bridges, outdoor equipment, bleachers, and similar outdoor equipment or appurtenances, storage of materials and equipment is prohibited unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the floodplain.

Section 7-9 Height

- A. *Measurement.* Vertical distance of structure height is measured from the elevation of the finished grade at the front of a building, on a level lot, to:
1. Mansard, Gable, Hip or Gambrel Roof. The average height between the eaves and ridge (Figure 7-1).
 2. Parapet/Flat Roof. The highest point of the roof for a flat roof.
 3. Other Roof Type. A point equivalent to the roof types specified in this section, as determined by the Zoning Administrator.

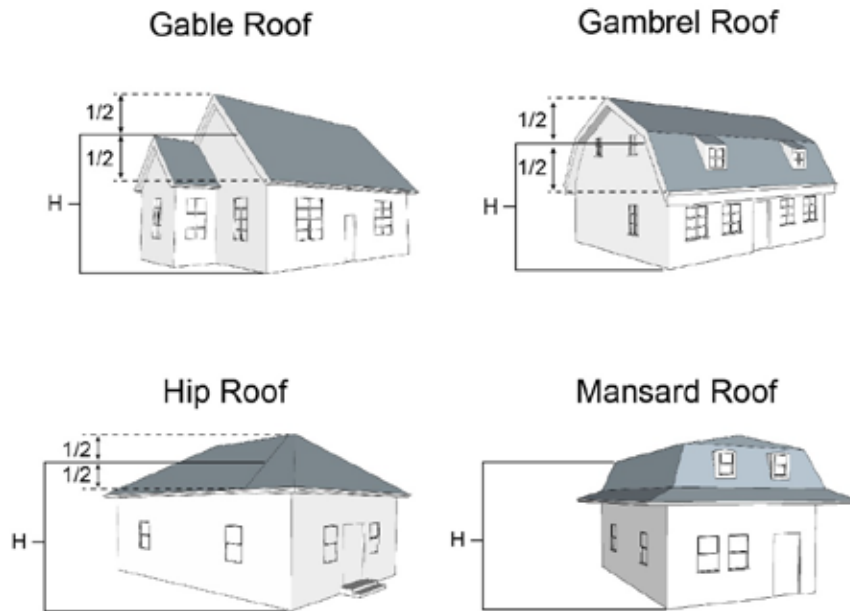


Figure 7-1 Roof Height

- B. *Sloping Grade and Walkout.* On a sloping grade, the height shall be measured from the average grade, between front and rear building lines or between side building lines, whichever dimension reflects the greater degree of slope, to the point of measurement noted in Section 7-9 A (Figure 7-2). The height of building additions shall be measured in the same manner.

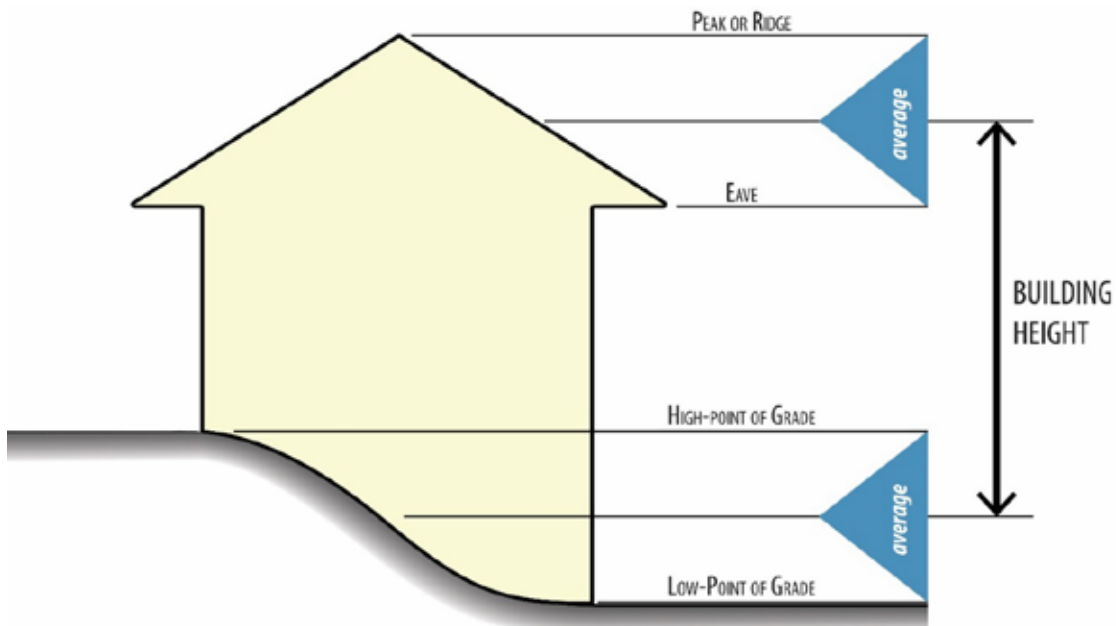


Figure 7-2 Building Height

- C. *Maximum Height.* Unless otherwise authorized by this ordinance, height maximums are subject to the limitations of Tables 3.3 and 4.3.
- D. *Waterfront Lots- Artificial Grade.* In the case of artificially raising the natural grade of a building site, the

average high and low point of the pre-existing natural grade shall be used when calculating building height on waterfront lots.

- E. *Exceptions.* The following shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four (4) feet in height from the adjoining roof, chimneys, cooling towers, elevator bulkheads, fire towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and other similar architecture or structural elements and appurtenances.

Section 7-10 Principal Buildings and Uses

- A. *Principal Buildings.* On residential lots and parcels in the AG, R-2, R-2, R-3, OC and CS Districts, no more than one (1) principal building shall be placed on a parcel. In the case of residential condominium projects, each building site shall be limited to one principal building.
- B. *Principal Use Collectively.* Non-residential lots and parcels in the Commercial and Industrial Districts shall not be devoted to more than one (1) principal use, or contain more than one (1) principal building, except for mixed uses where permitted, or groups of retail, industrial, or agricultural buildings which are determined by the Zoning Administrator to be a principal use collectively, based on the following considerations:
1. Individual buildings share common parking areas.
 2. Access to the buildings/uses is provided via shared access drives or streets.
 3. Buildings are under single ownership.
 4. Individual activities support one another (such as auto dealership/vehicle repair or a convenience store/restaurant/gas station), unless it is a mixed commercial and residential use allowed by this ordinance.
 5. The buildings are architecturally consistent and compatible.

Section 7-11 Private Roads

- A. *Applicability.* All parcels of land which are not part of a recorded plat shall have access to a dedicated public road or access to a private road as described in this section.
- B. *Required Approval.* No person shall commence construction of a private road or commercial driveway within the township without prior approval by the Township Board. Applications for approval shall conform to the rules of procedure as promulgated by the township and/or Calhoun County Road Commission and as adopted by the township. A construction permit for a private road as approved by the Township Board shall be valid for a period of not more than two (2) years. The developer of a private road shall be responsible for maintenance of the private road until such time a dwelling is built and occupied or a maintenance agreement is in effect.
- C. *Deed Restrictions/Covenants.* Prior to the approval of the proposed private road, the applicant shall submit to the township a set of deed restrictions/covenants in a form acceptable to the township which shall provide for the creation of the private road easement and the creation of a homeowner's association whose members shall be the property owners abutting the road. The association shall be responsible for the upkeep and maintenance of the road. No more than one (1) association shall be responsible for any one (1) private road.
- D. *Review Procedures.*
1. *Completeness Review.* An application for a private road shall be submitted to the Zoning Administrator. If the application is complete, application and plans shall be forwarded to the Planning Commission together with comments from township staff. If the application is incomplete, the Zoning Administrator shall return it to the applicant with a written explanation of the deficiencies that must be corrected.

2. Review Meeting. A complete application shall be considered by the Planning Commission at a public meeting. If the private road is part of a planned unit development, special land use, site development plan review or other application requiring Planning Commission consideration, it may consider private road approval as part of the other development review.
3. Department Review. The Planning Commission may consult with the Township Planner, Fire Chief, Attorney, Engineer, and Zoning Administrator when considering a private road application.

E. *General Requirements*.

1. Design. Private roads shall comply with the road design and construction standards and requirements of the Calhoun County Road Commission.
2. Dead Ends. No private roads may dead end without the creation of a cul-de-sac, with such meeting the Calhoun County Road Commission standards for a cul-de-sac.
3. Right-of-Way. Width of right-of-way shall be no less than 66 feet.
4. Easements. For any parcel of land not fronting on an established public road, an easement for the construction and maintenance of various public utilities including natural gas, electric telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.
5. Access. No private road or street shall provide access to another private road.
5. Names. The applicant shall submit at least two (2) proposed names for a private road.
6. Secondary Access. Developments that consist of 75 or more dwelling units shall have at least two (2) separate access/egress points to protect residents in the event of an emergency or in the event of blockage of an access point and to promote safer traffic flow. In such instances where two (2) access/egress points are not possible for developments of 75 or more dwelling units, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, if the applicant demonstrates all the following conditions apply. Additionally, the Planning Commission may require a wider boulevard design if one (1) point of access is approved.
 - a. The spacing of existing adjacent driveways or environmental constraints prohibit adherence to the access requirements.
 - b. There is no other reasonable means to achieve two (2) points of access/egress.
7. Submittal Requirements. The applicant shall submit an engineered plan of the private road, as well as a letter of intent stating general specifications for the private road, including total proposed length

F. *Review Standards*. The Planning Commission shall review the application and base its approval on compliance with the following standards:

1. The private road complies with all requirements of this section and other applicable provisions of this ordinance.
2. The private road would not create hazardous or potentially hazardous situations.

G. *Conditions for Issuing a Permit*. Except as provided in this ordinance, no building/zoning permits shall be issued for parcels abutting private roads until the road has been approved. No certificate of occupancies will be issued for dwellings and buildings until final road completion and approval by the Township Engineer.

H. *Easement and Maintenance Agreement*. Applications for private roads shall include the following recordable legal instrument and agreement for a review prior to approval of a private road.

1. Recordable Legal Instrument. For a private road providing access to lots or units under separate ownership, a copy of the recordable legal instrument(s) describing and granting private road easement(s).
2. Content. A copy of a recordable private road maintenance agreement, signed by all owners of the

lands served by the private road and other parties in interest, which includes the following:

- a. Provisions that assure that the private road will be maintained, repaired, and snowplowed for the full width of the roadway in accordance with the standards of this section and in a manner to assure that the private road is safe for travel and accessible by emergency vehicles at all times.
- b. Provisions that assure that the costs of maintenance of the private road and its easement are paid for in an equitable manner.
- c. A legal description of the private road easement and a legal description of the individual parcels of land to be served by the private road. All properties served by the private road shall be subject to the private road maintenance agreement.
- d. Provisions authoring the township, in its sole discretion, to perform reasonably necessary maintenance of the private road, subject to reimbursement by the owners of the properties served by the private road.
- e. Provisions declaring that the private road maintenance agreement constitutes a restrictive covenant, running with the benefitted lands, and binding on all current and future owners and other parties in interest as to the respective obligations stated therein.
- f. Provisions authorizing the township, in its sole discretion, to enforce the terms of the private road maintenance agreement, by any lawful means, in addition to such enforcement by any of the owners of the lands served by the private road, or by another interested party.
- g. Provisions to indemnify, save and hold the township, and its officers, employees, and agents, harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair, or replace the private road.

Section 7-12 Setbacks, Yards, Lots & Parcels

A. Setback Requirements.

1. Minimum Requirement. Unless otherwise stated, principal and accessory buildings are subject to a minimum required horizontal separation from right-of-way lines or property lines as required by the UDC.
2. Exemption. Structures such as mailboxes, fences, planters, landscaping beds, flagpoles, yard decorations, and other elements determined by the Zoning Administrator to be similar, are not subject to setbacks.

B. Projections into Setback Areas.

1. Architectural Features. Certain architectural features, such as cornices, bay windows, windows without foundations, window wells, gutters, chimneys, pilasters, and other elements determined by the Zoning Administrator to be similar, may project no further than three (3) feet into a front or rear setback area.
2. Covered and Enclosed Additions. Any permanently constructed porch, patio, carport, terrace, addition, deck, or balcony that is covered by a roof or trellis, or enclosed by a barrier, wall or screen, shall meet the minimum setback requirements of the principal building or accessory building to which it is attached. Any other similar covering or enclosing structural element shall be subject to the same requirement.
3. Open and Uncovered Elements. An open, uncovered, and unenclosed porch or paved terrace and other structural elements determined by the Zoning Administrator to be similar, may project into a required setback no more than 10 feet.

C. *Yards and Setbacks by Lot Type.*

1. Interior Lots.

- a. **Yards and Lot Lines.** Interior lots shall have one (1) front lot line, one (1) front yard, two (2) side lot lines, two (2) side yards, one (1) rear lot line, and one (1) rear yard.
- b. **Setbacks.** Buildings on interior lots shall be subject to one (1) front setback, one (1) least side setback, one (1) greater side setback, and one (1) rear setback.

2. Corner Lots.

- a. **Yards and Lot Lines.** A corner lot with street frontage on two (2) connecting sides shall have the following yards and lot lines:
 - i. A corner lot shall have one (1) primary front lot line, one (1) secondary front lot line (side street), one (1) interior side lot line, and one (1) rear lot line. A corner lot has one (1) primary front yard, one (1) secondary front yard, one (1) side yard, and one (1) rear yard.
 - ii. On lots with existing structures, the primary front lot line and primary front yard shall be the location of the traditional front entrance of the structure.
 - iii. For undeveloped lots or lots to be redeveloped, the narrower front lot line shall be the primary front lot line and location of the primary front yard.
 - iv. Where the lot lines are of equal length, and/or the primary front lot line is not evident, the Zoning Administrator shall determine the primary front lot line and primary front yard.
- b. **Setbacks.** On a corner lot with street frontage on two (2) sides, buildings shall be subject to the following setbacks: two (2) front setbacks, one (1) least side setback, and one (1) rear setback.

3. Multi-Frontage Lots.

- a. **Yards and Lot Lines.** A multi-frontage lot with street frontage on three (3) sides shall have the following yards and lot lines:
 - i. If the dwelling is oriented toward one (1) of the two (2) parallel streets, the lot shall have two (2) front lot lines and two (2) front yards, one (1) secondary front lot line and one (1) secondary front yard (street side), one (1) interior side lot line and one (1) interior side yard, and no rear lot line and rear yard.
 - ii. If the dwelling is oriented toward the middle street, the lot shall have three (3) primary front lot lines and three (3) primary front yards abutting the streets, and one (1) rear lot line and one (1) rear yard.
- b. **Setbacks.** On a multi-frontage lot with street frontage on three (3) sides, buildings shall be subject to the following setbacks:
 - i. If the dwelling is oriented toward one of the two (2) parallel streets, buildings shall be subject to three (3) front yard setbacks and a least side setback.
 - ii. If the dwelling is oriented toward the middle street, buildings shall be subject to three (3) front setbacks and a rear setback.

4. Through Lots.

- a. **Yards and Lot Lines.** Through lots shall have two (2) front lot lines, two (2) front yards, two (2) side lot lines, and two (2) side yards.
- b. **Setbacks.** Buildings shall be subject to two (2) front setbacks, one (1) least side setback, and one (1) greater side setback.

5. Cul-De-Sac Lots. The front yard setback shall follow the curve of the front lot line.
- D. *Orientation of Structures*. The Zoning Administrator shall consider the following when determining orientation of the dwelling:
1. Location and orientation of existing or proposed buildings on the through lot in relation to existing buildings on properties in the same general neighborhood, historic development patterns, and existing developed through lots.
 2. Location and impact of existing vegetation, water, or other natural features affecting the location of buildings or structures on the lot in question.
- E. *Lot and Parcel Dimensional Requirements*.
1. Lot Width. Lot width shall be the horizontal distance between side lot lines, measured between the two points where the required setback intersects with the side lot lines.
 2. Lot Depth. Lot depth shall be the average distance between the front lot line and the rear lot line. The average shall include measurements of the side lot lines, if extending from front lot line to rear lot line, and the shortest measurement from the front lot line to the farthest point of the rear lot line.
 3. Depth to Width Ratio. If under 10 acres in area, a lot or parcel shall not be more than four (4) times deeper than its width.
 4. Frontage. All lots shall have a minimum road frontage on a public or private road that is at least equal to the minimum width required by the applicable zoning district and shall be in conformance with the requirements of Calhoun County Road Commission. Cul-de-sac lots or lots on the outside edge of curved streets shall have a minimum of 40 feet of street frontage.
 5. Nonconforming Lots and Parcels.
 - a. Buildings may be permitted on nonconforming lots and parcels as long the building can comply with required setbacks.
 - b. A nonconforming lot or parcel without frontage on a public street or approved private street shall not be occupied except where access to a street is provided by a public or private easement or other right-of-way no less than 20 feet in width.
 6. Duplex Lots. Duplex development may be platted so that two (2) units are placed on one lot in accordance with the requirements of the dimensional table of the district in which the duplex is located, or so that the units are placed on pairs of lots with the lot line through the common wall between the units. If lots are platted so that each unit is on an individual lot, the plat shall indicate which lots are paired. Paired lots shall each provide half of the required minimum size and width, but may together meet other requirements of the applicable dimensional standards.

Section 7-13 Special Events

- A. *Approval Authority*. The Zoning Administrator shall consider and approve a temporary structure, use, or event if it complies with all requirements of this section. The Zoning Administrator may also, at their sole discretion, forward an application to the Planning Commission for consideration. The Zoning Administrator or Planning Commission shall review the application and other submitted materials and shall approve, deny or approve it with conditions.
- B. *Requirements*. A special event may take place outdoors, notwithstanding any limitation or prohibition against outdoor activity otherwise provided by this ordinance. A special event shall meet all the following requirements:
1. Impact. The use or structure does not have an unreasonable detrimental effect upon adjacent properties and does not affect the nature of the surrounding neighborhood.

2. Access. That access to the area will not constitute a traffic hazard due to ingress or egress.
 3. Parking. Adequate off-street parking must be available to accommodate the use; and no parking space required for any other use shall be occupied as a result of the special event.
- C. *Report to Planning Commission*. The Zoning Administrator shall report all administrative approvals authorized in this section to the Planning Commission.

Section 7-14 Swimming Pools

- A. *Building Code*. All swimming pools shall conform to the requirements of Public Act 230 of 1972, The State Construction Code Act, as amended.
- B. *Setbacks*. Swimming pools are subject to the setbacks applicable to principal structures.

Section 7-15 Temporary Storage Containers

- A. *Duration*. Temporary storage containers may be placed on property for no more than 14 days.
- B. *Location*. Placement is limited to driveways.

Section 7-16 Traffic Visibility

- A. *Clear Vision*. No use, structure or plant material, such as off-street parking spaces, fences, signs, berms, hedges, or planting of shrubs, which is taller than three (3) feet or which obstructs safe vision at a street corner, whichever is shorter, shall be located, erected or maintained within the following clear vision areas.
1. Intersection of Streets. Within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines 30 feet from the point of the intersection of the right of way lines (*Figure 7-3*).
 2. Street and Driveway. Within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two (2) points that are located on the right-of-way line and the driveway 20 feet from the point of intersection of the right-of-way line and driveway (*Figure 7-4*).
- B. *Variances*. The requirements in this section may be modified by the Zoning Board of Appeals based on geometric design and other traffic controls at the particular intersection and only after consultation with the Township Engineer, Zoning Administrator, and other public safety officials.



Figure 7-3 Street Intersection Clear Vision Area

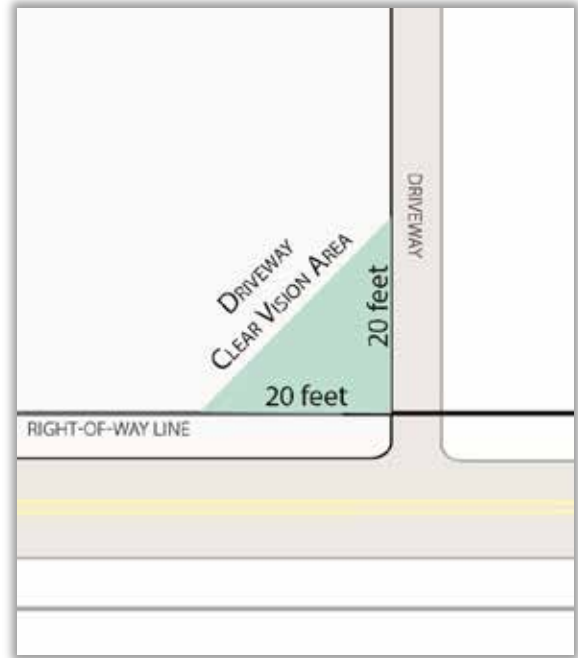


Figure 7-4 Driveway Clear Vision Area

Section 7-17 Walls and Fences

- A. *Measurement.* Fences and walls shall be measured from the natural grade to the uppermost portion of the fence or wall.
- B. *Requirements.* Fence height requirements are subject to the maximum heights in the table below:

Table 7.16 Fence Height Requirements			
District	Agricultural and Residential Districts	CS, HS	LI, IP
Max. Front Yard Height (ft.)	3 ¹	4	8
Max. Side/Rear Yard Height (ft.)	6	6	8

- C. *Placement.*
 1. Right-of-Way. Fences are prohibited within public right-of-way.
 2. Finish Side. If one side of a fence has a finished side, that side shall face adjacent properties, the water or streets.
 3. Clear Area. Fences are subject to clear area requirements included in *Section 7-16*.

¹ Fences in front yards in the AG District may be over three (3) feet, but no more than six (6) feet, if no closer to the street ROW or front property line than the front setback. Fences over three (3) feet shall not be solid or privacy-style, and shall not obscure sight into the property.

D. Type.

1. Properties in the Agricultural and Residential Districts shall not contain barbed wire or other sharpened materials or electrified fencing. However, these fence types are permitted in the AG District.
2. Properties in CS and HS shall not contain barbed wire or other sharpened materials or electrified fencing in front yards. These fence types are allowed anywhere on LI and IP District properties.
3. Barbed wire on top of fences, when permitted, may not exceed the maximum height requirement for the applicable zoning district.

Section 7-18 Water, Sewer, and Septic

Zoning and building permits shall not be issued for any structure required to have water and sanitary facilities unless well and septic permits are issued by the Calhoun County Health Department or are proposed to be connected to public water and sewer systems. No building meant for human occupancy may be used without an approved water source and sanitary disposal system.

Specific Use Requirements

Article

8

Section 8-1 Intent and Purpose

- A. *Applicability.* Specific requirements apply to all the uses listed in this section. These requirements apply in addition to all the regulations of the zoning district in which the use is located, as well as all other applicable requirements in this ordinance.
1. Accessory Uses and Buildings.
 2. Amateur Radio and Over-the-Air Reception Devices.
 3. Animal Services: Animal Clinic/Hospital, Kennel, Rescue, or Shelter.
 4. Banquet Barn.
 5. Bed and Breakfast.
 6. Dwelling, Accessory.
 7. Dwelling, Single-Family.
 8. Dwelling, Temporary.
 9. Essential Services.
 10. Farms, Farming and Farm Operation.
 11. Garage and Yard Sales.
 12. Home Based Business.
 13. Home Occupation.
 14. Industrial.
 15. Keeping of Animals, Hobby Farm
 16. Liquefied Petroleum Gas (LPG) Sales.
 17. Manufactured Home Community.
 18. Mineral Extraction.
 19. Mini-Warehouse/Self-Storage.
 20. Mobile Food Units.
 21. Multi-Family Residential.
 22. Outdoor Display, Sales and Storage.
 23. Outdoor Donation Collection Facilities.
 24. Recreational Facility, Campground.
 25. Restaurant with a Drive-Through.
 26. Salvage and Impound Operation.
 27. School, Specialized/Training- Driver Training.
 28. Service Station.
 29. Sexually Oriented Business.
 30. Solar Energy Collectors and Commercial Solar Energy Systems.
 31. Temporary Offices.
 32. Vehicle Repair.
 33. Vehicle Sales and Rental.

34. Wind Energy Conversion Systems.

35. Wireless Communications.

- B. *Special Land Uses.* A use identified in this ordinance as a Special Land Use shall be established only per the procedures and standards of *Article 13*. All standards listed in this article, in addition to the general standards for Special Land Uses listed in *Section 13-3*, shall be met.

Section 8-2 Accessory Uses and Buildings

A. *Location.*

1. Principal Use. Accessory uses and buildings are only permitted on the same lot or parcel as a principal use or building.

2. Location.

a. In the AG, OC, and AB Zoning Districts, and in the Commercial and Industrial Districts, accessory buildings may be placed in any portion of a yard, subject to the required setbacks.

b. In the R-1, R-2, R-3, and MHP Zoning Districts, accessory buildings may be placed in side and rear yards, subject to the required setbacks. Accessory buildings are prohibited in front yards in these districts.

B. *Agricultural and Residential Districts.*

1. Residential.

a. Accessory buildings are subject to the setback requirements for accessory buildings in *Table 3.3*.

b. Unless permitted as home based business or home occupation, accessory uses shall not involve the conduct of any business, trade, or industry.

2. Non-Residential.

a. Accessory buildings are subject to the setback requirements for principal buildings in *Table 3.3*.

b. Farm stands may be placed within the front setback area, outside of the road right-of-way.

C. *Commercial and Industrial Districts.* See *Table 4.3*.

Section 8-3 Amateur Radio and Over-the-Air Reception Devices

A. *Amateur Radio.*

1. Intent and Purpose. This section is intended to provide reasonable accommodation for amateur radio services in the township and to constitute minimum practicable regulation to accomplish the township's legitimate purposes consistent with state and federal laws including federal communication commission regulations pertaining to amateur radio services, as noted in PRB-1 (1985), as amended and reconsidered. Legitimate purposes include but are not limited to preserving residential character and preserving public health, safety, and welfare.

2. General Requirements. The following shall apply to all amateur radio antennas and/or amateur radio antenna support structures, which are physical components of amateur radio service:

a. Allowed in all districts on a lot with a principal building, subject to requirements of the zoning ordinance.

b. All amateur radio antennae and amateur radio antenna support structures shall comply with the FCC required safety standards and regulations pertaining to amateur radio services.

c. Amateur radio antenna and/or amateur radio antenna support structures shall be set back from all lot lines a distance no less than 110 percent of its overall height, or the required building setbacks of the zoning district, whichever is greater.

3. Permitting and Review.

- a. **Permitting.** Permits shall be required for all new roof or ground mounted amateur radio antenna and/or amateur radio antenna support structures and alterations affecting the overall height and structural capacity.
- b. **Review Authority.** Overall height of the amateur radio antenna and/or antenna support structure shall be measured from mean grade to the highest point of the antenna, the antenna support structure or the combination thereof. For roof-mounted antenna and/or antenna support structures, the mean grade is measured from the established grade adjoining the exterior walls of the structure upon which the antenna or support structure is affixed. For ground-mounted amateur radio antennas and/or antenna support structures, the mean grade is measured at the established grade adjoining the antenna and/or support structure. Required review procedures shall be based on the height, as follows:
 - i. Compliant with maximum building height of zoning district- exempt from permitting.
 - ii. Over 35 feet but less than 50 feet- administrative review.
 - iii. 50 feet or higher- special land use review process.
- c. **Content.** Applications shall include the following:
 - iv. A copy of the manufacturer's specifications for construction, assembly and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject structure.
 - v. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed amateur radio antenna and/or amateur radio antenna support structures if over 50 feet.
 - vi. FCC amateur radio license.
 - vii. Sketch plan showing location, setbacks, and other requirements.

4. District Requirements.

- a. **Agricultural and Residential Districts.**
 - i. Residential districts, no amateur radio antenna and/or antenna support structures shall be erected to a height that requires the installation of lighting per federal aviation administration rules and/or regulations.
 - ii. No more than two (2) amateur radio antennae and/or amateur radio antenna support structure of any height shall be permitted on a single lot.
- b. **Commercial and Industrial Districts.** In non-residential districts, lighting shall be installed per federal aviation administration rules and/or regulations, if required.

B. *Over-the-Air Reception Devices.*

1. **Intent.** The intent of this section is to prevent unreasonable delay of these devices, to allow installation, maintenance and use; to not unreasonably increase the cost of installation, maintenance or use; to ensure reception of an acceptable quality signal; and to protect health, safety, and welfare.
2. **Exemption.** The following devices are exempt from permitting and zoning requirements:
 - a. A dish antenna that is one (1) meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
 - b. An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.
 - c. An antenna that is designed to receive local television broadcast signals.

3. Height and Masts. Antennas may be mounted on mast structures to reach the height needed to receive or transmit an acceptable quality signal (e.g. maintain line-of-sight contact with the transmitter or view the satellite).
 4. Permitting. Mast structures higher than 12 feet above the roofline are subject to Township permitting and the design standards of this section and the following information shall be provided:
 - a. A copy of the manufacturer's specifications for construction, assembly and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject structure.
 - b. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed amateur radio antenna and/or amateur radio antenna support structures if over 50 feet.
 - c. Sketch plan showing location, setbacks, and other requirements.
 5. Setbacks. Over-the-air reception devices mounted on mast structures that are 12 feet higher than the roofline of the principal building shall be subject to setbacks of no less than 110 percent of their height.
- C. Design Standards. The following standards shall be met and maintained for all amateur radio antenna and/or amateur radio antenna support structures as well as all over-the-air reception devices mounted on mast structures that are 12 feet higher than the roofline of the principal building.
1. Color. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color to reduce visual obtrusiveness.
 2. Location. No roof-mounted amateur radio antenna and/or amateur radio antenna support structures shall be fixed to the side of a structure or roof that faces a street. Ground-mounted amateur radio antenna and/or amateur radio antenna support structures shall not be allowed in the front yard or a side yard facing a street.
 3. Guy Wires. Guy wires may encroach into required rear and side setbacks, but shall be no closer than one (1) foot from lot lines.
 4. Security and Safety. Climbable ground-mounted amateur radio antenna and antenna support structures shall be completely enclosed by a fence at least five (5) feet but no more than seven (7) feet in height or shall have appropriate anti-climb devices attached up to a height of five (5) feet or more.
 5. Wind Speed. All ground-mounted amateur radio antenna and antenna support structures shall be structurally sound enough and so designed and installed to withstand a wind speed of at least 90 miles per hour.
 6. Lighting. Lighting shall be installed per federal aviation administration rules and/or regulations, if required.

Section 8-4 Animal Services, Kennel, Rescue, and Shelter

- A. Applicability. An application to construct a commercial kennel for boarding 10 or more domesticated animals shall require any necessary permits and approvals from Calhoun County and the State of Michigan.
- B. Setback. There shall exist a 100-foot setback from any adjacent property line for any exterior area used for animal exercise area (such as a dog run).
- C. Soundproofing. Any buildings constructed for interior boarding shall be soundproofed and located no closer than 50 feet to any adjoining property line.

Section 8-5 Banquet Barn

- A. *Accessory Use.* The use shall remain accessory and incidental to a principal dwelling or farm use.
- B. *Minimum Acreage.* The lot or parcel shall be a minimum of five (5) acres.
- C. *Setbacks.* Parking and buildings associated with the use shall be 100 feet from all lot lines. The use of existing buildings within 100 feet of lot lines may be approved if it is determined that the proposed use will have no harmful effects on adjacent residential uses.
- D. *Parking and Driveway Surface.* Parking areas and driveways shall be paved with asphalt or concrete or an approved pervious surface of equal durability. Gravel, crushed rock, and other alternative surfaces may also be permitted if properly drained and maintained in a durable state that minimizes dust generation. Approval of pervious surfaces shall be to the discretion of the approval authority.
- E. *Hours of Operation and Annual Events.* The hours of operation and allowable number of events per year shall be set by the Township during review and approval of the special land use application. The intent of these restrictions is to ensure the use remains accessory and incidental to the principal residential or farm use of the property.
- F. *Sanitation.* Permanent or temporary restroom facilities shall be provided for all events.
- G. *Noise.* Amplified sound is prohibited.
- H. *Building and Fire Code Compliance.* Any buildings or structure used for banquets and events shall have permits obtained and inspections completed to ensure building and fire code compliance for the use group specified.

Section 8-6 Bed and Breakfast

- A. *Owner-Occupancy.* The use of the dwelling shall continue to be that of an owner-occupied residence.
- B. *Meals.* The use may include the service of meals, primarily breakfast, as part of the compensation received for lodging.
- C. *Signage.* The use may include a sign, not to exceed 12 square feet in area and either be attached to a wall of the Inn or, if free-standing, located no closer than half ($\frac{1}{2}$) the required front yard setback for the district in which it is located.
- D. *Exterior.* There shall be no exterior evidence of the use other than a permitted sign and parking area.
- E. *Screening.* All required parking shall be screened from adjacent residential uses.
- F. *Use Restriction.* Restaurants, gift shops, stores or public meeting room or other sales, lease or rental operations are prohibited.

Section 8-7 Dwelling Unit, Accessory

- A. *Detached Accessory Dwellings Prohibited.* No detached accessory building shall be used for dwelling purposes.
- B. *Basements.* No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.
- C. *Requirements:*
 - 1. **Number.** Only one (1) attached accessory dwelling unit shall be permitted per principal structure and per lot or parcel.
 - 2. **Design.**
 - a. An attached accessory dwelling unit shall be integrated within or attached to the principal dwelling. Any attached accessory dwelling unit shall comply with all setback requirements applicable to the principal dwelling.

- b. The accessory dwelling may be designed as an independent housekeeping unit that can be isolated from the principal dwelling space, however, an internal connection to the principal dwelling must be maintained.
 - c. The attached accessory dwelling shall retain a residential appearance consistent with the design and materials of the principal dwelling portion of the building.
3. **Metering.** The attached accessory dwelling shall not have a separate meter for public utilities, such as electric and gas service, or a separate mailing address.

Section 8-8 Dwelling, Single-Family

- A. **Purpose.** The purpose of this provision of the zoning ordinance is to provide reasonable standards that ensure that all single-family homes, regardless of construction type (e.g. site-built, manufactured, prefabricated or modular), are safe and compatible and compare aesthetically within the same residential district.
- B. **Requirements for all Single-Family Dwellings.** Sufficient evidence must be submitted to the Zoning Administrator to assure that the following standards are met by single-family homes, including manufactured homes, prior to location on a site in the township. The requirements contained in this subsection do not apply to manufactured homes located in manufactured home communities within the township.
 1. Four-season living space constructed on piers or noncontinuous foundations shall incorporate non-bearing walls or a comparable covering to enclose the crawlspace under the first floor. Walls and coverings are subject to the following requirements:
 - a. Construction shall prevent the entry of vermin and infiltration of water into the crawlspace and shall be of a complementary architectural style to the exterior walls of the dwelling.
 - b. Lighter-weight materials, such as vinyl or metal, are permitted and shall be supported by internal framing or other comparable support systems.
 - c. Heavier-weight materials, such as faux brick, rock, wood, and stone panels, wood panels, fiber cement panels, veneer, or comparable materials, are permitted. Heavier weight materials shall be securely fastened to the piers or non-continuous foundation.
 2. Additions shall be constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
- C. **Additional Requirements for Manufactured Homes.** A manufactured home shall be installed with the wheels removed. No manufactured home dwelling shall have any exposed towing mechanism, undercarriage, or chassis. However, this requirement does not apply to manufactured homes located in approved manufactured home communities.

Section 8-9 Dwelling, Temporary

- A. **Applicability.** Manufactured homes may be permitted as a temporary use in cases where disaster results in substantial destruction of the principal dwelling.
- B. **Permit.** A temporary dwelling use permit may be issued by the Zoning Administrator and is valid for a period of six (6) months. Two extensions of no more than six (6) months may be granted by the Planning Commission.
- C. **Requirements.**
 1. The dwelling shall be connected to an approved water well and septic tank system.
 2. Setback requirements of *Table 3.3* shall be met.
 3. The manufactured home shall be removed prior to permit expiration or within 30 days of the issuance of a Certificate of Occupancy for the principal dwelling, whichever is sooner.

- D. *Exception.* A manufactured home permitted and established in accordance with this section is not subject the requirements of *Section 8-8*.

Section 8-10 Essential Services

- A. *Utilities.* The township shall be notified of any above-ground or underground utilities to be placed in the road right-of-way or through private easement prior to installation. Conflict between public and private utility easements shall be resolved to the benefit of the public. The surface of land used for pipeline, cable or other right-of-ways shall be restored and maintained as near as possible to the original condition as prior to its construction. This regulation shall in no way prevent the landscaping of the surface of the land in accordance with the permit issued for the construction or erection of the essential service structures or buildings, in a manner so as to improve the surface of the land over the condition that existed prior to such construction or erection.
- B. *Spatial Requirements.* All essential services shall meet the requirements for the district in which they are located, unless permitted in the right-of-way by the Calhoun County Road Commission or the Michigan Department of Transportation.
- C. *Review.* The Zoning Administrator shall determine that the yard, parking and landscaping (if any) requirements are met, and that all planned facilities are designed to have a minimal impact to surrounding uses.
- D. *Substations.* Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
- E. *Buildings.* Building sites shall be landscaped and buildings shall conform to the general character of the architecture of the surrounding neighborhood.

Section 8-11 Farms and Farm Operations

Farms and farm operations are defined in Appendix A and are regulated by the State of Michigan Department of Agriculture. Farms are permitted on lands that are classified as Category 1, 2, or 3 sites and are not considered “primarily residential” as classified by the latest Generally Accepted Agricultural and Management Practices (GAAMPS) for Site Selection and Odor Control for New and Expanding Livestock Facilities manual.

Section 8-12 Garage and Yard Sales

- A. *Duration.* Garage and yard sales shall be limited to a maximum of three (3) days per sale.
- B. *Limitation.* No more than three (3) sales may be conducted on the same premises per calendar year.

Section 8-13 Home Based Business

- A. *General Requirements.*
1. Use Restriction. The following uses shall not be permitted as home based businesses:
 - a. Independent trucking.
 - b. Waste hauling and sanitary services.
 - c. Paint and/or body shops.
 - d. Automotive, truck or heavy equipment repair; provided minor repair of personal automobiles may be permitted, not exceeding three (3) vehicles at any one (1) time.
 - e. Junk yards or scrapping operations.
 - f. Retail sales.

- g. Other similar uses, when in the opinion of the Zoning Administrator, have similar characteristics or potential impact.
- 2. Occupancy. The parcel containing the home based business shall contain a single-family dwelling as the principal use and the business shall be owned and operated by a full-time resident of the dwelling located on the property.

B. Minimum Lot Area.

- 1. For the following home based businesses, the minimum lot area shall not be less than five (5) acres:
 - a. Any business requiring 1,000 square feet of gross floor area or greater, within an accessory structure or combined within the dwelling and an accessory structure.
- 2. For all other home based businesses, the minimum lot area shall not be less than two (2) acres.

C. Structure Requirements.

- 1. A home based business may be conducted within the dwelling or within an accessory building meeting the requirements of this ordinance, or both. If an accessory building is constructed or expanded to accommodate a home based business, it shall be constructed in a manner and style that is typical for accessory structures on single-family lots.
- 2. Not more than 25 percent of the gross floor area of a dwelling may be utilized by the home based business.
- 3. Buildings that must meet special building code requirements, such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of fuel, motor oil, lubricants and anti-freeze), and other similar requirements shall not be permitted.

D. Specific Requirements.

- 1. One (1) commercial vehicle, up to a class 4 (16,000) gross vehicle weight, is permitted. Commercial trucks shall be parked on a concrete or asphalt pad, placed behind the screening required by this section.
- 2. Equipment or processes that create excessive noise, vibration, glare, fumes or odors, or electrical interference are prohibited.
- 3. The traffic generated by the home based business shall not be of a volume or occur at a time that would cause adverse impacts on the surrounding neighborhood, as determined by the Zoning Administrator.
- 4. Outdoor storage of goods, parts, supplies or machinery related to the home based business is not permitted.
- 5. All motorized vehicles and equipment associated with the home based business shall be stored within a building. However, vehicles that do not exceed eight (8) feet in height may be stored at the rear of a building, but they shall not be visible from the street and must be screened from neighboring properties by a solid eight (8) foot tall fence or wall, or a landscaping screen of at least eight (8) feet at installation. The requirement can be reduced based on the height of the items to be screened, but shall be no less than six (6) feet.
- 6. Only two (2) persons who are not residents of the dwelling may be employed at the home based business. This does not preclude additional employees who may be employed by the home based business, but who work elsewhere. A maximum of two (2) employees may pick up and return work vehicles during any one (1) day.
- 7. No more than two (2) vehicles serving business patrons are permitted at any one (1) time.
- 8. The Planning Commission may approve additional conditions limiting the hours of operation, screening and other requirements to minimize potential impacts on adjacent properties. Conditions shall be consistent with the intent of this ordinance and protect the public health, safety and welfare.

Section 8-14 Home Occupation

A. General Requirements.

1. Home occupations may be permitted as accessory uses within a dwelling unit.
2. Home occupations must be conducted entirely within a dwelling unit and not within an accessory building.
3. Up to 20 percent of the floor area of a dwelling, or 300 square feet, whichever is less, may be devoted to a home occupation.
4. There shall be no evidence from the exterior of the dwelling, other than the presence of a permitted sign, of the conduct of the home occupation.
5. The home occupation shall not change the character of the dwelling in which it is conducted, nor shall it constitute, create or increase a nuisance.
6. Home occupations shall be carried out only by the inhabitants of the dwelling.
7. Only mechanical equipment typically used for household purposes and hobbies shall be used. The use of any equipment that negatively affects the insurance rating of the property is prohibited.

B. Class One Home Occupation. A class one home occupation may be permitted by the Zoning Administrator, subject to compliance with the applicable requirements of this section.

1. The sale of commodities on the premises is not permitted.
2. No patrons or customers shall visit the site.

C. Class Two Home Occupation. A class two home occupation may be permitted by the Planning Commission as a Special Land Use, subject to compliance with the application requirements of this section.

1. The limited sale of commodities on the premises is permitted.
2. Patrons and customers may visit the site but by appointment only. No more than two (2) individuals at any one (1) time may be scheduled.

Section 8-15 Industrial

A. Fire and Explosion Hazards. All buildings, storage and handling of flammable materials, and other activities shall conform to fire ordinances and to any applicable state and federal regulations or requirements. A land use shall not represent a fire or explosion hazard to another adjacent property or to the general public. The storage, use, or manufacture of materials, goods or products, ranging from free or active burning to intense burning, as determined by the Fire Marshal, is permitted subject to compliance with all other yard requirements and performance standards previously described and if the following conditions are met:

1. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater or soil shall be stored within a building. Secondary containment measures shall be installed and utilized to prevent ground contact by any spills.
2. All such materials or products shall be produced, stored, or used in a completely enclosed building or structure that has noncombustible exterior walls and that also meets all related building code requirements.
3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with state rules and regulations.
4. All handling of flammable or hazardous substances shall be in accordance with state and federal laws, all required permits shall be obtained, and the establishment shall remain in conformance with all such requirements.

- B. *Smoke and/or Air Pollution Control.* Smoke, radiation, fumes, gases, dust, odors or other atmospheric pollutants shall not be emitted beyond the boundaries of a lot in a manner that may cause property damage or hazards to public health, be detrimental to the property rights of others, or constitute a nuisance. Emissions shall be in strict conformance with all applicable federal, state and county health laws.
- C. *Vibration.* Vibration caused by an industrial activity shall not be detectable beyond the boundaries of the site on which the activity is conducted.
- D. *Noise.* Noise created by an industrial activity shall not adversely affect an adjoining property.
- E. *Glare and Radioactive Materials.* Any process that results in glare (such as arc welding or acetylene torch cutting), shall not emit ultraviolet light, measured at the property line, that exceeds safe levels as established by the National Institute of Standards and Technology and/or the Atomic Energy Commission.

Section 8-16 Keeping of Farm Animals

- A. *Minimum Acreage.* The minimum lot size to keep an animal is two (2) acres.
- B. *Setbacks.* Accessory buildings and shelters for farm animals are subject to setbacks for principal buildings.
- C. *Fencing.* Fences or enclosures are required to keep farm animals from leaving a property. Fences are subject to *Section 7-17*.
- D. *Manure and Waste.* Manure and waste storage areas shall be at least 75 feet from a dwelling, wellhead, pond, creek or other water feature and 25 feet from a property line.

Section 8-17 Liquefied Petroleum Gas (LPG) Sales

- A. *Licensing.* The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by applicable state and federal regulatory authorities.
- B. *Security.* Storage facilities shall provide adequate security and signage to notify the public of the hazardous materials and to prevent trespass. At minimum, a six (6) foot fence equipped with three (3) strands of barbed wire along the top is required around the dispensing facility and any area storing full tanks.
- C. *Signage.* If LPG storage tanks or structures are to be used as signs, they are subject to the requirements for signs in *Article 11*.
- D. *Setbacks.* LPG storage shall be located at least 500 feet from any Agricultural or Residential Zoning District.

Section 8-18 Manufactured Home Community

- A. *Conformance to State Regulations.* All manufactured home communities shall conform to the Manufactured Housing General Rules of the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes.
- B. *Required Information.* Plans shall be submitted for review in accordance with *Article 12*.
- C. *Required Development Standards.*
 - 1. Minimum Area. The land area of a manufactured home communities shall not be less than 15 acres.
 - 2. Home Sites. Home sites shall be at least 7,000 square feet in area.
 - 3. Buffering. A buffer of trees and shrubs shall be located and maintained along all boundaries of such park excepting at established entrances and exits serving such park. When necessary for health, safety and welfare, a fence shall be required to separate park from an adjacent property.

Section 8-19 Mineral Extraction

- A. *Applicability.* The provisions of this section shall not apply to the following:
1. Where the removal or extraction of natural resources is more than 500 feet from any street or property line, occupies not more than five (5) acres in area, does not constitute a weekly average intensity of use of more than 15 yards of material per day, and creates no area which fills with water other than a watering pond for farms.
 2. The incidental excavation of sand and gravel for only on-site use are excluded from the regulations of this Ordinance except for the setback and yard requirements.
 3. General landscaping activities or the cultivation of land for farming purposes.
- B. *Setbacks, Buffers and Separation.*
1. No excavation shall occur within 100 feet of a road right-of-way; within 200 feet of an off-site residence, housing development or residential district; and within 100 feet of a property line other than the above limits.
 2. The special land use permit may allow mineral extraction within the required setback area set forth above if a property owner, or owners, abutting that portion of the site affected by the minimum setbacks provide written consent prior to the Planning Commission's recommendation of the site plan. However, in no case shall an excavation occur within 200 feet of an off-site residence or 100 feet of a property owned by a non-consenting party.
 3. Areas within the setback are considered buffer zones that shall remain in a natural state, farmland, woodland or planted with vegetation. The Township may require berms and/or other screening to reduce sound or vibration impact on neighboring properties when existing vegetation or topography is determined to be insufficient to mitigate impacts.
 4. Planted vegetative buffers, when required, shall be continuously maintained and noticeable gaps shall be replanted. Management or thinning is permitted to enhance overall growth, if conducted under the guidance of a certified forester or other qualified professional.
 5. Visible posts or markers shall be staked at the excavation limit setback lines every 50 feet during extraction in the active area to warn excavator operators of the limits of site disturbance.
 6. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality.
- C. *Processing Plants and Stockpile.*
1. Permanent and temporary processing plants and accessory structures shall not be closer than 200 feet from any property line, including the road right-of-way.
 2. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, to reduce the visual and noise impact of the plant structure.
 3. Stockpile footprint, excluding topsoil for reclamation, will not exceed six (6) acres and shall be located within the open excavation limits.
- D. *Open Excavation Limits.* Mining operations will be limited to one (1) open excavation area no larger than 25 acres. The measurement of the open excavation area acreage shall not include areas of water greater than six (6) feet deep or areas less than six (6) feet deep that have been graded to finished contours.
- E. *Operational Plan.* With the application for a special land use permit, an operational plan must be submitted for review by the Planning Commission and Township Board. At minimum, the operation plan shall include the following information:
1. The areas to be mined and proposed phases.

2. The location of permanent structures.
3. Locations for storage piles.
4. The points of access upon public roads.
5. Screening and reclamation plans.
6. Hours of operation.
7. Estimated type and quantity of mineral materials to be removed.
8. Description of extraction and processing methods.
9. Equipment to be placed on the site.
10. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this Section.

F. Security and Safety.

1. Upon commencement of mining operations, the active mining area shall be enclosed by a fence that is no less than four (4) feet in height and "No Trespassing" signs shall be placed along the fence at least every 100 feet. Fences shall be maintained in an upright position and in good repair.
2. A gate at the active mining area shall be locked when the mine is not in active operation.

G. Nuisance and Impact Mitigation.

1. Noise and vibration shall not be a nuisance to the general health, safety, and welfare of the residents in Marshall Township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, screen plantings and fences.
2. Air pollution in the form of dust and dirt shall be kept at a minimum. Regular dust control practices shall be implemented for general excavation, moving soils, screening and crushing and records of activities shall be kept on site. Upon a complaint-based inspection or regular scheduled inspection, a Township code enforcement official shall inspect the site for unacceptable dust levels. Whether higher dust levels are due to environmental factors (dry season, wind, etc.) or management practices, upon notice, the operator shall proceed with an appropriate and effective dust control action, including but not limited to:
 - a. As-needed watering or dust palliative application to unpaved travel surfaces.
 - b. As-needed sweeping of internal roads.
 - c. Paving additional segments of the internal roadway or applying millings.
 - d. As-needed watering during the crushing operations.
 - e. A temporary pause of operations, should excessive winds result in the ineffectiveness of all other dust control measures.
3. All equipment used for the mining operation shall be operated in such a manner as to minimize, to the maximum extent practicable, dust, noise and vibration conditions that are injurious or substantially annoying to persons living in the vicinity.

H. Interior Roads.

1. Interior road surfaces may be gravel, crushed stone, or concrete or asphalt millings. When paving is required, it shall be completed prior to commencement of operations.
2. Internal roads shall be maintained to reduce potholes and ruts as reasonable.
3. Internal road signs shall be established, as required by the Township. Required signs may include, but are not limited to: No Engine Brake, Speed Limit, Slow, and Stop.
4. Operations shall incorporate internal circulation routes that minimize the need for truck reverse movements.

- I. *Hours of and Days of Operation.* The operation of mineral extraction and processing shall be restricted to the Township approved hours and days of the week. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons or months may be further restricted by the Planning Commission to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads. Under emergency, unanticipated or unusual circumstances, the hours of operation may be modified for a temporary period not to exceed 14 days, upon receipt of approval of the Township Supervisor and Zoning Administrator.
- J. *Well Protection Commitment.* Protection of wells on nearby properties shall be guaranteed by the execution of mining operation Well Protection Commitment acceptable to the Township.
- K. *Reclamation.*
 1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed, and in accordance with the plan approved by the Planning Commission. Reclamation may be conducted concurrently with phased mining operations, for example, a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining.
 2. The applicant shall have adequate topsoil stockpiles on-site at all times to reclaim the amount of areas that are mined and/or un-reclaimed, except for areas of open water.
 3. Reclamation shall be completed in accordance with the plan approved by the Planning Commission within one (1) year after all extraction has been completed.
 - a. The excavated area shall not retain stagnant water. Unless otherwise approved by the Township during reclamation, any permanent lakes or ponds shall include areas of at least 10 feet deep to ensure proper circulation and a healthy body of water.
 - b. The surfaces of the excavated area shall be graded or backfilled to produce gently rolling surface that will minimize wind and water erosion, and be compatible with the adjoining land area.
 - c. The finished grade resulting from excavation shall not be steeper than one (1) foot vertical to three (3) feet horizontal. The finished grade under the high-water line shall not be steeper than one (1) foot vertical to six (6) feet horizontal until the water is greater than six (6) feet in depth. At depths greater than six (6) feet of water, the slope shall not be greater than one (1) vertical to three (3) feet horizontal.
 - d. Topsoil of a quality equal to that occurring naturally in the surrounding area, shall be replaced on all excavated areas not covered by water, except on roads, beaches, or other planned improvements are to be completed within a one-year period. The depth of the topsoil shall be at least four (4) inches deep.
 - e. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs to establish a permanent vegetative cover on the land surface, and to minimize erosion.
 - f. All processing plant structures, buildings, stockpiles, and equipment shall be removed from the area no later than one (1) year after extraction has ceased.
- L. *Financial Guarantee.*
 1. The mining company shall post a minimum financial guarantee in the amount of \$10,000 for the first five (5) operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at a rate of \$2,000 per each additional operational acre that exceeds the first five (5). If it is the opinion of the Township that unique property characteristics or proposals may result in a higher per acre cost for restoration and stabilization, or if the stated amounts do not adequately cover current market costs, the Township may adjust the guarantee amount at the time of special land use permitting and on an annual basis.
 2. For the purposes of determining applicable operational acreage, areas of water greater than six (6)

- feet deep, or areas less than six (6) feet deep that have been graded to finished contours, shall not be counted.
3. The guarantee shall be provided in one (1) of the following forms:
 - a. Cash.
 - b. Certified check.
 - c. Irrevocable bank letter of credit.
 - d. Surety bond acceptable to the Township Board.
 4. Upon reclamation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.
- M. *Inspections and Permit Revocation.* Inspections may be made of the mining site at any time, but shall not be less frequent than twice each calendar year, by the Zoning Administrator. Upon notice of a violation, or a notice of violation in conjunction with a stop-work order, the owner and/or operator shall abate the condition or action that led to the violation within the timeframe set by the Administrator. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator proof of a substantial and/or ongoing effort to achieve compliance. If the violation continues past this timeframe, penalties will be issued in accordance with *Section 14-3*. The Administrator, at their discretion, may refer a major infraction to the Township Board for enforcement action, including the consideration of revocation of the special land use permit. For any case requiring Township Board review, the Administrator shall provide formal meeting notice to the owner and/or operator no less than 10 days prior to the meeting.
- N. *Standards of Approval.* In addition to review of the standards in this section, *Section 12-9*, and *Section 13.3*, the Planning Commission and Township Board shall also consider the following factors when assessing the likelihood of very serious consequences resulting from the extraction of natural resources:
1. The relationship of extraction and associated activities with existing land uses.
 2. The impact on existing land uses in the vicinity of the property.
 3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 6. The overall public interest in the extraction of the specific natural resources on the property.

Section 8-20 Mini-Warehouse/Self-Storage

A. General Requirements.

1. The entire site perimeter shall be secured with a fence at least six (6) feet in height.
2. The minimum separation between self-storage buildings shall be 24 feet.
3. Internal drive aisles shall be at least 24 feet wide and shall be clearly marked to indicate the directions of traffic flow.
4. Permanent and long-term parking is prohibited within the 24-foot-wide building separation area and the 24-foot-wide internal drive aisles.
5. Only storage uses are permitted, except for sales of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, or other similar items.
6. The storage of combustible or flammable liquids, combustible fibers or explosive materials, or toxic materials is prohibited.

B. LI District Requirements.

1. Building height and building floor areas shall comply with the lot, yard, and building requirements for the LI District.
2. Except for recreational vehicles, motor homes, and travel trailers, which may be stored outdoors, all other items shall be stored only in an enclosed building.
3. Outdoor storage areas shall be paved and completely screened from view from all adjacent residential uses.

C. HS District Requirements

1. Building Height.
 - a. Storage buildings shall not exceed one story and a height of 14 feet.
 - b. Office components, whether attached or detached, shall be subject to the height requirements for principal buildings within the district.
2. Individual storage buildings shall not exceed 7,500 square feet.
3. Outdoor storage is prohibited.
4. Buildings are subject to 50-foot setbacks when adjacent to Agricultural or Residential Districts.
5. Type 1 buffers, as outlined in *Section 10-5* are required in any yard adjacent to Agricultural or Residential District.
6. Parking and drive aisles are prohibited within required setbacks when adjacent to agricultural or residentially zoned property. Parking within setback areas adjacent to non-residential districts is subject to all other applicable requirements in this ordinance.
7. Sites shall include an office with a storefront at the front of the property.
 - c. The storefront shall include front-facing windows and entryways and other architectural features common to the area, such as overhanging porches or awnings.
 - d. The front building line of the storefront shall be at least 10 feet closer to the front lot line than all other storage buildings or units within the same building.
 - e. Only the sale of incidental supplies and similar materials related to the self-storage business shall be allowed from the office area.
 - f. If located adjacent to Agricultural and Residential Districts, the front office building, or office portion of the building, shall reflect a residential character in architectural design.
8. Storage building design and materials shall be compatible with the existing and intended character of the area.
9. Storage-unit doors shall not face a public street right-of way.
10. No commercial, wholesale, retail, industrial, or other business use shall be operated from individual storage units.

Section 8-21 Mobile Food Units

A. Permits. All mobile food units require a zoning permit from the Zoning Administrator. Zoning permits must be renewed annually. An application for a zoning permit shall include:

1. The applicant's name, current home and business addresses, and phone number.
2. The name, current home and business addresses, and phone number of the business owner, if different from the applicant.
3. The names, addresses, and phone numbers of all operators of the unit, including phone numbers that can be used to contact the operators during the time the unit is being operated.

4. The license plate number, copy of the vehicle registration, proof of vehicle liability and business insurance.
5. Copies of valid driver's licenses for the owner and all unit operators.
6. Proof of a valid permit through the Calhoun County Public Health Department.
7. A site plan depicting the exact location of the mobile food unit on the property.
8. A notarized written letter of permission from the property owner to allow the operation of a mobile food unit and to allow the mobile food unit and their customer's access to a commercially plumbed public restroom on-site.
9. A description of the business and what will be sold from the unit.

B. Location. All mobile units must operate as follows:

1. All mobile food units shall be located on a parcel zoned for commercial uses.
2. Mobile food units shall be located on a privately-owned parcel where an existing permanent business operates in a building with a certificate of occupancy.
3. Mobile food units shall be located within 500 feet of an entrance of a principal building.
4. No mobile food unit shall be located on a vacant lot.
5. No mobile food unit shall obscure traffic sight visibility.
6. No mobile food unit operating under this regulation shall be allowed to sell or service food or drink on any public street, sidewalk, or other public right-of-way.
7. Mobile food units shall not operate in driveways or fire lanes.
8. Mobile food units may operate in parking spaces if the required parking for the property remains in compliance with the parking requirements of this ordinance.

C. Requirements.

1. Mobile food units shall be removed from the parcel daily and may only operate during the business hours of the primary business.
2. All mobile food units shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, and proof of a valid permit issued through the Calhoun County Public Health Department.
3. All mobile food units shall clearly identify the business name and a valid contact telephone number on both sides of the vehicle.
4. A drive-through is not permitted in conjunction with the mobile food unit and shall not provide a drive-through service of any kind.
5. All mobile food units shall be equipped with a self-closing lidded, trash receptacle. The trash receptacle must be placed outside next to the mobile food units for use by the patrons of the unit. The area around the mobile food units shall be kept clean and free from litter, garbage, and debris.
6. Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by Marshall Township.
7. No more than three (3) mobile food units may be located on a parcel at any one (1) time.
8. A mobile food unit may not place any permanent or temporary signage on any property.

Section 8-22 Multi-Family Residential

- A. Applicability.** The following requirements shall apply to group housing projects when two (2) or more apartment buildings, or mixture of housing types are located on the same lot or parcel.

1. Separation.

- a. The minimum horizontal distance between buildings (that is, front to front, rear to rear, or front to rear, as the case may be) shall be 50 feet or buildings on (1) story in height, and shall be increased by no less than five (5) feet for each additional story in height.
- b. The horizontal distance between ends of buildings shall be no less than 25 feet. Where the end of one (1) building is opposite the face or rear of another building, the minimum horizontal distance between them shall be increased by no less than five (5) feet for each additional story in height of each building.
- c. The horizontal distance between corners or adjacent buildings that do not face one another or overlap in any way shall be no less than 30 feet.
- d. No building shall be closer than 25 feet to any private access road, driveway, or parking area.

2. Courts.

- a. Courts completely enclosed by building walls shall not be permitted, provided, screens or fences not exceeding eight (8) feet in height shall not be deemed enclosing features.
- b. Distance between wings of a building forming an open court shall not be less than the projection of such wings or less than the height of the highest wall of such wings, whichever is the greater. The depth of an open court formed by walls on three sides shall be not greater than one and one half (1 1/2) times the width of such court.

Section 8-23 Outdoor Display, Sales, and Storage

- A. *Setbacks.* The outdoor storage or display of equipment shall not be placed within required setback areas.
- B. *Storage Area Surface.* Storage areas shall be paved with asphalt or concrete or an approved pervious surface of equal durability. Gravel, crushed rock, and other alternative surfaces for equipment and trailer parking may also be permitted if properly drained and maintained in a durable state that minimizes dust generation.

Section 8-24 Outdoor Donation Collection Facilities

A. *General.*

1. No person shall place, alter or replace any outdoor donation collection facility without first obtaining a permit from the Zoning Administrator.
2. For-profit commercial outdoor donation collection facilities are prohibited and use is limited to charitable purposes.
3. Facilities and their immediate surroundings are subject to the township's anti-blight regulations.
4. Only one (1) facility is permitted per property.

B. *Permitting.*

1. All outdoor donation collection facilities must be permitted by the Zoning Administrator.
2. Permits shall be revoked for violations of this section or any other section of the Zoning Ordinance.
3. All outdoor donation collection facilities that exist on the effective date of this section that fail to receive a permit within 30 days of the effective date of this section shall be removed by the property owner or operator.
4. The property owner or operator shall be responsible for all costs associated with the removal, storage and disposal of facilities that are not permitted or are in violation of the Zoning Ordinance.

C. *Application.* Permit applications shall include the following information:

1. The address and tax ID number of the property where the donation box will be located.
2. The name, address, and phone number of the property owner.
3. The name, address, and phone number of the applicant.
4. The name, address and phone number of the operator/manager of the property.
5. The name, address, and phone number of the non-profit donation facility, with the appropriate contact telephone number to address any maintenance, damage, or concerns with the facility.
6. Written authorization from the property owner consenting to the placement and maintenance of the facility must be obtained and provided if the applicant is not the property owner.
7. A management plan shall be provided at the time of application, including: schedule of inspections, frequency of collections, security plan, emergency contact information and maintenance procedures.
8. A sketch plan showing the proposed location of the facility.
9. A description and specifications of the facility, including dimensions, color and type.

D. Location.

1. Outdoor donation collection facilities are not permitted in the agricultural and residential districts except on permitted non-residential and non-agricultural properties.
2. Donation drop-off boxes are permitted only on properties that contain a primary permitted use.
3. Outdoor donation collection facilities shall maintain the following setbacks:
 - a. 25 feet from residential uses and residential zoning districts.
 - b. 25 feet from public or private right-of-way.
 - c. 10 feet from all other property lines.
4. Mobile donation collection equipment is prohibited.
5. A new facility may not be placed within 250 feet of any other existing and permitted outdoor donation collection facility. Non-profit organizations are exempt from the spacing requirement when placing such facilities on their property.
6. Facilities shall not obstruct pedestrian or vehicular circulation, nor be in public rights-of-way, required building setbacks, landscape areas, drive aisles, required parking spaces, sight triangles, fire lanes, loading zones, buffers or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses.

E. Guidelines.

1. **Signage.** All facilities shall be clearly marked to identify:
 - a. The specific items and materials requested to be left for donation, the name of the operator or owners of the donation container,
 - b. The entity responsible for maintenance of the drop-off box and removal of materials and trash from the immediate area, and a telephone number where the owner, operator, or agent of the owner or operator may be reached at any time.
 - c. The box shall display a notice stating that no items or materials shall be left outside of the donation drop-off box as well as a notice that shall read "not for refuse disposal. Liquids are prohibited. Do not use for garbage, candy wrappers, soft drink bottles, etc."
 - d. Total sign area on the donation collection bin may not exceed six (6) square feet. The font size used on the sign shall not be less than one (1) inch in height.
2. **Design.**
 - a. All facilities must be safely designed in a manner that ensures stability and prevents

unauthorized access. Outdoor donation collection facilities must be located on a paved surface and donation collection bins shall be anchored to the ground, be level and stable and inspected by the building department.

- b. Donation collection bins shall have a firmly closing lid and shall be locked and be equipped with a secure safety chute so contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
 - c. Donation collection bins are limited to the following dimensional maximums
 - i. 72 inches high.
 - ii. 54 inches wide.
 - iii. 43 inches deep.
 - d. Outdoor donation collection facilities shall not be fluorescent in color.
3. Maintenance.
- a. Donation collection bins shall be maintained free of peeling paint or paper, major dents, fading, staining, rust, or other condition which impairs legibility or creates a blighting, unsightly or unsafe condition.
 - b. All donated items must be collected and stored in the donation drop-off box. Donated items or materials shall not be left outside of donation drop-off boxes and the area around each box shall be maintained by the owner or operator, or the property owner, free of litter and any other undesirable materials. The area around facilities shall remain free of litter and any graffiti must be removed from the bin within 72 hours of being notified by the township.
 - c. Additional reasonable conditions may be required if placement is proposed on property adjacent to residential uses.

Section 8-25 Recreational Facility, Campground

- A. *Requirement for License.* Private and semi-private campgrounds for active and passive recreational uses may be constructed if such activities shall be permitted as a conditional use only in the OC-Open Space and Water Conservation District and shall comply with the following provisions and Act 363 of the Public Acts of 1978, as amended.
- B. *Development Standards.*
 1. A campground shall not be located where it will be detrimental to public health, safety and welfare.
 2. A campground shall not be located on top of an abandoned landfill which has been used within the past five (5) years for disposal of garbage and refuse.
 3. Development of campgrounds requires a construction permit.
- C. *Standards of Approval.* Criteria required for the issuance of a construction permit shall include but not be limited to the following:
 1. Health permit from the Calhoun County Health Department.
 2. A sketch drawn to scale showing the plot plan and general layout of facilities.
 3. Where it is proposed to extend water and sewer lines to the site or where the sewage disposal system includes a treatment process other than a septic tank with a soil absorption system, the plans for the sanitary facilities shall be prepared by an engineer registered in Michigan.
 4. A plan for the proposed method of garbage and refuse storage and disposal must be submitted.
 5. Upon receipt of their State of Michigan Campground License, the owner shall apply to the Township for the annual Township permit.
 6. The organization owning or operating the camping and recreation areas shall be subject to

revocation of license if restriction herein stated shall be violated.

D. Types.

1. A modern campground means a tract of land where recreational units are accommodated and water flush toilets and water under pressure are available at a service building or a water outlet. Sewer connections are available at each site.
2. A primitive campground means a tract of land where recreational units are accommodated and water is furnished from a hand pump with sewage disposed of by means of a sanitary privy.
3. A temporary or rally campground means a tract of land where recreational units are accommodated on a temporary or short time basis (two weeks maximum) and sewage is disposed of by means of a portable sanitary privy.

E. Site Use and Arrangement.

1. A site in a campground, unless designated on an approved plan as a walk-in site, shall abut on a roadway and shall be of such size and so arranged as to provide for a recreational unit. It shall have at least 15 feet of road frontage width and 1,200 square feet of area for each camping unit.
2. A road right-of-way shall be provided having a minimum width of 20 feet. This right-of-way shall be free of obstruction to provide free and easy access to abutting sites. The traveled portion of the right-of-way shall be maintained in a passable and dust free condition when the campground is in operation, in a Modern Campground the road surface shall be paved.

F. Uses Permitted. No building or structure, or part thereof shall be erected, altered and no land shall be used, except for the following:

1. Public and private park and recreational area, of at least 25 acres in area, including a picnic area and/or picnic pavilion, softball and baseball diamonds: golf course (not lighted): driving range (not lighted): swimming, boating, and ice sports facilities: amusement and other outdoor recreational sports activities, not including games of chance: camping sites for tents: campers and travel trailers not exceeding 45 feet in length. The proprietor of the parkland recreational facilities shall be deemed to have violated these provisions if any other person shall park any tent, camper, or travel trailer in violation hereof: both houses, lodges and other accessories or incidental local commercial buildings as delineated on the approved site plan, or uses which are incidental to the above uses, but not including the sale of beer and wine or spirits, are permitted.
2. All modern camping sites for tents, campers, and travel trailers shall have a central water supply system with potable water under pressure piped to within 300 feet of each trailer, tent or camper site, and with fire hydrants available within 1,000 feet of each campsite. If a public water supply system is available within 500 feet of any portion of the land, then the water supply shall be connected thereto.
3. In a Modern Campsite, an enclosed toilet and sewage facility approved by the Michigan State and County Health Departments, with hot and cold running water available therein shall be provided for every trailer, tent or campsite, not further than 500 feet from every trailer site within the park. A public sewer shall be available within 500 feet of any portion of the land, the park system shall be connected thereto. No vehicle, tent, camper or travel trailer will be allowed within the park except on an approved campsite. The proprietor of any park shall not permit any person who is not properly parked and registered upon an approved campsite within the park to use any facilities of such park.
4. No trailer, tent, camper vehicle or building, other than a single-family residence, will be placed, parked or erected within 100 feet of any property line of park or recreational facility.
5. All campfire areas, fire pits, grills or fireplaces designed for cookouts or campfires shall be inspected by the local Fire Official and must meet all applicable safety standards. No fires, campfires, or cooking fires will be permitted except in these designated areas.

Section 8-26 Restaurant with a Drive-Through

- A. *Screening.* Where such use is proposed adjacent to a residential zone, the drive-through lane or parking area providing for drive-in service, shall be properly screened and landscaped to minimize noise and conflict with such adjoining use.
- B. *Stacking.* The drive-through lane shall have at least a 12-foot width and shall accommodate the stacking of at least 10 vehicles. Where conflict may exist with pedestrian movement from parking areas, this access shall be clearly marked for safety purposes.

Section 8-27 Salvage and Impound Operation

- A. *State Law.* The use shall be established and maintained in accordance with applicable State of Michigan Statutes.
- B. *Screening.* An opaque fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot shall be established and shall be subject to the setbacks for the applicable zoning district. All gates, doors and access ways through the fence or wall shall be of solid, un-pierced material. The fence or wall shall be placed between the materials and the limits of the property.
- C. *Access Management.* All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance per road frontage.
- D. *Surface.* Storage and parking areas shall be paved with asphalt or concrete or an approved pervious surface of equal durability. Gravel, crushed rock, and other alternative surfaces for equipment and trailer parking, stockpile, and storage may also be permitted if properly drained and maintained in a durable state that minimizes dust generation. Approval of pervious surfaces shall be to the discretion of the approval authority.

Section 8-28 School, Specialized/Training – Driver Training

- A. *Access.* Access to the site shall be from a state trunk line and shall provide for a commercial grade entrance with a minimum 24-foot throat. The access drive, parking areas, and the training course shall be paved surfaces and no more than three (3) licensed and operable vehicles may be parked outdoors beyond the hours of operation.
- B. *Parcel Size.* The minimum parcel size shall be five (5) acres for passenger vehicles and 10 acres for commercial vehicles and heavy equipment.
- C. *Fencing and Screening.* Fencing or screening shall be required where the training course is within 50 feet of an Agricultural or Residential Zoning District or a residential land use.
- D. *Hours.* Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.

Section 8-29 Service Station

- A. *Applicability.* Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements.
- B. *Frontage and Area.* Every gasoline service station shall have a minimum frontage of 120 feet and a minimum of 12,000 square feet.
- C. *Construction Standards.* All vehicle service areas shall be constructed to conform to the following standards:
 - 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used or vehicular traffic abuts a street, said portion shall be separated from the street line

- by a curb at least six (6) inches high.
2. The entire area used for vehicle service shall be paved, with any unpaved area landscaped and protected from vehicle use by a low barrier or curb.
 3. Hydraulic hoist, lubricating, greasing, automobile body repair and painting, washing, and repair equipment shall be entirely within a building.
 4. The maximum widths of all driveways at the sidewalk shall be no more than 30 feet.
 5. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than 60 degrees.
 6. The minimum distance between curb cuts shall be no less than 40 feet.

Section 8-30 Sexually Oriented Business

- A. *Purpose.* This section is included in the Zoning Ordinance to formally reference the Township's Sexually Oriented Business Licensing Ordinance. The purpose, findings, and rationale are those included in Section 1 of the ordinance.
- B. *Separation Requirements.* Sexually oriented businesses are subject to the following separation requirements. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the building containing the sexually oriented business to the closest point on a property boundary of any parcel identified in this subsection:
 1. 500 feet from any parcel occupied by a place of worship, public or private elementary school or secondary school, or public park; and
 2. 300 feet from any parcel occupied by a residence or zoned for residential purposes; and
 3. 1,000 feet from any parcel occupied by another sexually oriented business.
- C. *Licensing.* All requirements of Marshall Township's Sexually Oriented Business Licensing Ordinance shall be satisfied.

Section 8-31 Solar Energy Collectors and Commercial Solar Energy Systems

- A. *General Requirements.*
 1. Glare and Reflection. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
 2. Visual Impact. Solar energy equipment shall be located in the least visibly obtrusive location where panels would remain functional.
 3. Installation.
 - a. A solar energy collector shall be permanently and safely attached to the building or structure, or to the ground. Solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code and other applicable township, county, state and federal requirements.
 - b. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township Building Official prior to installation. The building official may inspect the completed installation to verify compliance.
 4. Permitting.
 - a. Building-mounted units are subject to administrative review. Expansions of 10 percent or less from the original size are exempt from review and permitting.

b.

c. Ground-mounted equipment is subject to special land use review.

5. Applications. In addition to all other required application contents, equipment and unit renderings or plans shall be submitted.

B. *Building-Mounted Solar Energy Collectors.*

1. Certification. A building mounted unit shall be only of such weight as can safely be supported by the structure. A certification by a professional engineer or other qualified person, shall be submitted to the Township Building Official prior to installation.
2. Location. Wall-mounted units shall not be located on the front wall of a building.
3. Height.
 - a. Wall-mounted unit shall not exceed the height of the building wall to which they are attached.
 - b. A roof-mounted unit shall not project more than three feet above the highest point of the roof and may exceed the maximum building height limitation for the zone district by no more than three feet.
4. Extension. A solar energy collector that is wall-mounted shall not project beyond the eave of the roof.

C. *Ground-Mounted- Accessory Use.*

1. Location.
 - a. The unit may be located in the rear yard and/or the side yard, but not in the required rear yard or in the required side yard.
 - b. The unit may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use if the unit is no less than 150 feet from the front lot line.
2. Number. One (1) per whole acre.
3. Size. 1,500 square feet maximum.
4. Spacing. 15 feet minimum.
5. Height. 16 feet maximum, measured from the natural grade below the unit to the highest point.
6. Minimum Acreage. Accessory use. One (1) acre.
7. Lot Coverage. The total area of ground-mounted solar energy collectors shall be included in the calculation of maximum permitted lot coverage.
8. Screening. Screening may be required in cases where ground-mounted units impact views from adjacent residential properties.

D. *Commercial Solar Energy System.*

1. Setbacks. Minimum total one-hundred (100) feet setback from the lot line. A Commercial Solar Energy System is not required to meeting the minimum setback requirements at any lot line where the adjacent parcel is participating in the project, regardless of whether solar energy collectors are located on the adjacent parcel, except that the 100-foot setback must still be met at any public road.
2. Height. Height. 16 feet maximum, measured from the natural grade below the unit to the highest point.
3. Minimum Acreage. Five Hundred (500) acres for above-grade infrastructure.
4. Lot Coverage. Shall be exempted from lot cover limited specified in Section 3-3.
5. Lot Coverage. The total area of ground-mounted solar energy collectors shall be included in the calculation of maximum permitted lot coverage.

6. **Screening.** Screening may be required in cases where ground-mounted units impact views from adjacent residential properties. Through the Special Land use Permit process, the Planning Commission may evaluate screening and buffering requirements on a site-by-site basis to assure the proposed Commercial Solar Energy System is appropriately screened with respect to adjacent land uses and existing vegetation. The Planning Commission may excuse screening requirements or allow a fence in lieu of planting a greenbelt where it is properly demonstrated that there exists no need to screen due to existing natural vegetation or lack of impact due to adjoining land uses, such as but not limited to crop production, wood lots, etc. Proposed Screening shall be submitted as part of the site plan.
7. **Decommissioning Plan.** Applicant shall provide a Decommissioning Plan, to be approved by the Planning Commission as part of the Special Land Use approval. The Decommissioning Plan will include:
 - a. Engineer's estimate shall be itemized and include the cost to decommission the project up to and including the removal of any and all equipment and restoration to reclaim the land. This estimate shall be reviewed by the Planning Commission every 5 years from the date of commercial operation for the life of the project; and Form of financial security proposed (E.g. performance, bond, irrevocable letter of credit, guarantee from investment grade guarantor, etc.) shall include all of the costs noted in item 6a. Financial security shall be posted with the Township no later than fifteen (15) days prior to starting construction".

Section 8-32 Temporary Office

- A. **Approval Authority.** The Zoning Administrator shall consider and approve a temporary construction office if it complies with all requirements of this section. The Zoning Administrator may also, at their sole discretion, forward an application to the Planning Commission for consideration. The Zoning Administrator or Planning Commission shall review the application and other submitted materials and shall approve, deny or approve it with conditions.
- B. **Permit.** Upon application, the Zoning Administrator shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located.
- C. **Timeframe.** Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
- D. **Removal.** Construction buildings and structures shall be removed from the lot within 30 days after an occupancy permit is issued for the permanent structure on the lot.
- E. **Report to Planning Commission.** The Zoning Administrator shall report all administrative approvals authorized in this section to the Planning Commission.
- F. **Approval Authority.** The Zoning Administrator shall consider and approve a temporary sales office if it complies with all requirements of this section. The Zoning Administrator may also, at their sole discretion, forward an application to the Planning Commission for consideration. The Zoning Administrator or Planning Commission shall review the application and other submitted materials and shall approve, deny or approve it with conditions.
- G. **Permit.** Upon application, the Zoning Administrator shall issue a permit for a temporary office, which is incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- H. **Timeframe.** Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

- I. *Report to Planning Commission.* The Zoning Administrator shall report all administrative approvals authorized in this section to the Planning Commission.

Section 8-33 Vehicle Repair

Vehicle repair work shall be conducted within a completely enclosed building.

Section 8-34 Vehicle Sales and Rental

- A. *Landscaping Buffer.* A landscape perimeter of at least 10 feet shall be established on all sides where vehicle parking is adjacent to an adjoining property line, unless a wider buffer is required by *Section 10-5*.
- B. *Restrictions.* There shall be no inoperable vehicles stored outside and no vehicle repair to occur other than within an enclosed building.
- C. *Setback.* Vehicle display spaces and areas shall be setback at least 15 feet from public right-of-way and property lines.

Section 8-35 Wind Energy Conversion Systems (WECS)

- A. *Purpose.* The regulation of wind energy conversion systems is intended to provide for an alternative source of power generation while protecting the health, safety, and welfare of township residents.
- B. *Application.* Applications may be submitted for WECS on individual parcels or in a pooled parcel application. Pooled parcel applications include multiple parcels that have been pooled together as one for purposes of review and approval. Parcels included within the application shall be referred to as participating parcels. Those lying outside of the application but within close proximity of the participating parcels shall be referred to as non-participating parcels.
- C. *Site Plan Requirements.* In addition to Site Plan requirements of *Article 12*, the site plan for the property shall also include:
1. The location of overhead electrical transmissions or distribution lines and the location of the WECS with its specific dimensions.
 2. The entire area which the rotor(s) will pass.
 3. The location of any guy wires or other support devices.
 4. The location of all dwelling units within 500 feet of a small turbine WECS and 2,500 feet of a large turbine WECS.
 5. Wind speed study specific to the proposed location of the WECS.
 6. Manufacturer's instructions, including:
 - a. A standard foundation and anchor design or specifications for normal soil conditions.
 - b. Detailed instructions for operation and maintenance of the WECS to be kept on site.
 - c. A copy of all warnings and/or documents provided by the manufacturer of the WECS.
 - d. Grounding and lighting requirements in accordance with adopted electric code and FAA requirements.
 7. Proof of insurance.
- D. *Information Posted.* An Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator, and the following information shall be included:
1. Name, address, and telephone number of the owner of the tower/subsystem;
 2. Manufacturer's name and address;

3. Model number, serial number;
 4. Emergency and normal shutdown procedures;
 5. The survival wind speed in miles per hour and meters per second for the tower;
 6. The maximum power output for the generator;
 7. Name of installer and contact information;
 8. Name of person responsible for maintenance and contact information; and
 9. Emergency telephone number and contact.
- E. *Electromagnetic Interference*. The entire WECS shall be filtered or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio and/or television broadcasting or reception, and shall comply with Federal Communications Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub parts A, D, and H).
- F. *Noise*. The maximum level of noise permitted to be generated by any WECS shall be 45 decibels, as measured on the DBA scale. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.
- G. *Lot Area, Separation, and Setbacks*.
1. Small Turbine.
 - a. Area. Minimum lot area is two (2) acres, unless it conforms to the height and setback requirements for principal buildings within the applicable zoning district.
 - b. Setbacks and Separation. The tower and turbine shall be no closer to overhead powerlines or property lines than 150 percent of its total height.
 2. Anemometer and MET.
 - a. Area. Minimum lot area is five (5) acres, unless it conforms to the height and setback requirements for principal buildings within the applicable zoning district.
 - b. Setbacks and Separation. The tower and turbine shall be no closer to road right-of-way than 150 percent of its total height. The tower and turbine shall be no closer to overhead powerlines and all other property lines than 200 percent of its total height.
 3. Large Turbine or Utility Grid- Individual Parcel.
 - a. Area. Minimum lot area is 10 acres.
 - b. Setbacks and Separation. The tower and turbine shall be no closer to road right-of-way than 150 percent of its total height. The tower and turbine shall be no closer to overhead powerlines and all other property lines than 250 percent of its total height. The tower and turbine shall be no closer to any habitable dwelling or any residential zoning district than 500 percent of its total height.
 4. Large Turbine or Utility Grid- Pooled Parcel Application.
 - a. Area. Minimum lot area is five (5) acres.
 - b. Setbacks and Separation. The tower and turbine shall be no closer to road right-of-way and any habitable dwelling on a participating parcel than 150 percent of its total height. The tower and turbine shall be no closer to overhead powerlines and all other property lines than 250 percent of its total height. The tower and turbine shall be no closer to any habitable dwelling or any residential zoning district than 500 percent of its total height.
- H. *Height and Clearance*.
1. Requirements. The height requirement within Table 3.35 shall be measured from the final grade at the base of the tower to the highest extent capable by the rotor blade.

Type	Acreage	Allowable Height
Small Turbine or On-Site	2.0-4.99	75 feet
	5.0-9.99	100 feet
	10+	125 feet
Temporary Anemometer or MET		195
Large Turbine or Utility Grid	Any	500 feet
Roof-Mounted		See <i>Tables 3.3 and 4.3</i>
Small Turbine or On-Site Ground Clearance		20 feet
Large Turbine or Utility Grid Ground Clearance		75 feet

2. **Height Exemptions.** Roof mounted WECS shall be exempt from height regulations provided the total height of the building and roof-mounted structure does not exceed the building height requirements for the zoning district in which it is located. The Planning Commission, in consideration of the request, may waive this height requirement where such proposed location does not negatively impact adjoining properties and where such adjoining property owner has indicated through formal letter that such waiver is acceptable.
 - I. **Accessibility.** Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 18 feet.
 - J. **Connection to Power Grid.** In the case of the WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's determination. The applicant shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
 - K. **Vibration.** Under no circumstances shall a WECS produce vibrations humanly perceivable beyond lot boundaries.
 - L. **Color, Type, and Signage.** The applicant shall submit information related to the type of tower structure and color. Monopole towers with non-reflective colors shall be required unless waived as part of the approval. No signage shall be placed on or near the tower, other than that required for maintenance or security purposes.
 - M. **Lighting.** In addition to the requirements as established by the FAA or the Michigan Tall Structures Act, any lighting shall be implemented at the least intensity permitted, including red lighting at night and shielding to reduce glare and visibility from the ground.
 - N. **Additional Studies.** The applicant shall submit studies related to wind speed, noise, vibration, electromagnetic interference, or similar issues that may be considered a nuisance or are based upon compatibility of the proposed use in the requested location. Additionally, the applicant shall submit:
 1. **Avian and Wildlife Impact.** Recent studies from locations where the applicant has existing projects or from areas with similar avian/wildlife species. Best management practices outlined within the guidelines for Land-Based Wind Energy Systems by the U.S. Fish and Wildlife Service shall be followed where feasible.
 2. **Shadow Flicker.** Recent studies from locations where the application has existing projects or from areas with similar circumstances. Studies shall define the hours of impact in given time periods (month/year).
 3. **Ice Throw.** Recent studies from areas with similar weather circumstances.
 4. **Other.** Any other studies available to the applicant that assist with the review. The Planning Commission may require studies specific to the site where available studies provide insufficient reference.

- O. *Decommission Plan/Site Reclamation.* The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost, and the manner in which the tower will be removed and the site will be reclaimed. The township may impose a bond or similar surety related of the cost of removal and reclamation. An independent and registered professional engineer shall be retained to estimate the cost of such removal and reclamation. The site shall be reclaimed no later than 12 months after the decommissioning of the tower, unless an extension is granted by the Township Board. Final reclamation shall include the removal of all wind energy related equipment and materials, the grading and clearing of any debris, and the stabilization of the ground to prevent soil erosion.
- P. *Dispute Resolution.* The application shall provide the means for complaints to be taken and documented and the method used for resolution of the dispute. The applicant shall submit an annual report to the Township listing such documentation and resolution, including the names and addresses of the complainants and the nature of the dispute. Failure to document such complaints and successfully resolve such disputes may be grounds from revocation of the special land use permit.

Section 8-36 Wireless Communications

- A. *Purpose.* Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. The intent of this section is to minimize adverse visual effects of towers and to avoid damage to adjacent properties while adequately serving the community.
- B. *Exemption.* Wireless communication equipment is a permitted use of property and is not subject to Special Land Use approval or any other approval under the Michigan Zoning Enabling Act if all the following requirements are met:
1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 2. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was previously approved by Marshall Township.
 3. The proposed collocation will not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.
 - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support.
- C. *Requirements.* All wireless communication towers shall be subject to the following general standards for approval:
1. To contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of a freestanding (lattice or monopole) or guy-wired (lattice) tower shall be set back 110 percent of the height of the tower from any property line or road right-of-way as measured from the tower base.
 2. For leased sites, a legally described parcel shall be established which provides suitable location and size to meet the requirements of this ordinance.
 3. The maximum tower height shall be 300 feet as measured from the ground elevation.
 4. The tower base shall be enclosed by a security fence, consisting of a six (6) foot tall chain link fence topped with three (3) strands of barbed wire or an eight (8) foot tall chain link fence. All towers shall be equipped with an anti-climbing device.
 5. A six (6) foot tall landscape screen is required to screen around the exterior perimeter of the fenced

area.

6. The use of guy wires is strictly prohibited unless approved by the Planning Commission. Approval shall be based upon the wire anchors for guyed towers being set back 75 feet from all property lines, that they be located on the same parcel as the tower and that these provisions are subject to approval of the site plan.
- D. *Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. If lighting is required, a dual lighting system shall be employed to minimize the impact at night.
- E. *Signs.* The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- F. *Submittal Requirements.* Application must be made for a building permit, and the following information must be submitted:
1. A site plan of the proposed tower location showing all existing and proposed features of the site. This shall identify all buildings which are on the subject property as well as any buildings and residences on adjacent properties within 330 feet of the tower base. The site plan shall also identify the location of the maintenance buildings, which are to be located within the secured fence area, including the pads needed to support such facilities for any future carrier needs. The site plan shall also indicate the height of the proposed tower above grade, and any other improvements.
 2. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety. The township may request that any information that is submitted be certified by a licensed professional engineer.
 3. A description of the appearance and color of the tower, with the intent to camouflage the tower to an extent possible to reduce the visual impacts of the tower.
- G. *Co-Location.* All commercial wireless telecommunications towers shall comply with the following requirements:
1. *Availability of Another Tower.* A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or similar building within the Township. The applicant must provide information related to their investigation of the potential for co-location on all other towers within the township and within a one (1) mile area surrounding the township. This provision may be waived should the applicant produce and justify data related to the tower's or building's structural inadequacy, negative impact from other communications devices or services, insufficient height or other verifiable reason.
 2. *Capability of New Towers.* Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two (2) other users. Any developer of a tower site must have a firm commitment (lease agreement) from the property owner and from at least one (1) carrier to locate on the tower at the time of the application.
- H. *Abandonment.* Abandoned or unused towers or portions of towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by Marshall Township Zoning Board of Appeals. A copy of the relevant documents (including the signed lease, deed, or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities shall be removed by the Township and the costs of removal assessed against the real property. The Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease, or removal of a carrier co-locating on that tower.
- I. *Township Owned Property.* Antennas or towers may be located on property owned, leased, or otherwise controlled by Marshall Township provided a license or lease authorizing such antenna or tower has been

approved by the Township.

Parking and Loading

Article

9

Section 9-1 Intent and Purpose

The purpose of this article is to prescribe regulations for off-street parking of motor vehicles and to ensure that adequate parking, loading areas, and access are provided in a safe and convenient manner. These regulations are designed to alleviate and prevent congestion of streets by establishing minimum requirements for on-site parking, access, storage, loading, and unloading. Off-street parking and loading facilities shall be provided and maintained for all buildings, structures, or premises used for purposes permitted by this ordinance in accordance with the provisions of this article.

Section 9-2 General Requirements

- A. *Applicability of Parking Requirements.*
1. New Parking Areas. All new parking areas and drive aisles shall conform to the requirements of this article.
 2. Required Parking Spaces. Before any new building, or addition to a building, is occupied, off-street parking spaces for motor vehicles shall be provided in accordance with this article. This requirement also applies to building capacity increases or change of use.
 3. Nonconforming Parking. A parking or loading area lawfully established prior to the adoption of this ordinance shall not be required to be upgraded to comply with this article. Any required expansion due to building expansion, occupancy increases, or use changes shall conform to this article.
- B. *Commercial and Industrial Districts.* Required off-street parking facilities shall be used solely for the parking of passenger vehicles or light trucks for patrons, occupants, or employees of specified uses. Parking facilities shall not be used for the storage, display, sale, repair, dismantling, or wrecking of any vehicle, equipment, or material. Further, no repair work, sales, or service of any kind shall be permitted in association with off-street parking facilities, unless those facilities are enclosed in a building and the work or service is otherwise permitted in the district. Inoperable vehicles shall not be stored in an off-street parking area for more than 24 hours, except for areas approved for outdoor storage.
- C. *Setbacks.*
1. Non-Residential. Non-residential parking lots shall be subject to 20 foot front setbacks. When a property abuts an Agricultural or Residential Zoning District, non-residential parking lots shall be subject to 10 foot setbacks along the applicable lot line. Side and rear setbacks are not required when abutting Commercial and Industrial Districts.
 2. Residential. Residential parking areas and lots shall be subject to five (5) foot setbacks from all property lines.
- D. *Parking Agricultural and Residential Districts.*
1. Inoperable or Unlicensed Vehicles. The parking or storage of inoperable or unlicensed vehicles shall be prohibited, except within an enclosed building.
 2. Passenger Vehicles. Passenger vehicle parking on residential lots is restricted to driveways, attached driveway pad, or in a garage or storage building.
 3. Commercial Vehicles.
 - a. Commercial vehicle parking on residential lots in R-1, R-2, R-3, and OC is restricted to one (1) commercial truck or van of no more than 10,000 pounds (class II) or one (1) heavy duty pickup truck up to 14,000 pounds (class III).
 - b. Parking on non-farm property within the AG Zoning District is restricted to no more than two (2) class III vehicles. Vehicles associated with farms are exempt from this requirement.
 4. Recreational Vehicle, Trailer, and Boat Parking. May be stored or parked in any residential district on a lot on which an occupied residence is located, subject to the following requirements:
 - a. Outdoor. Maximum of two (2) per residential lot or parcel of land if under 32 feet in length.

Maximum of one (1) if over 32 feet in length.

- b. Indoor. Parked or stored in a garage, or in the rear or side yard, outside of required setbacks for principal building, on a concrete or asphalt pad or driveway surface.
- c. Loading/Unloading. May be parked anywhere on a parcel of land for up 48 hours for loading and unloading as long as the view of driveways or vehicular and pedestrian traffic of adjoining properties is not obstructed.
- d. Connections. Recreational vehicles shall not have permanent fixed connection to electricity, water, gas, or sanitary sewer, and shall not be used for permanent living purposes.
- e. Recreational vehicles may be parked temporarily in driveways for temporary living purposes up to 21 days, no more than two (2) times per calendar year, with no less than 30 days between each occasion. Permits are required for temporary living purposes.

Section 9-3 Required Off-Street Parking

- A. *Location of Facilities.* Off-street parking facilities shall be located as specified by this section. When a distance is specified, it shall be measured from the nearest point of public entrance to the building to the nearest point of the parking lot.
 - 1. Agricultural and Residential Zoning Districts. Required parking shall be provided on the lot with the building or use it is required to serve.
 - 2. Commercial and Industrial Zoning Districts. Required parking shall be provided within 300 feet of the building it is meant to serve, unless otherwise stated in this article.
- B. *Computing Required Spaces.* In determining the minimum required number of off-street parking spaces, the following instructions shall apply:
 - 1. Determining Floor Area. Off-street parking requirements shall be calculated based on usable floor area (UFA) of the use to which the parking is accessory, or as otherwise provided in *Table 9.3*.
 - 2. Fractions. If the calculation of required parking spaces results in a fraction, it shall be counted as one (1) additional required space.
 - 3. Public Assembly Seating. In sports arenas, churches, and other places of assembly in which patrons occupy benches, pews, or similar seating facilities, each 24 inches of such seating shall be counted as one seat for the purpose of determining requirements.
 - 4. Determining Parking Requirements for Unlisted Uses. For uses not specified in *Table 9.3*, the minimum number of required parking spaces shall be determined by the Zoning Administrator, on the basis of requirements for similar uses, the square footage of the use, and the relationship between the size of the use and the number of persons served or employed.
- C. *Parking Requirements by Use.* Unless reductions are authorized in accordance with this article, minimum parking requirements are as follows:

Table 9.3 Parking Requirements by Use	
Use	Number of Parking Spaces
Accessory Uses	
Accessory buildings	Varies depending on commercial use type.
Amateur radio	N/A
Garage and yard sales	N/A
Home based business	Two (2) plus one (1) for each employee not residing at the home.
Home occupation, class one	N/A
Home occupation, class two	Two (2)
Keeping of farm animals	N/A
Mobile food unit	N/A

Table 9.3 Parking Requirements by Use

Use	Number of Parking Spaces
Outdoor display and sales, not including vehicle and equipment sales	One (1) for every 500 square feet of lot area for retail sales, uses, and services.
Outdoor donation collection facility	N/A
Outdoor storage related to a principal use	N/A
Accommodations, Hospitality, Entertainment	
Banquet hall, private clubs, lodge hall	One (1) for every three (3) persons allowed within the maximum occupancy load as established by the Township Fire and Building Codes.
Bed and breakfast	Two (2) for the owner/operator and one (1) per rentable room.
Hotel/motel	One (1) per room, plus one (1) per employee. In addition, spaces required for ancillary uses such as lounges, restaurants or places of assembly shall be provided and determined on the basis of the individual requirements for that use.
Recreation facility, campground	TBD by Zoning Administrator.
Recreation facility, commercial	One (1) space for every three (3) persons allowed within the maximum occupancy load as established by the Township Fire and Building Codes.
Recreation facility, commercial outdoor, golf courses open to the public, excepting miniature or "par-3"	Six (6) per one (1) golf hole plus one (1) per employee plus additional for any bar or restaurant.
Recreation facility, commercial outdoor, miniature or "par-3" course	Three (3) per one (1) hole.
Recreation facility, commercial outdoor, stadium, sports arena, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	One (1) for every three (3) seats or one (1) for every six (6) feet of bench, plus one (1) per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
Restaurant, restaurant with microbrewery, small distillery, tavern, or small winery	One (1) per 100 square feet of UFA for areas open to the public.
Restaurants with carry-out or limited seating for eating on premises	Six (6) per service or counter station, plus one (1) per employee.
Restaurant with drive-through	One (1) for every two (2) employees plus one (1) for every two (2) seats intended for patrons within the building, plus one (1) for every 30 square feet of building floor area within the waiting area, plus 10 stacking spaces per food pickup window.
Theater	One (1) for every three (3) seats in the main place of assembly or one (1) for every six (6) feet of pew or bench.
Agricultural	
Agribusiness	See retail.
Agritourism, ancillary uses and activities	See retail, plus necessary overflow/temporary parking
Commercial stable	One (1) per individual stable space.
Farms, farming, and farm operation	N/A
Farmers market	See retail.

Table 9.3 Parking Requirements by Use	
Use	Number of Parking Spaces
Greenhouses and nursery, accessory landscape business	See retail.
Roadside stand	See overflow/temporary parking <i>Section 9-4 H.</i>
Industrial	
Industrial, general	One (1) per 500 square feet of UFA.
Salvage and impound	See general offices and services.
Warehousing	One (1) per 1,500 square feet of UFA.
Wholesale and distribution	See warehousing and general offices and services.
Mini warehouses/self-storage	One (1) for every 20 units, plus parking for offices.
Infrastructure, Transportation, Communications	
All types	N/A
Institutional/Civic	
Community oriented cultural facility	See general offices and services.
Community public safety	See general offices and services.
Governmental facility	See general offices and services.
Meeting facility	One (1) space per three (3) seats, based on maximum seating capacity in the main place of assembly therein, as established by the Township Fire and Building Codes
Parks, playgrounds, outdoor recreation areas	TBD by Zoning Administrator.
Place of worship	One (1) for every three (3) seats in the main place of assembly or one (1) for every six (6) feet of pew or bench.
Recreation facility, community-based	TBD by Zoning Administrator.
School, elementary or middle	One (1) per teacher, employee, or administrator, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium.
School, specialized/training, high school	One (1) per teacher, employee, or administrator, and one (1) for every 10 students, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium.
Offices and Services	
Animal services, animal clinic/hospital (indoor), kennel, rescue or shelter	See general offices and services.
Body branding, piercing and tattoo facility	See general offices and services.
Child care center	One (1) per 350 square feet of UFA, plus one (1) per employee. Sufficient area shall be designated for drop-off of children in a safe manner that will not result in traffic disruptions.
Crematorium	See general offices and services and general industrial.
General offices and services	One (1) per 300 square feet of UFA.
General offices and service with a drive through facility	One (1) per 300 square feet of UFA, plus three (3) per walkup ATM, and drive-up windows/drive-up shall be provided with four (4) stacking spaces per service window or drive-up ATM.
General offices and services, beauty parlor, barber shop; body branding, piercing and tattoo facility	Three (3) parking spaces per chair/station.

Table 9.3 Parking Requirements by Use

Use	Number of Parking Spaces
General offices and services, dry cleaner	One (1) per 500 square feet of UFA.
Offices and services, such as a landscaping and tree removal company, exterminator, carpet cleaner, contractors' office.	One (1) per 350 square feet of UFA.
General offices and services, laundromat	One (1) per two (2) combinations of washer-dryer machines plus one (1) space per employee.
General offices and services for manufactured home communities	One (1) per 300 square feet of UFA.
Medical service, clinic and medical office	One (1) for every 250 square feet of UFA.
Vehicle repair, major and minor	Two (2) per service stall, plus the requirements for offices.
Vehicle quick oil change	Two (2) stacking spaces per service stall, rack or pit plus general offices and services.
Vehicle wash, full-service	Four (4) spaces, plus one (1) per employee. 10 stacking spaces for every washing stall or line, plus a minimum 30-foot long drying lane.
Vehicle wash, self-service (coin operated)	Four (4) spaces plus four (4) stacking spaces for every washing stall.
Residential	
Day care	One (1) per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions.
Dwelling, accessory	One (1) per dwelling unit.
Dwellings, multiple-family residential dwellings	Two (2) spaces per dwelling unit, plus one (1) guest parking space for every four (4) units.
Dwellings, multi-family	One and a half (1 ½) spaces per unit, and one (1) space per employee.
Dwellings, single-family	Two (2) spaces per dwelling unit.
Dwellings, two-family	Two (2) spaces per dwelling unit.
Dwellings, units on upper floors of buildings with non-residential uses at street level (single or multiple)	One (1) space per dwelling unit.
Housing, independent and assisted living	One and a half (1 ½) spaces per unit, and one (1) space per employee.
Home, convalescent or nursing	Two (2) per three (3) beds or occupants and one (1) space per staff member or employee on the largest shift.
Manufactured home community	See State of Michigan Manufactured Housing General Rules.
Retail	
General retail	One (1) for every 300 square feet of UFA.
General retail (outdoor)	One (1) for every 500 square feet of lot area for retail sales, uses, and services.
Liquefied petroleum gas (LPG) sales	TBD by Zoning Administrator.
Service station	One (1) per pump plus requirement for general retail.
Vehicle sales and rental, automobiles, light trucks, boats	One (1) for every 300 square feet of floor space of sales room and one (1) per automobile service stall, plus one (1) per employee.

Table 9.3 Parking Requirements by Use	
Use	Number of Parking Spaces
Vehicle sales and rental: heavy equipment/tools, heavy trucks, RVs, manufactured homes	One (1) for every 300 square feet of floor space of sales room and one (1) per service stall, plus one (1) per employee.
Other	
Mineral extraction	N/A
Sexually oriented business	See general offices and services and general retail.
Similar uses	Verify against similar use.
Temporary office	One (1) per 350 square feet of UFA.

Section 9-4 Off-Street Parking Facility Location and Design Requirements

- A. *Dimensions and Layout.* To provide safe and efficient vehicular access to the parking spaces, each off-street parking space shall open directly upon an aisle or driveway that complies with *Table 9.4*. All aisles or driveways shall be unobstructed and allow for the passage of emergency vehicles at all times.

Table 9.4 Minimum Dimensional Requirements (Feet)				
Parking Pattern	Parking Space		Drive Aisle Width	
	Width	Length	One-Way	Two-Way
0° (parallel)	8.5	22	12	22
30° to 53°	9	18	14	22
54° to 74°	9	18	18	22
75° to 90°	9	18	24	24

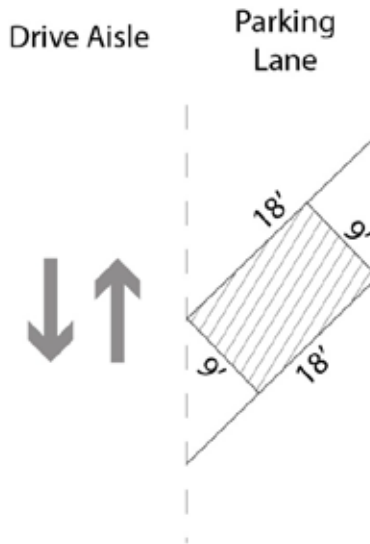


Figure 9-1 Angled Parking Measurement

- B. *Driveway Surface.* Driveways and drive aisles shall be surfaced with asphalt, concrete, or a similar material to provide a durable and dustless surface.
- C. *Surface.* Parking spaces and commercial vehicle parking areas shall be surfaced with asphalt, concrete, or a similar material to provide a durable and dustless surface. Pervious parking spaces are encouraged in order to reduce the amount of impervious cover on developed sites and may be used to reduce post-

construction stormwater runoff rates, volumes and pollutant loads. The approval of pervious surfaces shall be to the discretion of the approval authority.

- D. *Drainage or Runoff.* Parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto adjacent property or public sidewalks. Any runoff generated by parking areas shall be disposed of in appropriate drainage facilities.
- E. *Striping of Parking.* Parking areas shall be striped to identify each parking space. The striping shall be maintained at all times. This requirement does not apply to home occupations and home based businesses.
- F. *Wheel and Bumper Guards.* Each parking space shall be equipped with wheel or bumper guards, so no part of a parked vehicle will extend beyond the parking area onto a street right-of-way or adjacent property and to protect landscaped areas, unless a raised curb serves the same function. This requirement does not apply to home occupations and home based businesses.
- G. *Accessible Parking.* Pursuant to the Michigan Barrier Free Act, as amended, accessible parking shall be provided for any building or use initiated after the effective date of this ordinance per the minimum requirements of the Act and other requirements that may be adopted by federal or state law.
- H. *Temporary and Overflow Parking.* It is recognized that there may be special events or situations that occur infrequently which would result in the temporary reduction in the availability of required parking spaces or the need for temporary or overflow parking arrangements. Such events could include festivals, recreation and sporting activities, fairs, carnivals, church/school car washes, garage sales, roadside stands, or other community or special events. The Zoning Administrator may authorize temporary parking arrangements subject to the requirements below while permanent overflow parking for uses that require site plan review shall be approved by the Planning Commission.
1. Temporary and overflow parking areas are subject to the following requirements:
 - a. Parking areas shall be located and designed to ensure safe and efficient circulation for both pedestrians and vehicles, including designated maneuvering lanes, ingress and egress.
 - b. Aisles and parking rows shall meet the minimum widths required in this section.
 - c. Maneuvering lanes and parking rows shall be designated by temporary markings, such as paint, cones, flags or ribbons.
 - d. The Township may require supervision by attendants or staff during major events.
 2. Overflow parking lots shall only be permitted if parking projections for periodic events or uses exceed the off-street parking requirements listed in *Section 9-3* or the existing availability of on-site parking. Overflow lots are subject to the following additional requirements:
 - a. Parking areas and maneuvering lanes shall be gravel, stone, or a similar material, or shall be grassed. Grassed lots shall be maintained, mowed, and seeded to ensure a passable and stable surface.
 - b. Parking lots shall be graded and/or properly drained to dispose of all surface and storm water and to prevent drainage onto abutting properties.
 - c. Overflow parking areas may not be used to satisfy minimum parking requirements for a site, excluding parking for fairgrounds and similar uses.

Section 9-5 Shared and Common Parking

- A. *Definition.* The shared parking option is defined as the dual function of off-street parking spaces where operating hours or parking needs associated with individual buildings or uses occur at distinctly different times, for instance office and restaurants or places of worship and retail businesses.
- B. *Justification.* To qualify for this option, the developer is required to explain in detail, as part of the site plan and to the satisfaction of the Planning Commission, how the shared parking option would function in a specific application to receive an exemption.

- C. *Requirements.*
1. Facilities located on adjoining separate properties must be within 600 feet of each other, measured from the nearest point of public entrance to the building to the nearest point of the parking lot.
 2. A convenient pedestrian connection shall be provided between the properties.
 3. The availability of parking for all affected properties or uses shall be indicated by directional signs.
 4. Interior vehicular access shall be provided to interconnect all properties sharing the parking facility(ies).
- D. *Change in Conditions.* Any change to the conditions that were considered during the approval shall require a review by the Planning Commission for the exemption to remain valid.
- E. *Agreements.* Prior to establishing shared use of parking, the property owner or owners shall submit a written agreement providing for the shared parking use to the Zoning Administrator. All shared parking agreements shall run with the land and such deed restrictions shall be filed with the Calhoun County Register of Deeds. If any party to the agreement withdraws, that party shall be responsible to provide the required parking individually, in accordance with the provisions of this article. The agreement shall be filed prior to the establishment of the use.

Section 9-6 Parking Reduction

- A. *Permitted Reductions.* Parking minimums may be reduced when it is demonstrated to the approving authority that parking demand is expected to be lower than the requirements of *Table 9.3* and the following standards are met:
1. Single Building or Use.
 - a. Convenient municipal off-street parking or on-street spaces are located within 500 feet of the subject property.
 - b. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.
 - c. The applicant has provided a parking study, conducted by a qualified traffic engineer or parking expert, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
 2. Mixed Occupancy or Multiple Buildings. Parking may be reduced for shared/common parking lots by multiple uses where:
 - a. There will be a high proportion of multipurpose visits.
 - b. Uses have peak parking demands during differing times of the day or days of the week.

Section 9-7 Deferred Parking

- A. *Intent.* Where a reduction in the number of required parking spaces may not be warranted, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the Planning Commission may defer some of the required parking.
- B. *Requirements.* Deferred parking plans shall be in accordance with the following:

1. Site Plan. A site plan shall show all required parking but identify those spaces that will not be constructed until warranted. All deferred parking spaces and aisles shall meet the design and dimensional requirements of this article.
2. Landscaping. Any area designated for deferred parking shall be landscaped and not used for any other purpose, such as outdoor storage or accessory buildings. Required parking lot landscaping shall be installed during deferred parking area construction.
3. Timeframe. Construction of all or a portion of the deferred parking spaces may be initiated by the owner or required by the Township, based on parking needs or as required by *Table 9.3*. The deferred parking shall meet all requirements of the ordinance in effect at the time of construction. This may be enforced by requiring a deed restriction or performance guarantee per *Section 14-2*.

Section 9-8 Off-Street Loading Requirements

- A. *Applicability*. For every use involving receipt or distribution of materials or merchandise in trucks, loading zones must be provided.
- B. *Requirements*. Loading zones and maneuvering lanes are subject to the following requirements:
 1. Sufficient space for truck maneuvering shall be provided.
 2. Maneuvering space for trucks using the loading spaces shall be provided on premise, and shall not necessitate the use of public right-of-way.
 3. The number off required off-street loading spaces are included in *Table 9.8*.

Table 9.8 Minimum Off-Street Loading Requirements

Less than 20,000 square feet	1 space
20,000 to 50,000 square feet	2 spaces
Each additional 50,000 square feet	1 additional space

4. Each such loading space shall be at least 10 feet in width, 35 feet in length with at least 14 feet of vertical clear space. No such space shall be located closer than 50 feet to any lot in any Agricultural and Residential Zoning District (*Article 3*).
- C. *Modification*. The approval authority may modify the required size of loading spaces for uses, such as offices, that will involve smaller delivery trucks.

Landscaping, Screening, and Lighting

**Article
10**

Section 10-1 Intent and Purpose

It is the purpose of this article to require landscaping to minimize the adverse effects of certain land uses and outdoor activities upon their surroundings and to improve the appearance of parking areas and street frontages within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values within Marshall Township.

Section 10-2 General Landscaping Requirements

A. Applicability.

1. Site Plan Approval. These requirements apply to all new buildings and parking lots and the affected area of expansions to existing buildings and parking lots requiring site plan approval.
2. Installation. Required landscaping shall be installed before occupancy or establishment of the use, unless the approving authority authorizes occupancy or establishment of the use prior to complete landscape installation, based on unforeseen weather conditions or the timing of construction as it relates to the planting season. In cases where deferment is approved, a performance guarantee may be required per *Section 14-2*.

B. Materials.

1. Type. All plant materials shall be hardy, drought tolerant, free of disease and insects, and indigenous to Calhoun County.
2. Restriction. Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, lava rock, or similar accent materials within planting beds.

C. Number.

1. Substitution. No substitution of plant species or sizes shall be allowed unless approved by the Zoning Administrator in writing.
2. Variety. The overall landscape plan shall not contain more than 33 percent of any one (1) tree species.
3. Rounding. Where this article requires landscaping based on a distance measured in feet along a property boundary and a dimension results in a fraction of the given requirement, any fractional result less than 25 percent of the required distance may be disregarded.

D. Size.

1. Minimum Installation Size. When landscaping is required, it shall be installed at the minimum sizes included in Table 10.2A. Tree widths are measured at DBH (diameter at breast height), four and a half (4 ½) feet above the ground.

Type	Minimum Size
Canopy Tree	Two and a half (2 ½) inch
Ornamental Tree	One and a half (1 ½) inch
Evergreen Tree	Six (6) feet high
Shrub	24-inch wide spread

2. Credit for Existing Trees. When landscaping is required and existing trees within front yards or designated buffer areas can be preserved, healthy and desirable trees may be counted to satisfy the requirements of this article. Sizes of existing material must meet the requirements for newly installed trees and shrubs to qualify (*Table 10.2A*). However, larger trees may count for two (2) required trees if the minimum sizes of *Table 10.2B* are met.

Type	Minimum Size	Credits
Canopy Tree	Greater than eight (8) inches	Two (2)
Ornamental Tree	Greater than 10 feet high or four (4) inches diameter.	Two (2)
Evergreen Tree	Greater than 12 feet high.	Two (2)

E. *Placement and Maintenance.*

1. Setback. Plant material shall not be placed closer than three (3) feet to any fence or property line.
2. Placement. Where trees are placed in two (2) or more rows, planting shall be staggered for a more natural appearance.
3. Utilities. All plant material shall be installed in a manner that will not cause damage to utility lines (above and below ground) and public roadways.
4. Drainage. All plant material shall be installed in a manner that does not alter drainage patterns on site or on adjacent properties, and shall not obstruct the clear vision area.
5. Replacement. Required trees and shrubs that are determined by the Zoning Administrator to be diseased, dead, or dying shall be replaced within one (1) growing season.
6. Groundcover. All landscaped areas shall be mulched and those not containing trees and shrubs shall be planted with ground cover. Mulch, of any type, is not considered groundcover, nor is it a substitute for ground cover. However, mulch (including shredded bark, wood chips, lava rock, decorative stone and similar generally accepted landscape accent materials) may be used around planting beds.
7. Berms. Berms shall be designed to vary in height and shape to create a more natural flowing appearance. The maximum slope for a berm shall be one (1) foot vertical to three (3) feet horizontal.

F. *Modifications.* The approval authority may vary the landscaping requirements of this article only under the following circumstances:

1. When existing natural or topographic features render compliance with the requirements unnecessarily difficult;
2. When adherence to the requirements result in the loss of significant natural or cultural features;
3. Where a variation clearly results in a superior landscape that could not be achieved under the requirements of this article; or
4. When existing vegetation can be preserved to meet the intent of the screening and buffering intent of this article.

Section 10-3 Landscape Plans

A. *Landscape Plans.* When required, landscape plans shall include the following:

1. Landscape plans shall be prepared by a registered landscape architect and sealed, or by a qualified landscape professional.
2. A separate plan sheet shall be drawn at the same scale as the required site plan. To ensure that landscaping is not affected by, nor interferes with utilities, the plans shall indicate all existing or proposed utilities and easements. At the discretion of the Zoning Administrator, for simple site plans, plantings may be shown directly on site plans.
3. Plans shall show all landscaped areas and plants listed in a table by common and scientific name, including quantities, size at installation, and anticipated mature height and spread. Anticipated mature height and spread shall be shown on the plan with circles indicating anticipated plant size at maturity.
4. Text shall accompany the landscape plan that provides calculations for the proposed landscaping and describes how the plan complies with the regulations of this article.

5. Existing natural and man-made landscape features and proposed buildings and structures, as required for the overall site plan, shall be clearly indicated.
 6. Landscape plans shall show all existing trees (four inch caliper or greater) located in portions of the site that will be built upon or otherwise altered. Trees shall be labeled "To Be Removed" or "To Be Saved" on the plan.
 7. Measures to protect existing trees to be saved shall be noted on the plans, including but not limited to protective fencing. When protective fencing is proposed, plans shall include the following statement: "Protective fencing shall be installed prior to site disturbance."
- B. *Guarantee.* The developer may be required to post a financial guarantee in accordance with *Section 14-2* with the Zoning Administrator to ensure that any trees or other landscaping plantings that die within two (2) years of planting shall be replaced.

Section 10-4 Front Yard Landscaping

- A. *Applicability.* For all uses within the Commercial and Industrial districts and all non-residential and non-agricultural uses in the Agricultural and Residential Districts, general front yard landscaping is required.
- B. *Requirements.* For every 100 linear feet of road frontage along the right-of-way line, or percentage of 100 feet, the following minimum landscaping shall be provided in the front yard, in addition to any other requirement in this article.
1. Trees. Any combination of five (5) canopy, evergreen, or ornamental trees. Of every five (5) trees, at least one (1) must be a canopy tree and at least one (1) must be an evergreen tree.
 2. Shrubs. Six (6) shrubs.
- C. *Placement.* The required front yard landscaping shall be planted between the parking area and the road right of way. If there is no front yard parking, the landscaping may be placed anywhere within the front yard.
- D. *Spacing.* The required landscaping may be spaced along the frontage according to the number of plants required based on the linear frontage; or may be planted in informal groupings, provided that the plants are distributed along the frontage so that there are no gaps greater than 50 feet, relative to the front lot line, between trees.

Section 10-5 Buffers

- A. *General Requirements.*
1. Applicability.
 - a. A landscape buffer area is required when any use in a Commercial or Industrial District is adjacent to any Agricultural and Residential Districts. Additionally, any principal non-residential and non-agricultural use permitted in the Agricultural and Residential Zoning Districts is subject to buffering requirements when adjacent to properties within the same districts.
 - b. A buffer area is not required if the qualifying adjacent zoning districts are separated by a public right-of-way.
 - c. A buffer area shall be required even when the adjacent Agricultural and Residential zoned property is undeveloped.
 2. Design and Placement.
 - a. The buffer area shall abut the applicable property line and plantings shall fall within the required buffer area width.
 - b. Buildings, structures, and parking lots may not encroach into the buffer area. Driveways may cross the required buffer areas perpendicularly.
 - c. Stormwater management measures, such as areas for infiltration or retention, may be located in the buffer area, provided, the planting requirements in *Table 10.5* can still be met.

- d. Plantings may be arranged formally or informally for a more natural effect.
- B. *Buffer Requirements.* Buffer area types applicable to the following zoning districts are indicated in *Table 10.5*.

Table 10.5 Buffer Area Landscape Requirements			
District	Type	Min. Width	Min. Landscaping Requirements per 50 Linear Ft.
Agricultural and Residential Districts and CS District ¹	1	10 ft.	§ 1 canopy tree or 1 evergreen tree § 1 ornamental tree or 12 shrubs
HS District	2	10 ft.	§ 1 canopy tree § 1 evergreen tree or 1 ornamental tree § 8 shrubs
LI and IP District	3	25 ft.	§ 2 canopy trees § 1 evergreen tree or 1 ornamental tree § 12 shrubs

C. *Buffer Alternatives.*

1. Berms. Berms may be constructed in a buffer area to supplement landscaping. Minimum landscaping requirements shall be reduced by 50 percent where a berm at least three (3) feet in height is constructed for at least 85 percent of the length of the buffer area. The minimum buffer width shall be maintained.
2. Privacy Fencing. A privacy fence maybe be used to supplement landscaping. For the linear footage a privacy fence is used, the minimum landscaping requirement shall be reduced by 75 percent. Minimum buffer width shall be maintained. To qualify for the reduction, privacy fences must meet the following requirements:
 - a. Height: six (6) foot minimum.
 - b. Placement: At least five (5) feet from the property line.
 - c. Opacity: Gaps between pickets must be no greater than one-half (½) of an inch.
3. Reduction. Where the distance between the building, parking area or use is more than 200 feet from a side or rear lot line, the minimum landscaping requirement along that lot line may be reduced by 50 percent.

Section 10-6 Screening

- A. *Outdoor Trash Storage.* All trash storage areas shall be screened from view from the streets by means of a fence or enclosure.
1. Materials. Fences and enclosures shall be constructed of wood, comparable wood substitute, or masonry.
 2. Height. Screening shall be a minimum of four (4) feet in height for garbage cans and six (6) feet in height for dumpsters.
 3. Alternatives. A screen may consist of berms or landscaping either in combination, or as a substitute for a fence or wall. It must be determined that the alternate design shall either provide the same degree, or enhanced screening as required by this section.
- B. *Off-Street Parking.* Except for entrance/exit areas, all off-street parking areas will be lightly screened

¹ Requirement only applicable to a non-agricultural or non-residential use.

when adjacent to public right-of-way and abutting Agricultural and Residential zoned properties.

1. Height. Two and a half (2 ½) to three (3) feet tall.
2. Type. The screen shall consist of shrubs, hedges, evergreens, berms, walls, fences, or any combination of these elements.

Section 10-7 Parking Lot Landscaping

- A. *Purpose*. To provide shade and to break up the visual appearance of large paved areas, parking lot landscaping is required.
- B. *Canopy Trees*. Parking lots with 12 or more spaces shall be landscaped with one (1) tree for every 12 parking spaces.
- C. *Islands and Peninsulas*. Parking lots shall contain landscape islands or peninsulas. Each shall be a minimum of 10 feet wide. Each island or peninsula shall be planted with a minimum of one (1) tree.
- D. *Design and Placement*.
 1. Visibility. Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
 2. Protection. All landscape areas shall be protected by raised curbs, parking blocks or other similar methods to prevent damage. Notwithstanding this requirement, alternative Low Impact Design solutions shall be encouraged, such as areas for stormwater infiltration, with incorporation of methods to prevent damage.
 3. Placement. Trees shall be planted at least three (3) feet from curbs or the edge of pavement.

Section 10-8 Exterior Lighting Requirements

- A. *General Requirements*. Outdoor light fixtures shall be subject to the following regulations:
 1. Shielding and Fixture Specifications.
 - a. Direct or directly reflected light shall be confined on-site.
 - b. Under-canopy lighting shall be mounted flush or recessed.
 - c. Wall pack and pole-mounted light fixtures shall be a down-lighted type and 100 percent cut off. Light fixtures shall be constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the lowest light-emitting part.
 - d. Light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
 2. Flag Lighting. Government flag lighting shall only illuminate the flag and shall be placed so lighting or glare is not directed toward streets or adjacent properties.
- B. *Prohibited Lighting*. The following lighting types and methods are prohibited:
 1. Laser lights, searchlights or any similar high intensity light for outdoor advertisement or entertainment.
 2. Any lighting where the light source creates glare and is a hazard to travelers on an adjacent street.
 3. Lighting that flashes, moves, or is intermittent.
 4. Lighting that is similar to that used for traffic control devices or emergency vehicles.
- C. *Non-Residential Requirements*.
 1. Applicability. Lighting shall be provided throughout any non-residential parking lot. Lights to illuminate parking lots shall not be attached to any building, except for the lighting of parking rows immediately adjacent to buildings. This requirement does not apply to home occupations and home

based businesses.

2. **Height.** Light poles shall have a maximum height of 20 feet when in or adjacent to an Agricultural or Residential Zoning District. All other light poles shall have a maximum height of 25 feet. The maximum height shall be measured from the parking lot grade at the base of the pole to the top of the pole. No portion of any light fixture mounted on a light pole may extend more than one (1) additional foot higher than the maximum light pole height.
3. **Illumination Levels.** Light levels on commercial sites shall meet the requirements in *Table 10.8* for the developed portion of the site containing buildings, drives and parking lots.
 - a. Sites are not subject to minimum lighting levels during closed hours.
 - b. *Table 10.8* shall not apply to ornamental street lighting, public street lights or driveway/intersection lighting necessary for pedestrian and traffic safety.
 - c. The light level along a non-residential lot line may be increased to the parking lot maximum in cases where there are shared access/vehicular connections or the adjacent use is a similar use.

Table 10.8 Required Site Illumination		
Location on Site	Minimum Footcandles	Maximum Footcandles
Parking Lots and Building Entrances	0.5 (at any point) 2.0 (average)	10.0
Walkways	0.2 (at any point) 1.0 (average)	10.0
Along Front Lot Line Adjacent to the Street Frontage	0.0	2.0
Along a Lot line Adjoining a Non-Residential Use or District	0.0	1.0
Along a Lot line Adjoining a Residential Use or District	0.0	0.5

- D. **Demonstration of Compliance.** Compliance with the lighting design criteria shall be demonstrated by submitting the following information as part of the required site plan:
 1. Lighting plan showing light fixture locations, height, and type designations.
 2. Lighting equipment specifications and data sheets.
- E. **Photometric Plans.** The Zoning Administrator or Planning Commission may require a photometric plan to ensure that the intent and requirements of this section are met. When required, a photometric plan with a lighting grid shall be prepared by an electrical engineer. The photometric plan shall show horizontal luminance levels (footcandles) in a point-by-point format.

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Signs

Article 11

Section 11-1 Intent and Purpose

The intent and purpose of this article is to protect free speech, minimize and eliminate visual clutter, reduce the number and types of distractions experienced by drivers, and to channelize commercial and customer traffic to commercial and industrial areas of the township.

Section 11-2 Sign Permits

- A. *Sign Permit Required.* No person shall erect, replace, apply, structurally alter, or add to any sign without first obtaining a permit, unless specifically exempted by this article.
- B. *Application Materials.* The application shall contain the following material:
1. Property owner name, address and signature.
 2. Applicant name, address and signature (if different than owner).
 3. Installer name, address, signature and licensing information.
 4. The address and permanent parcel number of the property on which the sign is or will be located.
 5. The identification of the type of sign (ground, temporary, portable, wall) and method of illumination, if any.
 6. The name of business or name of premises to which the sign belongs or relates.
 7. Plans drawn to an accurate, common scale, depicting the following:
 - a. A scaled drawing of the proposed sign showing the dimensions and display area.
 - b. For freestanding signs, a site plan drawn to scale, accurately identifying the location of the proposed sign and setbacks from the nearest public or private road right-of-way and property line. If there are proposed grade changes, such as adding a berm, this shall be noted on the site plan.
 - c. For ground signs and pole signs, the height of the sign.
 - d. For wall signs, the height and width of the building wall.
- C. *Validity.* All sign permits shall be valid for a period of one (1) year from the date of issuance, and shall thereafter be void if the approved sign is not erected within that time period.
- D. *Permits Not Required.*
1. Maintenance. Painting, repainting, cleaning, maintenance, repair, and change of sign a sign face, message or graphics shall not be considered an activity that requires issuance of a sign permit, provided that no structural alterations or additions to the display area are made.
 2. Re-lettering and Rewording Changeable Copy. Changing copy or message of signs that are specifically designed for changeable copy shall not require a permit.
- E. *Responsibility for Compliance.* The owner of any property on which a sign is located is declared to be responsible for the permit, erection, inspection, safety, condition, and removal of a sign.

Section 11-3 Nonconforming Signs

- A. *Intent.* It is the intent of this section to permit the continuance of legal nonconforming signs until they are removed or destroyed and to encourage overall compliance with this article.
- B. *Continuation.* A lawfully established sign that does not conform to the height, size, area, location or other requirements of this article as of the effective date of the Zoning Ordinance is determined to be nonconforming. Nonconforming signs shall be permitted to remain unless otherwise required to conform by this section.
- C. *Illegal Nonconforming Signs.* Signs installed without a sign permit shall be considered illegal nonconforming signs and shall be either removed or made to conform to this article and a permit shall be

required. Nothing in this section shall be construed to give a nonconforming status to any illegal nonconforming sign erected without a sign permit.

- D. *Rebuilding after Damage.* Any nonconforming sign, sign structure, frame or standard damaged by any means shall not be restored or rebuilt if the damage exceeds 50 percent of present day replacement value considering a sign of equal and similar size, building materials, construction, and quality. The sign owner shall provide an estimate acceptable to the Zoning Administrator for an official determination concerning restoration and repair eligibility.
- E. *Alterations.* A nonconforming sign shall not be structurally expanded, altered, enlarged, or extended. However, the face of a nonconforming sign may be replaced as long as the nonconforming nature of the sign is not expanded or increased.
- F. *Maintenance.* Legal nonconforming signs may be painted, cleaned, maintained and repaired.
- G. *Relocation.* Nonconforming signs shall not be moved completely or in part to another location unless the sign at the new location conforms to this article.

Section 11-4 General Requirements

- A. *Applicability.* All signs and billboards erected after the effective date of this Ordinance shall conform to the regulations as set forth in this Ordinance and its amendments.
- B. *Sign Structure and Placement.*
 - 1. Signs shall be constructed to withstand all wind and vibration forces which can normally be expected to occur. Signs and sign structures shall remain structurally unsafe and shall not constitute a hazard to safety and health. Signs shall remain in good repair.
 - 2. Signs shall not be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by the Calhoun County Road Commission or Michigan Department of Transportation.
 - 3. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or because of the effects of the weather.
 - 4. A sign shall not be erected in any place where it may, because of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance.
 - 5. A sign shall not contain any moving or animated parts, and shall not have the appearance of being in motion, whether on a continuous basis or at intervals, and regardless of whether the motion or appearance of motion is caused by natural or artificial sources.
 - 6. Signs shall not obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way.
 - 7. A sign and its supporting mechanism shall conform to the setback requirements of this article.
- C. *Measurement of Sign Area.* No sign shall exceed the maximum sign area allowed for the district in which it is located. The sign area is to be expressed in square feet, computed to the nearest tenth of a square foot, and shall be calculated as follows:
 - 1. Area. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign (*Figure 11-1*).
 - 2. Double-Faced Sign. The area of a freestanding, ground or projecting sign, other than a billboard, that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are no more than two (2) feet apart at any point, the area of only one (1) face shall be counted toward the maximum size requirement. If the two (2) back-to-back

faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one face. This subsection does not apply to billboard sign face measurement.

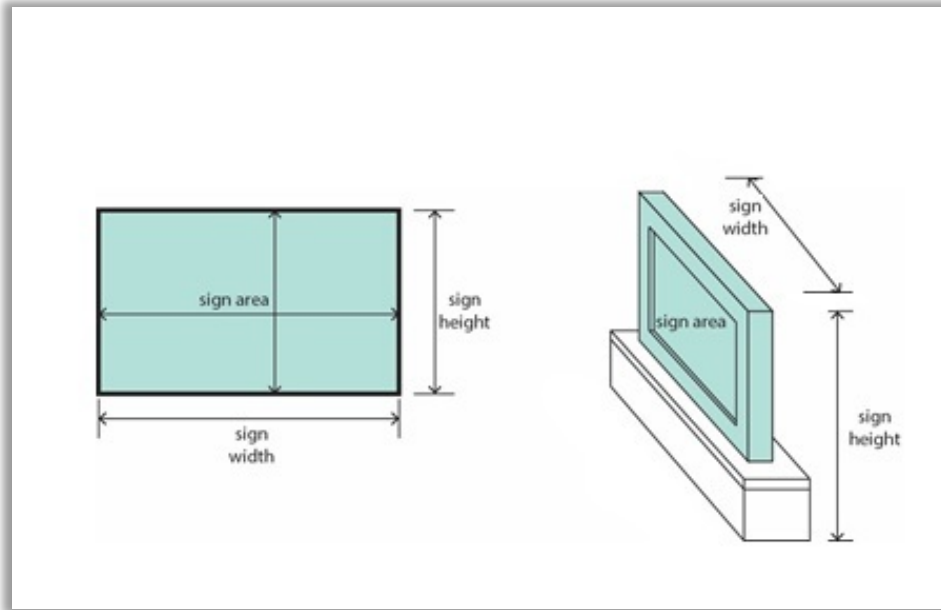


Figure 11-1 Sign Dimension Measurement

D. Wall Sign.

1. For a sign consisting of individual letters and/or a logo affixed directly onto a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
2. For buildings with multiple tenants, the sign area for wall, projecting, canopy or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall (Figure 11-2).

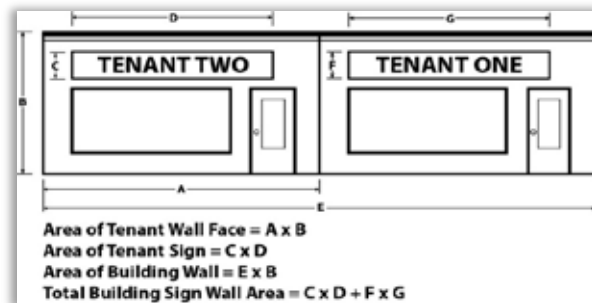


Figure 11-2

E. *Clear Vision Area.* No sign is permitted in clear vision areas, per Section 7-16.

F. *Freestanding Sign Height.* The height of a freestanding sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign, including the sign standard. Artificially constructed earthen berms shall count against the maximum height.

Section 11-5 Illumination

A. *Illumination.* All signs, except where prohibited, may be illuminated. Illumination is subject to the following requirements.

1. External Illumination. Externally lighted signs are allowed in all commercial and industrial districts and for non-residential uses in residential districts, subject to the following requirements:

- a. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face.
 - b. The light source shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.
 2. Internal Illumination. Sign faces shall be opaque so individual lamps are muted and cannot be distinguished behind the sign face.
 3. Neon Illumination. Only window signs in the Commercial and Industrial Zoning Districts may be neon illuminated. Neon illuminated signs are limited to four (4) square feet. Only one (1) neon illuminated sign is permitted per business entity.
 4. Prohibited Illumination. Flashing, moving, oscillating, blinking, or variable intensity light is prohibited.
- B. *Electronic Changeable Message Signs (ECM)***. ECM signs are permitted in the Commercial and Industrial Zoning Districts.
1. Movement Prohibition. Messages shall be stationary and the use of animation, flashing, traveling, scrolling or blinking characters is prohibited.
 2. Minimum Message Copy Interval. The message copy on electronic changeable message signs shall appear in intervals of no less than 15 seconds and transition between messages shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, dissolve, exploding, scroll and other methods of transition between messages shall not be permitted.
 3. Pole Sign Prohibition. Electronic changeable message signs shall be prohibited on pole signs and wall signs.
 4. Display Area. No more than 50 percent of the maximum display area of a sign shall be devoted to an ECM display.
 5. Brightness. Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation, as determined by the Zoning Administrator. Luminance shall not exceed 0.3 foot-candles above the ambient (i.e., naturally illuminated environment) light measurement when measured from the sign face.
 6. Separation. ECM components are not permitted within 200 feet of any dwelling unit except in those instances where dwelling units are located on the same parcel as an office or commercial use.

Section 11-6 Exempt Signs

The following sign types are exempt from the permitting requirements of this article but are subject to all other applicable requirements of this article and the specific requirements listed in the table.

- A. Addresses. Numeral height no greater than six (6) inches for residences and 18 inches for businesses and other nonresidential uses.
- B. Device sign.
- C. Directional sign. Shall not exceeding two (2) square feet in area and three (3) feet in height. Shall be no closer than 50 feet to another sign.
- D. Essential service signs.
- E. Governmental signs.
- F. Historic marker.
- G. Incidental signs. Shall be separated from other signs on a property by at least 50 feet.
- H. Memorial signs.
- I. Menu boards.
- J. Murals and art.

- K. Incidental signs placards, not exceeding (1) square feet.
- L. Governmental flags.
- M. Temporary yard signs (see *Table 11.8*).
- N. Religious symbols. Symbols incorporated into the architecture on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied by text.
- O. Vehicle sign. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
- P. Window sign. The total area of all signs within one (1) foot of the window shall not obscure more than 25 percent of the window area. Painted messages, text, graphics, posters, balloons, paper advertisements and similar items affixed to the window shall constitute a window sign.

Section 11-7 Prohibited Signs

The following sign types are prohibited:

- A. Any sign which is not expressly permitted.
- B. Air dancer sign.
- C. Bench signs.
- D. Bulletins, bills, flyers, posters, and any other display which is tacked, pasted or otherwise affixed to walls of buildings, barns, sheds, trees, poles, fences, signs, and sign posts.
- E. Feather signs
- F. Inflatable signs.
- G. Offensive or profane signs, such as signs displaying images of nudity, semi-nudity, specified anatomical areas or specified sexual activity, or using obscene material or words. The Zoning Administrator shall also consider the following criteria when providing a determination:
 1. An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest, is offensive or profane;
 2. The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and
 3. The material, taken as a whole, must lack serious literary, artistic, political, or scientific value.
- H. Roof signs.
- I. Signs that are not securely affixed to a substantial structure that will hold the sign in a fixed position under normal weather conditions, including signs that are held by or supported by a person.
- J. Signs that are attached to any natural growth, such as trees, shrubs, or other natural foliage.

Section 11-8 Temporary Signs

- A. *Permitting*. Unless exempted by 11-6, a temporary or portable sign shall not be placed on any lot, parcel or premises unless a permit authorizing such temporary sign has been issued by the Zoning Administrator.
- B. The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in *Table 11.8*, permitting procedures, and all other applicable regulations.

Table 11.8 Temporary Signs Permitted by District	
Residential Districts	
Ground Sign for at a Recorded Subdivision Entryway	
Number (max.)	One (1) sign, two (2) if more than one entryway.
Size (max.)	18 square feet.
Height (max.)	Eight (8) feet.
Setback (min.)	One-third (1/3) the required front setback for the applicable zoning district.
Illumination	Not permitted.
Duration (max.)	Sign must be removed within one (1) year after 90 percent of lots have sold by the original subdivider.
Permit	Required.
Commercial and Industrial Districts and Non-Residential Uses in Residential Districts	
Banners	
Number (max.)	One (1) banner per building or unit for multi-tenant buildings.
Size (max.)	32 square feet maximum
Location	The front façade of the building. For buildings on corner lots, the front façade shall be located on the wall facing the street in the building's locational address.
Illumination	Not permitted.
Duration (max.)	16 days, no more than four (4) times a year.
Permit	Required.
Portable Signs	
Number (max.)	One (1) per lot or parcel.
Size (max.)	32 square feet.
Height (max.)	Six (6) feet.
Setback (min.)	15 feet.
Illumination	Not permitted.
Duration (max.)	16 days, no more than four (4) times a year.
Permit	Required.
All Districts	
Temporary Yard Sign	
Number (max.)	Two (2) per lot or parcel.
Size (max.)	12 square feet total for all signs.
Height (max.)	Four (4) feet.
Setback (min.)	10 feet.
Illumination	Not permitted.
Permit	Not required.
Other	Extra temporary signs are permitted from 60 days prior to an election to 10 days after. One (1) extra temporary yard sign is permitted per issue and candidate on the ballot. Extra temporary signs are subject to the same height and size requirements of this section. Total permitted square footage for the cumulative area of signs is six (6) square feet per sign permitted.

Section 11-9 Permanent Signs

The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in *Table 11.9* permitting procedures, and all other applicable regulations. Permits are required for all permanent signs.

Table 11.9 Signs Permitted By District	
AB District	
Wall Sign at a Place of Business	
Number (max.)	One (1) wall sign, if no ground sign.
Size (max.)	12 square feet.
Location	Front façade of principal structure, must be attached flat against a building wall.
Illumination	May be externally illuminated (see <i>Section 11-5</i>).
Ground Sign at a Place of Business	
Number (max.)	One (1) ground sign, if no wall sign
Size (max.)	12 square feet.
Height (max.)	Eight (8) feet.
Setback (min.)	Half (1/2) of the front yard setback.
Illumination	May be externally illuminated (see <i>Section 11-5</i>).
Agricultural and Residential Districts	
Wall Sign for Dwelling with a Home Occupation	
Number (max.)	One (1) wall sign maximum.
Size (max.)	Two (2) square feet maximum.
Location	Must be attached flat against a building wall.
Illumination	Not permitted.
Ground Sign on a Non-Residential Property	
Number (max.)	One (1) ground sign maximum, zero (0) if wall or ground sign already established on AB District property.
Size (max.)	12 square feet.
Height (max.)	Eight (8) feet.
Setback (min.)	15 feet from right-of-way or any property line.
Illumination	May be externally illuminated (see <i>Section 11-5</i>).
Development Entry Sign for Subdivision, Multi-Family Development, or Manufactured Home Community	
Number (max.)	One (1) sign maximum, two (2) maximum if more than one entryway.
Size (max.)	18 square feet.
Height (max.)	Eight (8) feet.
Setback (min.)	One-third (1/3) the required front setback for the applicable zoning district.
Illumination	May be externally illuminated (see <i>Section 11-5</i>).
Other	Sign must be located on a property owned by a homeowner's association or within a private easement area held by the homeowner's association
Commercial and Industrial Districts	
Wall and Projecting Signs	
Number (max.)	Two (2) per business establishment
Size (max.)	One (1) square foot for each linear foot of building width or wall height, whichever is greater. Signs may not project more than four (4) feet from the exterior wall.
Height (max.)	Signs extending more than six (6) inches from the exterior wall must preserve an eight (8) foot clear area under the lowest edge of the sign.
Location (max.)	Front façade of principal structure, must be attached flat against a building wall.
Illumination	May be illuminated (see <i>Section 11-5</i>).

Table 11.9 Signs Permitted By District

Other	Signs may not extend above the exterior wall on which it is affixed.
Ground or Pole Sign for a Single Business on one Lot or Parcel	
Number (max.)	One (1) per lot or parcel, zero (0) if any other ground or pole sign exists.
Size (max.)	32 square feet.
Height (max.)	Eight (8) feet.
Setback (min.)	15 feet.
Illumination	May be illuminated (see <i>Section 11-5</i>).
Ground or Pole Sign for Multiple Businesses on one Lot or Parcel	
Number (max.)	One (1) per lot or parcel, zero (0) if any other ground or pole sign exists.
Size (max.)	48 square feet.
Height (max.)	15 feet.
Setback (min.)	15 feet.
Illumination	May be illuminated (see <i>Section 11-5</i>).
Business Center Sign for Multiple Businesses on more than one Lot or Parcel	
Number (max.)	One (1) per lot or parcel, zero (0) if any other ground or pole sign exists.
Size (max.)	One (1) square foot for each linear foot of building width (front), but not to exceed 200 square feet.
Height (max.)	Half (1/2) of the square footage of the sign, but not to exceed 100 feet.
Setback (min.)	15 feet.
Illumination	May be illuminated (see <i>Section 11-5</i>).

Section 11-10 Billboard Signs

- A. *Conformity.* Billboards are permitted only along parcels zoned HS-Highway Service Commercial or LI – Light Industrial and fronting on Interstate or State Primary Highways. Billboards are not permitted to front onto any Calhoun County roads within the Township.
- B. *Requirements.* The applicant shall be required to obtain a building permit/sign permit and pay any required fees prior to construction. The applicant shall be required to maintain the sign and not allow the message, advertising or display to deteriorate to where a blight or nuisance situation is created. Where common signage (travel information for an individual exit) is provided and approved within the public right-of-way, this option shall be considered prior to making application for a billboard. All billboards shall comply with the requirements of included in *Table 11.10*.

Table 11.10 Billboard Requirements

Sign Element	Requirement
Height	Maximum of 30 feet above the grade of the ground on which a billboard structure is located or the grade of the abutting street right-of-way, whichever is higher (such maximum height shall not include a billboard sign face extension that complies with this article).
Number	One (1) billboard structure with up to two (2) static, trivision or digital billboard sign faces.
Area	§ 200 square foot maximum for static and trivision billboard sign faces. § Measurement of a sign area does not include the billboard structure apron under the billboard sign face, nor any advertising company name and/or logo affixed to this portion of the billboard structure.
Setback	25 minimum setback from public right-of-way but all parts of the billboard structure and billboard sign face(s) shall be located no further than 150 feet from the nearest street right-of-way line.
Separation	§ Billboards shall not locate within 200 feet of any residence, church or school, with this setback increased to 300 feet where the billboard is illuminated.

Table 11.10 Billboard Requirements	
Sign Element	Requirement
	<p>§ A billboard structure shall be at least 1,000 feet from any other billboard structure on either side of the street or highway, including any billboard structure located outside of the Township, unless a stricter State requirement applies.</p> <p>§ A maximum of three (3) billboard structures shall be permitted within any linear mile of a street or highway, regardless of the spacing of the billboard structures.</p>
Other	<p>§ Double-faced (back to back) billboards shall be considered one (1) billboard for determining separation distance and total sign area (200 square foot maximum area on each side).</p> <p>§ V-type structures or other configurations where the visible display area exceeds the maximum display area shall be considered two (2) billboards and not be allowed based upon separation distance.</p> <p>§ The angle of a V-type billboard sign face configuration shall not exceed 75 degrees.</p> <p>§ A billboard sign face shall be a standard quadrilateral shape with four (4) right angles, such as a square or rectangle, with the bottom edge thereof being level with the street.</p> <p>§ Billboard configurations shall be limited to single-face, V-type or back-to-back configurations. Stacked or staggered-height billboard sign faces are prohibited.</p> <p>§ A billboard sign face shall be perpendicular to, or angled toward, the highway right of way.</p> <p>§ On a billboard structure with two (2) billboard sign faces, no more than one (1) sign face shall be oriented toward the same direction of motor vehicle traffic.</p> <p>§ A billboard sign face extension may project no more than five (5) feet from the top and no more than two (2) feet from either side of the billboard sign face, and no more than one and one half feet (1 ½) from the bottom of the billboard sign face. The total area of a billboard sign face extension shall be not greater than 50 square feet; the area and height of any lawful extension shall not be included in the maximum permitted sign face area or the maximum permitted billboard structure height. A billboard sign face extension shall be temporary only; it shall be removed when the advertising copy on the billboard is changed, and shall not become a permanent modification of the billboard structure. A permit is not required for a billboard sign face extension.</p> <p>§ All billboards shall be constructed in such a manner as to withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.</p>

Part IV
Review Processes and
Standards



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General Review Procedures

Article 12

Section 12-1 Intent and Purpose

The purpose of this article is to establish a uniform set of requirements and standards for the planning and design of developments within the Marshall Township to achieve the following objectives:

- A. To determine compliance with the provisions of this ordinance.
- B. To promote the orderly development of the township.
- C. To prevent depreciation of land values.
- D. To ensure a consistent level of quality throughout the community.
- E. To ensure a harmonious relationship between new development and the existing natural and manmade surroundings.
- F. To achieve the goals of the Marshall Township Master Plan.
- G. To promote consultation and cooperation to ensure applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the master plan.

Section 12-2 Application Submission, Contents, and Fees

- A. *Applications.* Information concerning submittal requirements, contents, and fees are available at the township offices and all applications required by the Zoning Ordinance shall be submitted at the same location. An application shall be officially submitted when a hand-submitted or delivered to the Zoning Administrator during normal office hours.
- B. *Authority to File Applications.* The person having legal authority to take action according to the approval sought shall file an application for development review or approval under the Zoning Ordinance. The person is presumed to be the record owner, purchaser under a sale or option to purchase, or the duly authorized agent of the record owner. Agents may only submit applications where the owner indicates consent in writing.
- C. *Deadline.* For requests that require public hearings per *Section 14-4*, complete applications for Planning Commission or Zoning Board of Appeals review shall be submitted at least 30 days prior to the scheduled meeting, for requests that do not require public hearings, 21 days.
- D. *Contact Person.*
 1. Contact. The applicant shall designate one person on the application as the primary contact person. The Zoning Administrator will communicate with the contact person about the application and review procedures.
 2. Changes. The applicant shall notify the Zoning Administrator in writing if there is to be a change in the contact person. The Zoning Administrator will continue to communicate with the designated contact person until the notice of change has been received.
- E. *Contents.*
 1. Application Content.
 - a. The Zoning Administrator is authorized to establish submittal requirements for all land use development applications required by the Zoning Ordinance and to update and amend those requirements as necessary to ensure effective and efficient review. Applicants shall refer to the submittal requirements for each type of land use development application. The applicant shall provide any additional information, documents, or other material relevant to the application that the Zoning Administrator reasonably believes is necessary to evaluate, analyze, and understand the subject matter of the application.
 - b. The Zoning Administrator may waive, or recommend that certain submittal requirements are waived, to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Zoning Administrator may waive, or recommend waivers, in cases where the projected size, complexity, anticipated impacts, or other

factors associated with the proposed development or subdivision clearly justify such waiver.

F. *Fees.*

1. Fee Schedule. Non-refundable fees are required at the time of the filing of any development application.
2. Administrative Fee. Fees based on a schedule set and posted by the Township Board shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. In addition, special fees per the current fee schedule on file with the Township Clerk shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. An application shall not be determined as complete until required fees are paid.
3. Professional Review Fees. In addition to regularly established fees, the Zoning Administrator may also require an applicant to submit an amount of money determined to be a reasonable estimate of the fees and costs which may incurred by the township in reviewing and acting upon the review of development proposals, in accordance with an escrow policy adopted by resolution by the Township Board.
 - a. The fund shall cover reasonable costs and expenses incurred by the township during and in connection with the review process, such as outside planning, legal, and engineering fees.
 - b. The estimated fee shall be submitted prior to any township review of a site plan, PUD, private street, subdivision, condominium, or special land use application. Fees shall be placed in escrow and will be used to pay for outside review costs.
 - c. The applicant shall maintain a minimum amount in this fund. Any unused balance shall be refunded to the applicant upon final approval or satisfaction of any conditions of approval.

Section 12-3 Zoning and Site Plan Permits

- A. *Zoning Permit- Building Compliance.* All structural alterations (except for wholly interior alterations), single-family dwellings, two-family dwellings, and residential accessory buildings must be issued a Zoning Permit for Building Compliance by the Zoning Administrator. A permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced.
- B. *Zoning Permit- Use Compliance.* A change of use or establishment of a new use, is subject to use compliance review. A use shall not be changed or established without a Zoning Permit for Use Compliance.
- C. *Site and Plot Plans.* A site plan or plot plan shall be required for any permitted use involving site development and any special land use, other than a single-family or two-family residential dwelling or residential accessory building. Site plans and plot plans are shall be reviewed in accordance with this article.

Section 12-4 Building Permits

- A. *Prerequisite.* No building permit shall be issued until permits required by *Section 12-3* have been issued by the Zoning Administrator. No certificate of occupancy shall be issued until all required site improvements are installed and any applicable conditions of approval are satisfied.
- B. *Building Permits.* A building permit is required for and shall be obtained from the Building Inspector prior to the construction, enlargement, alteration, conversion, or moving of any building or structure except under the following circumstances:
 1. The erection of any structure necessary to an agricultural operation so long as the placement of the building or structure shall conform to the site development regulations of the district in which it is located.
 2. Repairs of a minor nature, such as painting, general maintenance and upkeep, which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building or structure.

- C. *Application.* Application for a building permit and/or occupancy permit shall be made in writing upon a form furnished by the township. Prior to submittal, permits required by *Section 12-3* shall be secured. The application shall state the name and address of the owner of the building or the owner of the land upon which it is to be erected, enlarged, altered, or moved. The following information shall be submitted with all applications for building permits and/or occupancy permits:
1. Any information deemed necessary by the Building Inspector to determine compliance with and provide for the enforcement of the Zoning Ordinance and adopted building codes.
 2. Certified permit from the County Health Department stating that the proposed on-site water and sewer system is in conformance with the County Sanitary Code.
 3. All other licenses and permits required by law for the construction and enlargement, alteration, conversion, or moving of the building or structure for which a building permit is being applied under this ordinance.
 4. A certified permit from the Calhoun County Road Commission showing conformance with road cut and/or culvert requirements.
- D. *Building Permit.* If the information shown on the site layout complies to the above requirements and all other provisions of this ordinance, the Building Inspector shall issue a building permit upon payment of the required building permit fee. Any building permit granted under this section shall be null and void unless the development proposed shall have its first inspection within 180 days from the date of the granting of the permit and otherwise the life of the building permit shall be covered by the provisions of the "State Construction Code" being Act 230 of the Public Act of 1972, as amended. The Building Inspector shall make every effort to notify the holder of a permit that he is liable for voiding action before such action is declared. The Building Inspector may suspend or revoke a permit issued in error on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the township.
- E. *Occupancy Permit.*
1. No lot, building, or structure for which a building, special use, or other permit was or should have been obtained under this ordinance or other law, shall be occupied or used until an Occupancy Permit shall have been issued by the Building Inspector.
 2. The Building Inspector shall inspect the lot and building and structure which is the subject of an application for a Building Permit at the time of the staking out of the building foundation, at the completion of the work authorized by the permit and at such other times as are required by the State Construction Code (Act 230) and shall determine on such inspections whether or not the construction or alteration of the building or structure or the use or occupancy of the lot conforms to the information provided in the application for the Building Permit, the Special Use Permit, and the provisions of this ordinance and all other laws relating to the construction, alteration, conversion, or moving of the building or structure.
 3. It shall be the duty of the holder of every Building Permit and every Special Use Permit to notify the Building Inspector of when the lot, building or structure is ready for inspection. Following each inspection, the Building Inspector shall notify the holder of each permit, or his agent, as to whether or not the construction complies with the application and the Zoning Ordinance at the time of inspection.
 4. Should the Building Inspector determine that the use, building or structure is not in compliance with the application of this ordinance, further construction or use of the lot, building or structure or any part thereof, shall cease until such lot, building or structure has been brought into compliance and approved by the Building Inspector following notice of and request for re-inspection and re-inspection duly made by the Building Inspector.
 5. Should a permit holder fail to comply with the requirements of the Building Inspector of this ordinance at any inspection stage, the Building Inspector shall report in writing such failure to the Township Clerk and revoke all Building, Special Use or Occupancy Permits issued. The Building Inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or

affixed to the construction not conforming to the ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of the cancellation thereof; no further work upon said construction shall be undertaken or shall be permitted until the issuance of a new permit after reapplication therefore in accordance with the provisions of this ordinance. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permits requiring the issuance of new permits before construction may proceed.

6. Following the final inspection of the lot, building or structure and the finding of the Building Inspector that said lot, building or structure or use thereof is in conformance with the applications and information on file and meets the requirements of this ordinance, the Building Inspector shall issue an Occupancy Permit therefore.

Section 12-5 Completeness Review

- A. *Requirement.* All application submissions must be complete prior to processing by the Zoning Administrator.
 1. Complete Applications. A complete application includes all the submittal information identified on the application form, unless waived, and any items or exhibits requested by the Zoning Administrator that are consistent with the standards and requirements of the Zoning Ordinance.
 2. Incomplete Applications. An applicant shall be informed of an incomplete application. The Zoning Administrator shall identify the documents, specifications, and other information needed to make the application complete. An incomplete application that has not been revised to meet the completeness requirements shall be considered expired on the 30th day after the original submission of the application. The township may retain the application fee paid after this time period. Following an expired application, any additional or further requests by the applicant must be accompanied by a new application and fee. If the application for an item that requires review by the Planning Commission is remains incomplete on the deadline for the meeting, the request will not be scheduled on the agenda.

Section 12-6 Plan Types

- A. *Classification.* Site plan reviews are classified by two levels based on the extent of the proposed development.
- B. *Level "A" Review.* The Zoning Administrator shall review site plans in accordance with *Section 12-7* and in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
 1. Principal and accessory buildings less than 2,000 square feet that will accommodate a use permitted by right.
 2. Additions to existing buildings less than 2,000 square feet.
 3. Expansion of parking areas five (5) spaces or less.
 4. Exceptions:
 - a. When, in the opinion of the Zoning Administrator, a project which otherwise qualifies for level "A" site plan review may have a negative impact on surrounding properties, the Zoning Administrator may, at his/her discretion, submit the site plan to the Planning Commission for review. In such cases, the Planning Commission shall follow the review procedure for level "B" site plans and may require any additional information needed to make an informed decision.
 - b. When, in the opinion of the Zoning Administrator and Planning Commission Chairman, a project which otherwise qualifies as level "B" site plan review, does not necessitate additional stormwater management, major site preparation, landscaping, or major utility expansion, the plan may be reviewed and approved administratively. This shall not apply to special land uses.
- C. *Level "B" Review.* The Planning Commission shall act upon all site plans, other than those provided for as level "A" review, in accordance with *Section 12-8* and in connection with the creation of a use or the

erection of a building or structure in any of the following circumstances:

1. Principal and accessory buildings 2,000 square feet or greater that will accommodate a use permitted by right.
2. Additions to existing buildings of 2,000 square feet or greater.
3. Expansion of parking areas by six (6) spaces or more.
4. Any special land use in any district.
5. Any Planned Unit Development.
6. Any condominium project.
7. Multi-family development and buildings.
8. As otherwise required by this ordinance.

Section 12-7 Plot Plan Review Procedure

- A. *Applicability.* Level “A” reviews require plot plan submittal and review by the Zoning Administrator.
- B. *Submittal.* The applicant shall an application in accordance with 12-2.
- C. *Required Content.*
 1. Plot plans shall show the following:
 - a. The location of the proposed construction upon the lot, lots or acreage affected.
 - b. The dimensions, height, and bulk of structures.
 - c. The lot area, setback dimensions, open space areas, and landscaping, as needed.
 - d. The proposed design and construction standards of parking spaces, if applicable.
 - e. The number of loading and unloading spaces provided, if applicable.
 2. The following information shall be provided:
 - a. The address, shape, area, and legal description.
 - b. The nature of the proposed construction, alteration, or repair and the intended use.
 - c. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
 - d. The present use of any structure affected by the construction or alteration.
- D. *Completeness Review.* The Zoning Administrator shall review the application in accordance with *Section 12-5*.
- E. *Review.* The Zoning Administrator and all applicable reviewing authorities, including but not limited to the township’s attorney, planner, engineer, fire marshal and building official, shall review the application and associated materials. The Zoning Administrator shall review the application against the requirements of this ordinance, and the review standards of this article. The Zoning Administrator shall deny, approve or approve with conditions, the plot plan.

Section 12-8 Site Plan Review Procedure

- A. *Applicability.* Level “B” reviews require site plan submittal and review by the Planning Commission.
- B. *Pre-Application Meeting.* Prior to submitting a formal application, a landowner or project applicant is encouraged schedule a pre-application meeting with the Zoning Administrator. A site development sketch plan shall be provided for review during this meeting. The purpose of this meeting will be to discuss the proposed development project as it relates to the zoning requirements and review standards. Additionally, the Zoning Administrator shall outline the site plan review and approval process.

C. *Submittal.*

1. Content. The applicant shall submit a site plan application along with fees and all materials required as part of the site plan.
2. Deadline. All materials shall be submitted to the Zoning Administrator by the deadline for Planning Commission consideration, a schedule of meeting dates and deadlines published annually.
3. Copies. Three (3) copies of full size, sealed prints and an electronic version of the file (PDF) that can be printed in smaller formats are required at the initial submittal deadline. A final set of up to 12 full sized, sealed prints and an electronic version are required at a secondary deadline.

D. *Required Content.* Site plans shall be professionally prepared by a licensed engineer. If approved by the Zoning Administrator, site plans may be prepared by a professional architect, surveyor, or landscape architect.

1. Information.

- a. Name and firm address of the professional individual responsible for preparing site plan and professional seal.
- b. Name and address of the property owner or petitioner.
- c. Scale, north arrow and date.
- d. Acreage, gross and net.
- e. Zoning of adjacent properties.
- f. Legal property description.

2. Existing Conditions.

- a. Boundary survey lines and required setbacks.
- b. Location sketch showing site, adjacent streets, and properties within 200 feet
- c. Location, width and purpose of all existing easements.
- d. Abutting street right-of-way and width.
- e. Topography with contour intervals of no more than two (2) feet.
- f. Natural features such as wooded areas, surface water feature, high risk erosion areas, slopes over 14 percent, beach, sand dunes, drainage ways, and other significant site features.
- g. Existing buildings, structure, paved surfaces, installed landscaping, and other significant physical infrastructure.
- h. Size and location of existing utilities.

3. Site Planning.

- a. Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other physical infrastructure, as applicable.
- b. Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
- c. Layout and typical dimensions of proposed parcels and lots, of applicable.
- d. Parking calculations.
- e. Landscape and lighting plans.
- f. Proposed landscape materials, location, size, type, and calculations.
- g. Photometric plan.

4. Infrastructure and Site Development.

- a. Water, sewer, well, and septic, as applicable. Connections to existing lines, as applicable.
 - b. Location, connections, and spacing of fire hydrants.
 - c. Location and type of all proposed surface water drainage and stormwater facilities.
 - d. Grading plan at no more than two (2) foot contour intervals.
 - e. Proposed streets, parking areas, and driveways, including cross-sections with pavement width, materials, and easement or right-of-way dimensions, as applicable.
5. Building Details.
 - a. Exterior elevations, showing building height and describing building materials.
 - b. Gross and usable floor area and floor plans.
 6. Supplemental Information.
 - a. Project description and brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces.
 - b. Any other information required by the Zoning Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.
- E. *Completeness Review and Agenda Setting.* The Zoning Administrator shall review the application against the checklist for site plan review in accordance with *Section 12-5*. If deemed complete, the application shall be reviewed and processed forward. Should the site plan be associated with a special land use permit, a public hearing shall be advertised in accordance with *Section 14-4*.
- F. *Review.* The Zoning Administrator and all applicable reviewing authorities, including but not limited to the township's attorney, planner, engineer, fire marshal and building official, shall review the application and associated materials and the Zoning Administrator shall prepare final report for Planning Commission's review. The staff report and application materials shall be distributed to the Planning Commission prior to the meeting.
- G. *Planning Commission Action.* The Planning Commission shall review the application against the requirements of this ordinance, the review standards of this article, and the review standards for special land use permits, if applicable. Except for condominium projects, the Planning Commission shall table, deny, approve or approve with conditions, all plans received. The Planning Commission shall provide recommendations on condominium developments.
- H. *Township Board Action.* The Planning Commission shall review condominium developments against the requirements of this ordinance, the review standards of this article, as well as PUD Concept Plans, if applicable. The Township Board shall table, deny, approve or approve with conditions, all condominium plans received.

Section 12-9 Standards for Plan Approval

- A. *Standards.* Approval of the site plan shall be granted only if the site plan meets all applicable requirements set forth in this ordinance. Unless a more specific design standard is provided for in this ordinance, all uses, sites and structures subject to plan review shall comply with the following standards:
- B. *Master Plan.* Proposed uses and development activity shall be substantially consistent with the Marshall Township Master Plan.
- C. *Connectivity.* Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties.
- D. *Traffic Circulation.* The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on

abutting streets and adjacent properties.

- E. *Interior Street Connectivity.* Public or private streets may be required to be extended to exterior lot lines to allow connection to existing or planned streets on adjacent parcels, to provide for secondary access, continuity of the circulation system and to reduce traffic and impact to the transportation network.
- F. *Natural Resource Protection.*
1. Natural Features. Site design shall prioritize the preservation of natural features, such as steeper slopes, wetlands, significant hardwood tree stands, streams and other significant site characteristics. Applicants must demonstrate how alternatives were considered during the planning process.
 2. Connections. If the development site contains high quality natural areas that connect to other off-site areas of a similar nature, the development plan shall preserve such connections. Such connections shall be maintained to allow for the continuance of existing wildlife movement between natural areas and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife. Breaks or gaps in wildlife movement corridors should be minimized and when possible re-established using appropriate native vegetation.
 3. Surface Water Features. If the development site contains a lake, pond or stream, the development plan shall include such enhancements and restoration as are necessary to provide wildlife habitat and improve aesthetic quality in areas of shoreline transition and areas subject to wave or stream-bank erosion. The development plan shall also include a design that requires uniform and ecologically and aesthetically compatible treatment among the lots or tracts surrounding a lake, reservoir, pond or stream with regard to the establishment of erosion control protection and shoreline landscaping on or adjacent to such lots or tracts.
 4. Site Disturbance. Site disturbance shall be minimized and shall be demonstrated by the applicant in the following manner:
 - a. Identify minimal disturbance areas and no disturbance areas on site plan and construction drawings. Minimal and no disturbance areas must be protected by having the limits delineated, flagged and fenced in the field. Notes to this effect must be included on construction drawings. Areas to prioritize include significant stands of mature trees, notable wildlife habitat, sensitive or protected plant life or natural features, significant viewsheds, and other resources deemed by the township, county, state, or federal government as unique, significant, and/or protected.
 - b. No disturbance areas must not be subject to grading or movement of existing soils. Existing vegetation must be present in a healthy condition. Invasive vegetation may be removed.
 - c. Minimal disturbance areas must not be subject to excessive equipment movement. Vehicle traffic and storage of equipment and/or materials is not permitted.
 - d. Pruning or other required maintenance of vegetation is permitted. Additional planting with site-appropriate plants, including turf grass is permitted.
 - e. No work should occur until protective fencing is set up and until a pre-clearing inspection and/or written township approval is provided.
 5. Natural Flow Pathways. Natural flow pathways shall be avoided to the maximum extent practical. The applicant shall demonstrate the following:
 - a. Identify all existing natural flow pathways on site plan. Site plans must include existing topography and natural features so that these areas can be identified.
 - b. Natural flow pathways to be protected must have the limits delineated/flagged/ fenced in the field. Notes to this effect must be included on construction drawings.
- G. *Stormwater.* Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems and shall mimic predevelopment conditions.
- H. *Landscaping.* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing

unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.

- I. *On-Site Treatment.* Land use intensity shall be scaled appropriately based on the capability of on-site systems to adequately accommodate usage. On-site treatment systems shall be designed to protect groundwater and surface water quality to the maximum extent possible.
- J. *Utility Service.* All utility service shall be underground, unless impractical.
- K. *Exterior Uses.* Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
- L. *Emergency Access.* All buildings and structures shall be readily accessible to emergency vehicles. Prior to approval or as a condition of approval, building layouts, internal circulation and other site characteristics that affect life safety shall be reviewed and approved by the appropriate public safety official or fire marshal.
- M. *Water and Sewer.* Water and sewer installations shall comply with all township, county and state specifications and requirements.
- N. *Building Design.* To the maximum extent reasonable, new or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity or development.

Section 12-10 Conditions of Approval

- A. *Criteria.* Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the township may be imposed on site plan approval. Conditions imposed shall be based on the following criteria:
 - 1. Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
 - 2. Ensure that the use is compatible with adjacent land uses and activities.
 - 3. Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 4. Ensure compatibility between the proposed use or activity and the rights of the township to perform its governmental functions.
 - 5. Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 - 6. Ensure compliance with the intent of other township ordinances that are applicable to the site plan.
 - 7. Ensure compatibility with other uses of land in the vicinity.
- B. *Protective Fencing.* As a condition of any site plan approval, prior to any development or site clearing, barrier fencing shall be installed at the limits of soil disturbance and adjacent to priority protection areas, such as significant trees to be saved. Barrier fencing shall be a minimum of four (4) feet in height and shall remain in place and in good condition until the Zoning Administrator authorizes removal of the fencing. No filling, excavating or storage of materials, debris or equipment shall take place within the fenced area, except where permitted by the Planning Commission.

Section 12-11 Amendments

- A. *Application.* The owner of property for which a site plan land use has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. The revised site plan shall contain a list of all proposed amendments and changes shall be shown on the plans.
- B. *Level "A" Site Plan.* Changes to a level "A" site plan may be approved by the Zoning Administrator.
- C. *Minor Changes to Level "B" Site Plan.* Minor changes may be approved by the Zoning Administrator upon determining that the proposed revisions will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
1. Reduction of the size of any building and/or sign.
 2. Movement of buildings and/or signs by no more than 10 feet.
 3. Landscaping approved on the site plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans that do not exceed five (5) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 5. Internal re-arrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
 6. Changes related to subsections 1-5 above, required or requested by state or federal regulatory agencies in order to conform to other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
- D. *Major Changes to Level "B" Site Plan.* A proposed change to a level "B" site plan, not determined by the Zoning Administrator to be a minor change, shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

Section 12-12 Construction, Validity, and Expiration

- A. *Site Plan Approval.* Site improvements shall be commenced and completed within one (1) year after the date of approval of the site plan.
- B. *Extension.* The Zoning Administrator (level "A" permit) or Planning Commission (level "B" permit) may, for good cause, approve two (2) extensions of up to six (6) months each, if requested in writing by the applicant prior to the expiration date of the original approval or first extension. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

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Special Land Use Permits

Article 13

Section 13-1 Intent and Purpose

- A. *Intent.* Special land uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics or specific circumstances surrounding the use, may not be desirable or compatible in all locations. Factors such as traffic, hours of operation, noise, odor or similar potential effects require that the special use be evaluated relative to its appropriateness on a case-by-case basis.
- B. *Purpose.* Special land uses may be permitted within a zoning district, with Planning Commission approval, following a review of the use and its potential impact on its surroundings. This article establishes the review procedures for special uses and the general standards that must be met for all special uses.
- C. *Permit.* Special land uses shall be established through a special use permit.
- D. *Standards and Requirements.* This article establishes the review procedures for special uses and the general standards that must be met for all special uses. Some specific uses are also subject to additional standards and requirements outlined in *Article 8* to mitigate potential negative impacts.

Section 13-2 Review Procedures

- A. *Procedure.* The Special Land Use Permit application and associated site plan is reviewed in the same manner as site plan review in *Section 12-8*, except that the submittal deadline may include additional time to ensure public notice requirements are satisfied, per *Section 14-4*.
- B. *Public Hearing.* Prior to any action on the application, the Planning Commission shall hold a public hearing to solicit input from the general public and surrounding landowners.
- C. *Planning Commission Action.* The Planning Commission shall review the application against the requirements of this ordinance, the review standards of this article, and the review standards for site plans. The Planning Commission shall table, deny, approve or approve with conditions.

Section 13-3 General Standards of Approval

- A. *Standards of Approval.* The Planning Commission shall review the particular circumstances and facts applicable to each proposed special land use with respect to the following standards:
 - 1. The use is designed and constructed, and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed.
 - 2. The use is, or as a result of the special land use approval, will be served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.
 - 3. The use will not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.
 - 4. The special land use will be consistent with the intent and purposes of this ordinance and the most recent updates to the Marshall Township Master Plan.
 - 5. It will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 - 6. It will not create excessive additional requirements at public cost for infrastructure and will not be detrimental to the economic welfare of the community.
 - 7. It will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.

8. It shall conform with all specific requirements applicable to the proposed use, as applicable.
- B. *Approval.* If the Planning Commission finds that all standards have been met, in addition to confirming compliance with all other zoning requirements, the permit shall be issued.

Section 13-4 Conditions of Approval

- A. *Intent.* Reasonable conditions may be required with the approval of a Special Land Use Permit. These may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity can accommodate increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner
- B. *Requirements.* Conditions imposed shall meet all the following requirements:
 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

Section 13-5 Permits, Validity, and Compliance

- A. *Permit.* A special use permit, with all associated benefits, conditions and required security shall run with the land. Any change of property ownership does not invalidate the special use approval; provided, all conditions of approval continue to be met.
- B. *Validity.* A special use permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The special use permit shall expire on the occurrence of one (1) or more of the following conditions:
 1. If replaced or superseded by a subsequent special use permit.
 2. If replaced or superseded by a permitted use.
 3. If the applicant requests the rescinding of the special use permit.
- C. *Compliance.* Ongoing conformance with the terms and conditions of the approved permit is required.

Section 13-6 Amendments

Amendments to an approved special use permit, and any site plan associated with the permit, shall be considered by the provisions of this section.

- A. *General.* The site plan approved in conjunction with the Special Land Use Permit shall become part of the approval record. Any improvements relative to the authorized use shall be consistent with the approved site plan, unless a change is approved, in accordance with this article. Any change in use shall be subject to the applicable requirements of the zoning district in which the property is located and site plan review in accordance with *Article 12*.

- B. *Minor Amendments.* Minor amendments are those changes that do not alter the basic design and character of the special land use nor any conditions of the original approval. Minor amendments to the site plan are those meeting the conditions in *Section 12-11*.
- C. *Major Amendments.* Changes to the special land use or its associated site plan that do not qualify as minor amendments shall be processed in accordance with the review and approval procedures of this article as if it were a new application.
- D. *Amendments of Reclassified Uses.* Any use lawfully established by right but subsequently reclassified as a special land use on or after the effective date of this ordinance is not a nonconforming use. Minor and major site plan amendments are subject to all zoning regulations, including any applicable specific use standards, and shall be processed in accordance with this article.

Section 13-7 Revocation

The Planning Commission shall have the authority to revoke a special use permit when the applicant has failed to comply with any of the applicable requirements of this article, other applicable sections of this ordinance, or the conditions of approval. The Planning Commission may revoke a previous approval if it finds that a violation exists and has not been remedied. The special use permit may be suspended or revoked per the following procedures:

- A. *Conditions for Revocation.* Conditions that may result in a suspension or revocation include, but are not limited to, the following:
 - 1. The special land use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special use;
 - 2. Compliance with the special use permit and any conditions have not been consistently demonstrated, and administrative attempts to secure compliance have been unsuccessful;
 - 3. The Special Land Use Permit has been issued erroneously based on incorrect or misleading information supplied by the applicant and/or his/her agents;
 - 4. The operation of the use granted by the special use permit has created a risk or danger to the public health, safety or welfare; or
 - 5. The special use violates any provision of this ordinance or other county, state or federal regulations.
- B. *Procedure.*
 - 1. If the Zoning Administrator determines that a special use permit should be suspended or revoked he/she shall prepare a report specifying the factual details of the violation and the reasons to suspend or revoke the permit.
 - 2. The Zoning Administrator shall file the report with the Planning Commission and provide a copy to the owner, authorized agent or employee by certified mail, return receipt requested.
 - 3. Within 30 days of filing the report with the Planning Commission, a hearing date will be set for the Planning Commission to consider the alleged violation(s) to determine if the Special Land Use Permit should be suspended or revoked. The owner or authorized agent shall be notified personally or by certified mail, return receipt requested, not less than 15 days before the scheduled hearing.
 - 4. The owner shall have an opportunity to respond to any allegations made by: questioning adverse witnesses; presenting witnesses on his/her behalf; and presenting arguments, personally or through legal counsel in his/her own behalf.
 - 5. The Planning Commission shall prepare a written report of its findings within 30 days of completing all hearings and provide them to the owner either personally or by certified mail, return receipt requested. If the Planning Commission concludes that the Special Land Use Permit must be suspended or revoked, the owner shall immediately cease to conduct, operate or carry on the business or use for which the Special Land Use Permit was granted.

Section 13-8 Appeals

The Planning Commission's decision regarding approval or denial of a special use application may not be appealed to the Zoning Board of Appeals. However, prior to consideration of a special land use, a variance to a dimensional requirement related to the building or property in question may be filed with the Zoning Board of Appeals.

Section 13-9 Restrictions on Resubmittal

A special land use application that has been denied may not be re-submitted for one (1) year from the date of denial, except when new evidence or information found sufficient by the Zoning Administrator justifies an earlier re-application.

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Part V
Administration



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Administration and Enforcement

Article 14

Section 14-1 Administration

- A. *Administration.* The provisions of this ordinance shall be administered by the Zoning Administrator, Zoning Board of Appeals, Planning Commission, and Township Board.
- B. *Zoning Administrator Appointment.* The Township Board shall appoint a Zoning Administrator to act as its officer to effect proper administration of this ordinance. The individual selected, the terms of employment and the rate of compensation shall be established by the Township Board. For the purpose of this ordinance the Zoning Administrator shall have the powers of a police officer. The Township Board may appoint such assistants to the Zoning Administrator as may be necessary to aid the Zoning Administrator in the performance of their duties. The Township Board may also hire consultants to assist the Administrator in carrying out certain duties as prescribed below. In the absence of the Zoning Administrator, the Township Board shall designate an interim Zoning Administrator, who shall assume all the powers and duties of the Zoning Administrator.
- C. *Duties of the Zoning Administrator.* The Zoning Administrator shall:
1. Review all applications for Building Permits and/or Use and Occupancy Permits and approve or disapprove such application based on compliance with the provisions of this ordinance and other codes and ordinances adopted by the Township Board and approve issuance of the permit if the use and the requirements of this ordinance and other laws are fulfilled, provided however, that such application shall also be subject to the approval of the Building Inspector as hereinafter set forth.
 2. Receive all applications for Special Land Use Permits and conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations and notify the applicant in writing of any decision of the Planning Commission.
 3. Receive all applications for appeals, variance, or other matters which the Zoning Board of Appeals is required to decide under this ordinance and conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable and otherwise process applications to the Zoning Board of Appeals for determination.
 4. Receive all applications for amendments to this ordinance and conduct field inspections, survey and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and other process applications so as to formulate recommendations and report to the Planning Commission all such applications together with recommendations.
 5. Be responsible for updating the Township Zoning Map and keep it correct.
 6. Prepare and submit to the Township Board a written record of all building permits issued during each month. The record shall state the owner's name, location of property intended use and estimated cost of construction for each permit. The Zoning Administrator shall maintain and post monthly a list in the Township Hall of all building permits issued.
 7. Maintain written records of all actions taken by the Zoning Administrator.
 8. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, Township Board, or Zoning Board of Appeals as required by this ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this ordinance, subject to the general policies of the Township Board, Planning Commission and Zoning Board of Appeals.
- D. *Duties of the Building Inspector.* The Building Inspector referred to in this ordinance is and shall be the Building Inspector appointed by the Township Board pursuant to the provisions of Act 230 of Public Acts of 1972, as amended, named the "State Construction Code" and the Building Inspector shall have and perform duties as therein set forth.

Section 14-2 Performance Guarantee

Per *Section 505 of the Michigan Zoning Enabling Act*, to ensure compliance with the zoning ordinance and any imposed conditions, the township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond covering the estimated cost of improvements be deposited with the Township Clerk of to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The township may not require the deposit of the performance guarantee until it is prepared to issue the permit.

Section 14-3 Violations and Penalty

- A. *Violation.* Any person who violates, disobeys, neglects, or refused to comply with any provision of this ordinance, any administrative decision made under this ordinance, or any permit or approval issued under this ordinance, including conditions imposed, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a violation of this ordinance. Any person responsible for a violation of this ordinances, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that the violation exists shall constitute a separate offense.
- B. *Municipal Civil Infraction.* A violation of this ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Marshall Township has incurred in connection with the municipal civil infraction.

Offense	Minimum Fine	Maximum Fine
First	\$150.00	\$500.00
Second	\$250.00	\$500.00
Third	\$375.00	\$500.00
Fourth, or more	\$500.00	\$500.00

- C. *Remedial Action.* Any violation of this ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this ordinance and enforce the provisions thereof.

Section 14-4 Noticing

- A. *Public Notices.* All applications requiring a public hearing or public notice shall comply with the *Michigan Zoning Enabling Act, PA 110 of 2006*, as amended, and the other provisions of this section with regard to public notification.
- B. *Content.* All mail, personal, and newspaper notices for public hearings shall:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- C. *Personal and Mailed Notice.*
1. General. When the provisions of this ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.

- b. Except for a zoning amendment or rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Marshall Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice shall be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. Other persons which have requested to receive notice.
 2. Notice by Mail/Affidavit. Notice shall be deemed given by its deposit with the U.S. Postal Service, or other public or private delivery service, or personally delivered during normal business hours.
 3. Record of Notice. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. *Timing of Notice*. Unless otherwise provided in the *Michigan Zoning Enabling Act, PA 110 of 2006, as amended*, or this ordinance where applicable, notice of a public hearing shall be provided as follows: For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than 15 days before the date the application will be considered for approval.

**Planning Commission and Township
Board**

**Article
15**

Section 15-1 Planning Commission Established

The Planning Commission is established in accordance with *Section 11* of the *Michigan Planning Enabling Act*.

Section 15-2 Planning Commission Powers and Duties

In addition to the powers and duties granted by state statute, the Planning Commission shall have the following powers and duties:

- A. The Planning Commission and Township Staff shall carry on a continuous review of the effectiveness and appropriateness of this ordinance and recommend to Township Board any appropriate changes or amendments in accordance with *Section 18-4*.
- B. The Planning Commission shall hear and make recommendations to the Township Board regarding amendments to this ordinance, including PUD and rezoning requests, following the procedures outlined in *Article 6* and *Article 18*, respectively.
- C. The Planning Commission shall render decisions on Special Land Use Permits, private streets, condominiums, and site plans.
- D. The Planning Commission shall keep minutes of its proceedings showing the official action of the Commission and the vote of each member upon each question or, if absent or failing to vote, indicating as such. The Planning Commission shall act by resolution. Minutes and the records of all official actions shall be filed with the Township Clerk and kept as a public record.
- E. The concurring vote of the majority of Planning Commission members present during a quorum shall be necessary to take any action authorized by the Zoning Ordinance.
- F. The Planning Commission shall adopt rules and procedures governing its activities.

Section 15-3 Public Notice and Hearings

Whenever a public hearing before the Planning Commission is required, the Township shall provide public notice in accordance with the requirements of the *Michigan Zoning Enabling Act* and *Section 14-4* of this ordinance.

Section 15-4 Powers and Duties of the Township Board

Upon receipt of a recommendation by the Planning Commission, the Township Board shall decide upon the following:

- A. Zoning Ordinance amendments.
- B. Zoning Map amendments.
- C. Planned Unit Developments (PUDs).
- D. Condominium projects.

Zoning Board of Appeals

Article 16

Section 16-1 Intent and Purpose

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Map, and may adopt rules to govern its procedures. The Zoning Board of Appeals shall also hear and decide on matters referred to it or upon matters which it is required to pass under the Zoning Ordinance adopted under *Michigan Planning Enabling Act*. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under the *Michigan Planning Enabling Act*.

Section 16-2 Creation and Membership

- A. *Membership.* The Zoning Board of Appeals shall consist of three (3) members.
1. The first member of the Board of Appeals shall be a member of the Township Planning Commission.
 2. The remaining members of the Zoning Board of Appeals shall be selected from the electors of the township residing outside of incorporated cities and villages.
 3. One (1) member may be a member of the Township Board.
- B. *Qualification.* The members selected shall be representative of the population distribution and of the various interests present in the township.
- C. *Chairperson.* An elected officer of the township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals.
- D. *Per Diem.* The total amount allowed the Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which shall be provided annually in advance by the Township Board.
- E. *Removal.* Members of the Zoning Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.
- F. *Conflict.* A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest may constitute misconduct in office.

Section 16-3 Procedures and Public Hearings

- A. *Meetings and Records.* All Zoning Board of Appeals meetings shall be called by the Chairperson and at such times as determined by the Zoning Board of Appeals. All meetings shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question and shall also keep records of its hearings and other official actions.
- B. *Rules and Procedures.* The Zoning Board of Appeals shall fix rules and regulations governing its procedures in conformance with the terms of this ordinance and the *Michigan Zoning Enabling Act*.
- C. *Conducting Business.* The Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present.
- D. *Public Hearings.* If the Zoning Board of Appeals receives a written request seeking an appeal of an administrative decision (*Section 16-5*), a variance of the zoning ordinance (*Section 16-6*), or an interpretation (*Section 16-7*), it shall conduct a public hearing on the request. Notice shall be given as required under *Section 103 of the Michigan Zoning Enabling Act*. However, if the request does not involve a specific parcel of property, notice need only be published as provided in *Section 103(1)* and given to the person making the request as provided in *Section 103(3)* of the Act.

Section 16-4 Powers and Decisions

- A. *Jurisdiction.* The Board of Appeals shall have all powers and jurisdiction granted by the *Michigan Zoning Enabling Act*, all powers and jurisdiction prescribed in other articles of this ordinance and the following specific powers and jurisdiction:
1. Appeals. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator or the Planning Commission in the enforcement of this ordinance.
 2. Variances. To approve dimensional variances in circumstances involving a practical difficulty and the other conditions required for the approval of a dimensional variance.
 3. Interpretations. To act upon all questions as they may arise in the administration and enforcement of the Zoning Ordinance, including interpretation of the Zoning Map.
 4. Other Matters. To hear and decide on all matters referred to it, based on this Zoning Ordinance, including special considerations for nonconformities referenced in *Article 17*.
- B. *Planned Unit Developments and Special Land Uses.* Appeals for decisions relating to Planned Unit Developments or special land use permits may not be taken to the Zoning Board of Appeals.
- C. *Decisions.*
1. Majority Vote of Members. The concurring vote of a majority of the Zoning Board of Appeals membership shall be necessary to reverse any order, requirement, decision or determination by the Zoning Administrator or other administrative body, or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision.
 2. Certification of Decision. The decision of the Zoning Board of Appeals shall become final upon certification of the decision in writing, signed by the Chairperson, or the approval of the minutes for the meeting at which the decision was reached, whichever occurs first.
 3. Effect on Permitting. A zoning compliance permit or building permit for a project that is reliant on the decision of the Zoning Board of Appeals shall not be issued until the decision is final.
- D. *Conditions of Approval.* In hearing and deciding an appeal, the Zoning Board of Appeals may impose and attach conditions, restrictions and requirements as it shall determine are necessary and/or appropriate. Conditions, restrictions and requirements may impose greater or more restrictive conditions, restrictions and requirements than are included in this ordinance. Violations of approved conditions, restrictions and requirements shall be deemed a violation of this ordinance. Conditions, restrictions and requirements may include the provision of financial security to guarantee performance.

Section 16-5 Administrative Appeals

- A. *Filing Deadline and Distribution.* An appeal from any decision or action shall be filed no later than 30 calendar days after the decision or action being appealed. Where an appeal has been filed, the Zoning Administrator shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action being appealed was made.
- B. *Stay of Proceedings.* An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would be in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the zoning board of appeals or a circuit court.
- C. *Decision.* In exercising this power, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or a determination being appealed and may make an order, requirement, decision or determination as it should be made. The Zoning Board of Appeals may reverse an order of an administrative official or the Planning Commission only if it finds that the action or decision appealed meets one (1) or more of the following requirements:
1. Was arbitrary or capricious.

2. Was based on an erroneous finding of a material fact.
3. Constituted an abuse of discretion.
4. Was based on erroneous interpretation of the zoning ordinance or zoning law.

Section 16-6 Variances

- A. *Application.* A dimensional variance request shall be accompanied by a drawing to scale, which includes all buildings and their individual front, rear and side yard distances from the property lines and any other structure on the property. the requested variance location clearly identified on the drawing and additional information which demonstrates practical difficulties which supports the request for a variance.
- B. *Standards for Granting of Variance.* No variance in the provisions or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless it is found from the evidence that all the following conditions exist:
1. That compliance with the Zoning Ordinance would result in practical difficulties due to exceptional, extraordinary, or unique characteristics or conditions of the land or parcel, including but not limited to:
 - a. Exceptional narrowness of the width or depth of a lot or parcel, or an irregular shape.
 - b. Exceptional natural or topographic features located on the lot or parcel, such as steep slopes, water, existing significant trees, or other unique or extreme physical conditions of the land.
 - c. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land.
 - d. Other exceptional or extraordinary dimensional conditions or characteristics of land, lot, or parcel.
 2. That the unusual circumstances do not apply to most other lots or parcels in the same manner or to the same extent to other lots or parcels in the same zoning district.
 3. That the variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 4. That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.
 5. That the applicant shall not have created the problem for which the variance is being sought.
 6. That the granting of the variance will not be contrary to the public interest and that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.
- C. *Minimum Variance Necessary.* In approving a variance, the Zoning Board of Appeals shall only approve the minimum variance necessary to relieve the practical difficulty.
- D. *Use Variances.* Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the area involved, or any use expressly or by implication prohibited by the terms of this ordinance.

Section 16-7 Interpretations

- A. *Authority.* The Zoning Board of Appeals shall have the power to hear and decide the following interpretation matters:
1. Ambiguity. To determine the meaning of ordinance provisions when ambiguity exists in those provisions.
 2. District Boundaries. To determine the precise location of the boundary lines between zoning districts.

Section 16-8 Official Record and Findings of Fact

- A. *Official Record.* The Zoning Board of Appeals shall record all relevant findings, conditions, facts and other relevant factors, including the vote of each member upon each question and all its official actions. To this end, the Zoning Board of Appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall, at a minimum, include the following items:
1. The relevant administrative records and orders issued relating to the appeal, variance or interpretation;
 2. The notice of the appeal, variance, or interpretation, if required;
 3. Documents, exhibits, photographs or written reports, as may be submitted to the Zoning Board of Appeals for its consideration;
 4. The findings of the Zoning Board of Appeals, stating the facts of the application, the decision, any conditions of the decision and the reasons for reaching such a decision, including any applicable standards of review.
- B. *Certification.* A decision of the Zoning Board of Appeals shall also be certified in writing, either by a certification denoting the decision for a specific request, signed by the Chairperson, or by approval, by majority vote of the Zoning Board of Appeals, of the official minutes of the meeting at which the decision was made.

Section 16-9 Rehearing and Reapplication

- A. *Rehearing.* A rehearing on an application denied by the Zoning Board of Appeals shall not be considered, except upon the grounds of newly discovered evidence or a falsehood previously relied upon that is discovered to be valid by the Zoning Board of Appeals. A rehearing shall be processed in the same manner as the original application, including payment of the required fee.
- B. *Reapplication.* An application for a variance, interpretation or appeal that has been denied, wholly or in part, by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions, found by the Zoning Board of Appeals to be valid.

Section 16-10 Appeals to Circuit Court

A decision of the Zoning Board of Appeals is final. A party aggrieved by the decision may appeal to the Calhoun County circuit court.

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Nonconformities

Article 17

Section 17-1 Intent and Purpose

It is the purpose of this section to provide regulations governing lots, buildings, structures and the uses thereof, which were lawful prior to the enactment of this ordinance, or amendment thereto, but which are prohibited or restricted under the provisions of this ordinance. It is the intent of this section to permit these lots, buildings, structures and uses to continue, but not to encourage their continued existence, except if permitted by the terms of this ordinance or by authorized approval of the Zoning Board of Appeals, in accordance with the terms and conditions of any such approval. Because nonconforming lots, buildings, structures, and uses prevent the full realization of the goals and objectives of this ordinance, the spirit of this ordinance is to reduce such nonconformities, except to the extent that the continuation thereof may be permitted by the terms of this ordinance or by authorized approval of the Zoning Board of Appeals.

Section 17-2 Reclassification or Amendment to Zoning Requirements

The provisions of this article shall also apply to buildings, land or uses which may become nonconforming due to any reclassification of zoning districts or any subsequent change in the regulations of this ordinance.

Section 17-3 Completion of Construction

Where plans for a building or development have been filed, which conformed with the zoning regulations in effect at the time of filing, but not with subsequently enacted regulations, and where a building permit has been issued, the building may be erected; provided, permits remain valid in accordance with *Section 12-12*.

Section 17-4 Nonconforming Use

- A. *Continuation of Use.* The lawful use of any land, building or structure, exactly as it existed at the time of the enactment of this ordinance, may be continued in the following manner, even though such use does not conform to the provisions of this ordinance.
- B. *Expansion and Enlargement.* Where a nonfarm use is nonconforming because the use is not permitted in the district, the building, structure or land area shall not be enlarged or further increased; provided, however, that the Zoning Board of Appeals may permit, by approval of a special consideration, an expansion of the use up to, but not more than a 50 percent increase of the area of the building, structure or land occupied by the use. The Board of Appeals shall have no power to increase the size of a structure containing a nonconforming use more than 50 percent of the original square footage of the building or 50 percent of the original square footage of space within a building that is not expanding in size. The Zoning Board of Appeals shall make the following findings:
1. There will be no danger to the safety, health, or welfare of the persons residing in the vicinity;
 2. The expansion will be done in such a manner as to safeguard the character of the zone district in which the land, building or structure is located;
 3. For nonconforming commercial uses, there are no other conforming structures within 100 feet of the proposed extension (measuring from building line to building line); or, in the case of a proposed expansion of a nonconforming use in land area, the proposed extension shall be at least 200 feet from any conforming structure (measuring from the building line of the conforming structure to the nearest point of the area which will compose the extended portion of the nonconforming use); and
 4. There is a reasonable need for the extension of the nonconforming use.
- C. *Change of Use.* The nonconforming use of a building or land may be changed to another nonconforming use of equal or less nonconformity if the Zoning Board of Appeals makes all the following findings:
1. The other nonconforming use of equal or lesser nonconformity would not adversely affect the desirability of the adjacent conforming uses; and
 2. The approval of the other nonconforming use of equal or lesser nonconformity would not result in serious adverse effects arising from motor vehicle traffic, hours of operation, noise, odor, and like impacts upon adjacent and nearby lands.
- D. *Abandonment.* A nonconforming use which is unoccupied or unused for a period of 12 consecutive

months shall be considered to be abandoned and shall not be resumed, except in full conformance with the regulations of the zoning district in which the building and/or property are located. The use shall be determined to be abandoned if one or more of the following conditions is found to exist:

1. Utilities, such as water, gas and electricity to the property have been disconnected;
2. The property, buildings, and grounds have fallen into disrepair;
3. Signs or other indications of the existence of the nonconforming use have been removed;
4. Equipment or fixtures which are necessary for the operation of the nonconforming use have been removed; and/or
5. Other actions which, in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

Section 17-5 Nonconforming Structures

- A. *Improvements.* Buildings or structures which are permitted in the district but do not conform to height, yard, parking or lot area provisions may be extended, altered, or modernized if the extension, alteration or modernization does not further increase the nonconformity.
- B. *Repairs and Maintenance.* Repairs and maintenance work as required to keep a nonconforming building or structure in a sound condition may be made.
- C. *Rebuilding after Major Damage.* If a nonconforming building or structure is damaged or destroyed to the extent of 60 percent or more of its real value by fire, flood, wind or other casualty, its reconstruction and subsequent use shall be in accordance with this Ordinance; provided, however, that with respect to a nonconforming single-family or two-family detached dwelling, the reconstruction and subsequent use may be permitted by the Zoning Board of Appeals with special consideration if the following findings are made:
 1. The nonconforming dwelling shall be reconstructed on approximately the same building footprint as that of the original dwelling, except that if any part of the original building footprint encroached onto an adjacent parcel(s) under separate ownership, and if that part of the dwelling was damaged by the casualty involved, the Zoning Board of Appeals may require that the reconstructed nonconforming dwelling be located entirely on the applicant's parcel of land; in such a case, the Zoning Board of Appeals may permit the footprint of the reconstructed building on the applicant's parcel to be adjusted so as to include an area equal to the area of the building footprint that was formerly located on the adjacent parcel(s);
 2. The reconstructed nonconforming dwelling shall have approximately the same gross floor area, or less, as that of the original dwelling; and
 3. The reconstruction and subsequent use of the nonconforming dwelling shall not result in serious adverse effects on adjacent or nearby lands or the nearby use of land.
- D. *Rebuilding after Minor Damage.* A nonconforming building damaged to a lesser extent may be restored as it existed prior to such damage and its use resumed. Any such restoration shall be commenced within a period of one (1) year after the time of such damage or, with respect to a nonconforming single-family or two-family detached dwelling, by such later time as the Zoning Board of Appeals may provide in its approval of the above-stated special exception; and such reconstruction shall be diligently pursued to completion.

Section 17-6 Nonconforming Lots

In any district, a permitted use may be established on a legally nonconforming lot or lots of record in existence as of the effective date of this ordinance, or the effective date of any subsequent amendment which makes the lot nonconforming. However, if a specific use requires a minimum lot size that is greater than the nonconforming lot size, it shall be not be permitted.

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Amendment and Validity

Article 18

Section 18-1 Intent and Purpose

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise the area boundaries or the provisions and regulations in this ordinance whenever the public necessity and convenience and the general welfare require such amendment.

Section 18-2 Initiation

Amendments may be initiated by the Township Board, the Planning Commission, Township Staff or by petition of a township property owner or owner-authorized applicant.

Section 18-3 Application Procedures

- A. *Process and Notice.* Amendments shall be processed as provided for in the *Michigan Zoning Enabling Act*, including notification to adjoining property owners and occupants, where applicable, and a public hearing. The notices for all public hearings before the Planning Commission concerning amendments shall comply with all of the requirements set forth in *Section 14-4*.
- B. *Application and Fee.* If an amendment is requested by a person, firm, or corporation, the request shall be filed on a form provided for that purpose and accompanied by an application fee, as set by the Township Board.

Section 18-4 Criteria for Zoning Map and Text Amendments

- A. *Criteria for Map Amendments.* The following guidelines shall be used by the Planning Commission, and may be used by the Township Board when considering amendments to the Zoning Map:
1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Marshall Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, and the map change would be consistent with recent development trends in the area.
 2. Whether the proposed district and the uses allowed are compatible with the physical, geological, hydrological and other environmental features of the site.
 3. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values, and traffic impacts.
 4. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting.
 5. Other factors deemed appropriate by the Planning Commission or Township Board.
- B. *Criteria for Text Amendments.* The following guidelines shall be used by the Planning Commission, and may be used by the Township Board when considering of amendments to the Zoning Map:
1. The proposed text amendment would clarify the intent of the ordinance.
 2. The proposed text amendment would correct an error or oversight in the ordinance.
 3. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
 4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
 5. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.
 6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.

7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
8. As applicable, the proposed change shall be consistent with the township's ability to provide adequate public facilities and services.
9. The proposed change shall be consistent with the township's desire to protect the public health, safety, and welfare of the community.

Section 18-5 Conditional Rezoning

- A. *Purpose.* It is recognized that there are certain instances where it would be in the best interests of the township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of *Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405)* by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. *Application and Offer of Conditions.*
1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
 3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.
 6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this ordinance.
 7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this ordinance.
 8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. *Planning Commission Review.* The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. *Township Board Review.* After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the

factors for rezoning. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with MCL 125.3401, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. *Approval.*

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of Calhoun County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the township with the Register of Deeds of Calhoun County.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Calhoun County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. *Compliance with Conditions.*

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this ordinance for any use or development that is

contrary to an applicable Statement of Conditions.

- G. *Time Period for Establishing Development or Use.* Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if:
1. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
 2. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- H. *Reversion of Zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under subsection G, then the land shall revert to its former zoning classification as set forth in MCL 125.3405 et seq. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- I. *Subsequent Rezoning of Land.* When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to paragraph H of this section or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.
- J. *Amendment of Conditions.*
1. During the time period for commencement of an approved development or use specified pursuant to subsection G or during any extension thereof granted by the Township Board, the township shall not add to or alter the conditions in the Statement of Conditions.
 2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- K. *Township Right to Rezone.* Nothing in the Statement of Conditions nor in the provisions of this section shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Zoning Enabling Act (MCL 125.1301 et seq.)
- L. *Failure to Offer Conditions.* The township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this ordinance.

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Definitions



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General Definitions

**Article
19**

Marshall Township Zoning Ordinance

Section 19-1 Construction of Language

- A. *Words, Terms and Phrases.* The following words, terms and phrases, when used in the Zoning Ordinance, shall have the meanings assigned to them in this appendix, except where the context clearly indicates a different meaning.
- B. *Rules of Construction.* The following rules of construction apply to this Appendix:
1. The particular shall control the general and the use of a general term shall not be taken to have the same meaning as another specific term. For example, a "dry cleaning retail establishment" shall not be interpreted to be the same as a "retail business supplying commodities on the premises," if each term is listed as a separate and distinct use.
 2. In case of any difference of meaning or implication between the text of this article and any caption or illustration, the text shall control.
 3. A building or structure includes any and all of its parts.
 4. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
 5. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 6. The word "person" includes any individual, corporation, partnership, incorporated association, limited liability company or any other similar entity.
 7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows: a. "And" indicates that the connected items, conditions, provisions or events apply. b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination. c. "Either . . . or" indicates that the connected items, conditions, provisions or events apply singly but not in combination.
 8. Terms not defined in this Appendix shall have the meaning customarily assigned to them.

Section 19-2 General Definitions

ACCESSORY BUILDING means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal building. Accessory buildings also include portable sheds that are not stick-built and not affixed to the ground.

ADDITION means any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area, such as a porch, attached garage or carport, or a new room or wing.

ALLEY means a secondary right-of-way that provides a means of access to the rear of a lot and/or building.

ALTERATIONS, STRUCTURAL means any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

ANIMAL, DOMESTIC means an animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.

ANIMAL, FARM means an animal or fowl customarily raised on a farm such as equines, cattle, swine, sheep, goats, llamas, alpacas, poultry, waterfowl, rabbits, mink and exotic animals, such as emus, and ostriches.

ANIMAL, WILD means an animal not domesticated by humans or any animal which a person is prohibited from possessing by local, state or federal law.

BASEMENT The part of a building between a floor and ceiling, which is partially below and partially above ground level, but with a vertical distance from grade to the floor below that is greater than the vertical distance from grade to the ceiling. A basement is not counted as a story.

BUFFER means a strip of land which provides visual separation and aesthetic relief between potentially incompatible uses or provides protection to natural resources through the use of landscaping, preservation of existing vegetation, berms, or screening, or a combination of materials.

BUILDING means a permanent independent structure with a roof supported by walls, columns or other supports that is designed for the shelter, housing or enclosure of persons, animals, possessions or property of any kind, or to conduct business activities.

BUILDING, PRINCIPAL means a building in which is conducted the main or principal use of the lot on which the building is located.

BUILDING INSPECTOR means that person and designated by the Township Ordinance to enforce P.A. 230 of 1972, otherwise known as the BOCA Code which is the governing building code for Marshall Township.

CODE ENFORCEMENT OFFICER means the person(s) appointed by the Marshall Township Board to enforce any and all reported violations of the Marshall Township Zoning Ordinance.

CONDITIONAL REZONING means a rezoning that is conditioned by a specific use and/or other restrictions, voluntarily offered by the applicant and recorded with the property.

CONDOMINIUM

- A. **CONDOMINIUM ACT** means Public Act 59 of the 1978 Acts of the Michigan Legislature, as amended (Section 559.101 et seq. of the Michigan Compiled Laws).
- B. **CONDOMINIUM PROJECT** means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act.
- C. **CONDOMINIUM UNIT** means that portion of the condominium project designed and intended for separate ownership and use as described in the master deed and shall be equivalent to the term "lot" as used in Township ordinances.
- D. **SITE CONDOMINIUM** means a condominium development in which each condominium unit consists of an area of vacant land and a volume of vacant air space, within which a building or other improvements may be constructed.

CUL-DE-SAC means a circular vehicle turn-around area constituting the terminus of a street that has only one outlet to another street.

DRIVE THROUGH means any commercial use that by the way of site layout or building design encourages or permits patrons to remain in their vehicle while receiving goods or services.

DWELLING UNIT means a building or portion of a building, designed for use and occupancy by one family, having permanent provisions for living, sleeping, cooking and sanitation. A recreational vehicle, portable

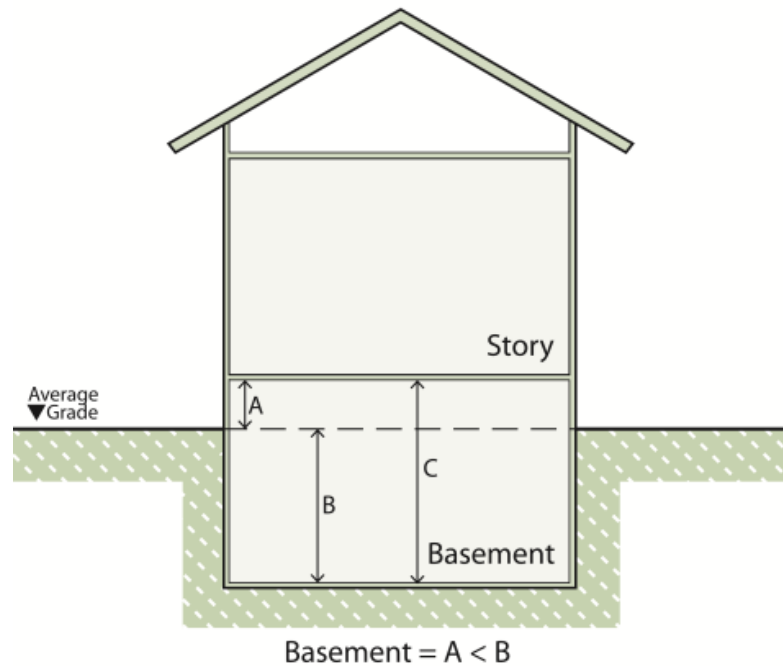


Figure 19-1 Basement

building, tent or other transient residential use, such as hotels/motels and bed and breakfasts, are not considered a dwelling.

EASEMENT means the legal right for a person, government, agency or public utility company to use public or private land owned by another for a specific purpose.

FAMILY means an individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling, or a collective number of individuals domiciled together in one dwelling whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, Association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

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

FENCE means a barrier intended to prevent escape or intrusion or to mark a boundary, a structure used as an enclosure other than a building.

FLOOR AREA, GROSS means the sum of the horizontal area of all building floors, excluding basements, measured from the interior faces of exterior walls.

FLOOR AREA, LIVABLE means the total area of all floors whose height is more than half above finished grade, having a minimum floor to ceiling height of seven and a half feet, located on a permanent foundation, wired for electrical service and heated for year-round use. This term is applied to residential structures.

FLOOR AREA, USABLE means the sum of the total horizontal area of all building floors that are used or intended to be used for the sale of merchandise, or to serve clients or customers, and all areas devoted to employee work space. Floor area is measured from the interior faces of exterior walls. Excluded from usable floor area are those parts of a building principally used, or intended to be used to store or process merchandise, and hallways, elevators, stairs, bulkheads, or utility or sanitary facilities. This term is applied to commercial structures.

GARAGE means a detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles and/or incidental personal property of the occupants of the premises.

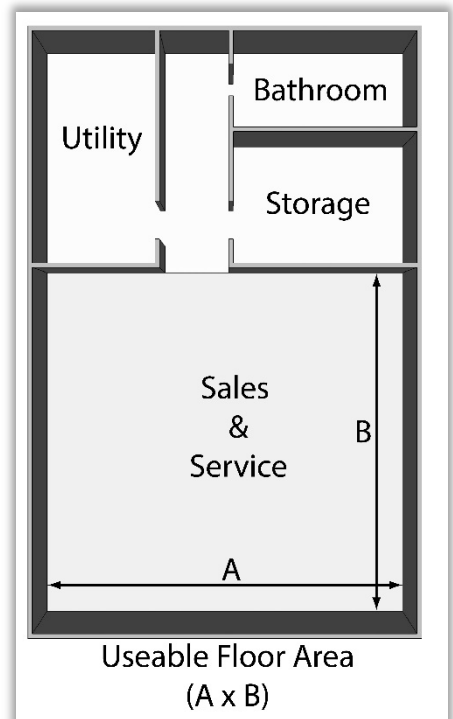
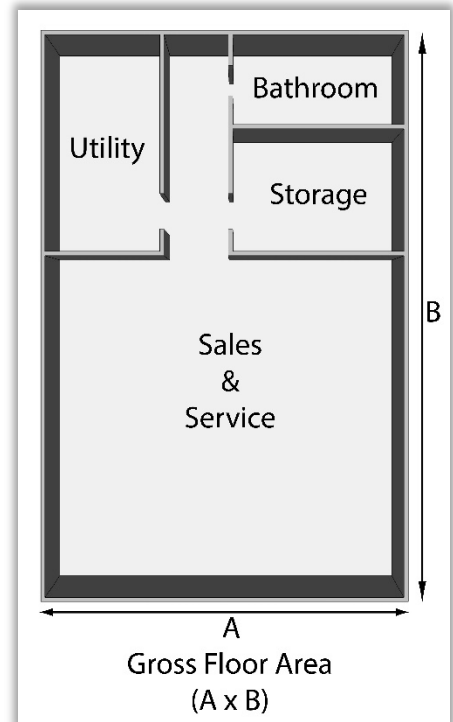


Figure 19-2 Floor Area

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

GRADE, ARTIFICIAL means a manmade grade created by means of earthen terraces, berms, fills or the like, specifically for the purpose of gaining a height advantage or disguising the true height of a structure. Artificial grade shall not be used to determine the permissible height of any building or structure.

GRADE, AVERAGE means the arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

GRADE, FINISHED means the lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

GRADE, NATURAL means the elevation of the ground surface in its natural state, before man-made alterations.

HOUSEHOLD means all persons occupying a house, apartment, group of rooms or a single room occupied as separate living quarters, regardless of their relationship to one another.

JUNK means any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

KENNEL means any land, building or structure where five (5) or more cats and/or dogs that are more than six months old are boarded, housed or bred.

LOADING SPACE means an off-street portion of a parcel or lot designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold or made on the premises.

LOT means a parcel of land intended for individual ownership and use, separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds, as part of a platted subdivision or site condominium.

- A. **LOT AREA** means the area of land included within a lot as defined by lot lines, but excluding any public rights-of-way.
- B. **LOT, CORNER** means a lot with at least two contiguous sides abutting two intersecting streets, and where the interior angle of the intersecting streets is less than 135 degrees. Also, a lot located on a curved street or streets if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.
- C. **LOT COVERAGE** means the lot area, stated as a percentage of the total, covered by all buildings and areas under roof, drives and driveways, parking lots, patios, decks and other impervious surfaces.
- D. **LOT, FLAG** means a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway; the flag portion of the lot.
- E. **LOT, INTERIOR** means a lot other than a corner, multi-frontage, through or corner lot, bordered on three sides by other lots.
- F. **LOT, MULTI-FRONTAGE** means a lot bordered by streets on three sides.
- G. **LOT, THROUGH** means an interior lot bordered by two, more or less parallel streets. For the purposes of this definition, if one side of the lot is bordered by an alley opposite of a street the lot is not considered a through lot.
- H. **LOT DEPTH** means the average distance between the front lot line and the rear lot line.
- I. **LOT FRONTAGE** means the length of the front lot line measured at the street right-of-way.

- J. **LOT, WATERFRONT** means a lot with one or more of its lot lines adjoining a stream, river, or lake.
- K. **LOT WIDTH** means the horizontal distance between side lot lines measured at the two points where the required setback intersects the side lot lines.

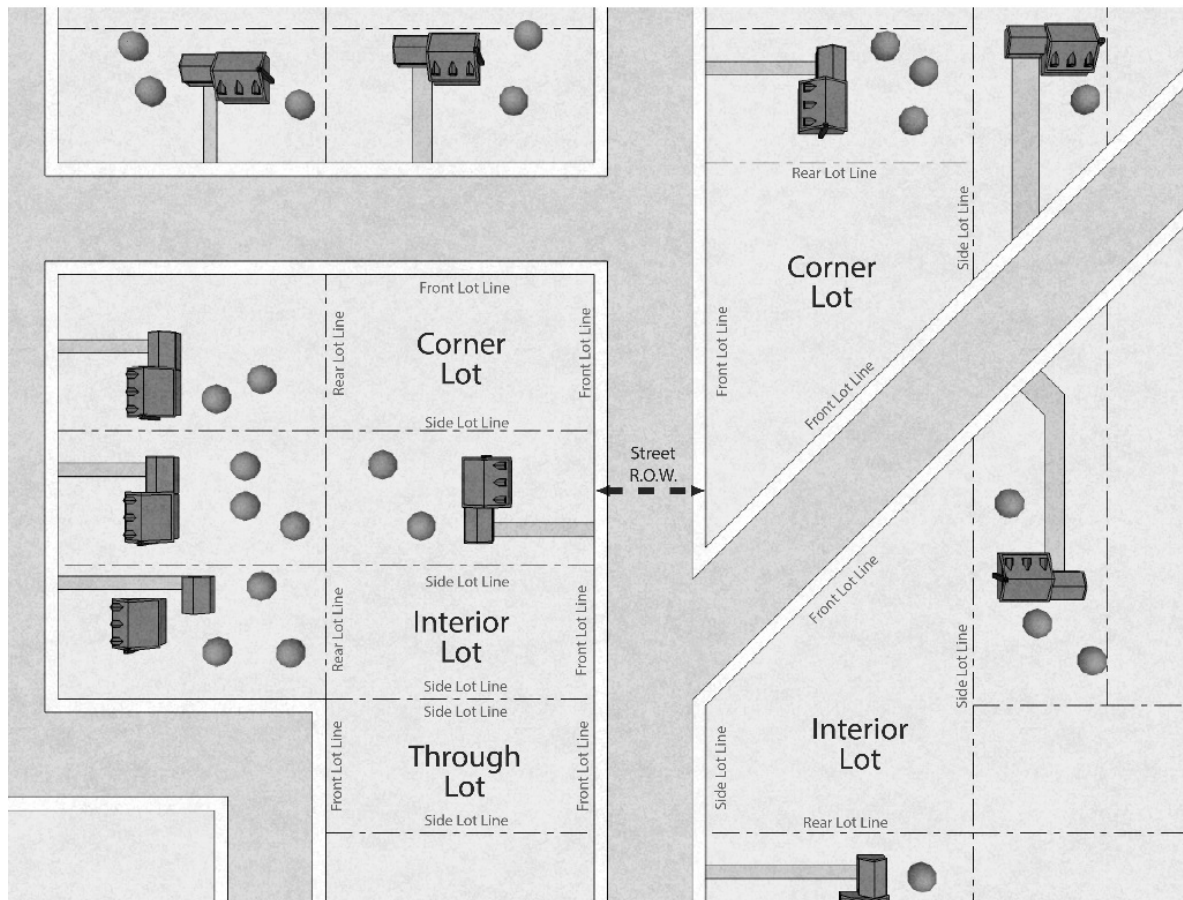


Figure 19-3 Lot Types

LOT LINES mean the lines bounding a lot, as defined below:

- A. **LOT LINE, FRONT** means, in the case of an interior lot, the line separating the lot from the street right-of-way or road easement. Through lots shall have two front lot lines and corner lots shall have a primary and secondary front lot lines.
- B. **LOT LINE, REAR** means the lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line.
- C. **LOT LINE, SIDE** means the lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.

LOT OF RECORD means a subdivision platted lot or a parcel otherwise of record which was recorded with the Register of Deeds office and assigned a tax code prior to the effective date of this ordinance.

MANUFACTURED HOME means a factory-built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act. It is transportable in one or more sections, built on a permanent chassis or foundation and used as a dwelling. It is not constructed with a

permanent hitch or other device allowing its transport, other than for its delivery to a permanent site and does not have wheels or axles permanently attached to its body or frame.

MASTER PLAN means the plan adopted by the Marshall Township in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended.

MARIJUANA or **MARIHUANA** means that term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

MOTOR VEHICLE means every vehicle which is self-propelled.

NONCONFORMING BUILDING, STRUCTURE means a structure or building lawfully constructed that does not conform to the requirements of the area in which it is situated and existed prior to the effective date of this ordinance.

NONCONFORMING LOT means a lot lawfully existing on the effective date of this ordinance, or its subsequent amendment, that does not meet the current area and/or dimensional requirements of the zoning district in which it is located.

NONCONFORMING USE means structure, building, parcel, premise or land lawfully occupied by a use that does not conform to the regulations of the area in which it is situated and lawfully existing on the effective date of this ordinance.

PARCEL means a tract of land or one or more parcels having a single tax identification number or a condominium unit of land space and directly associated limited common element, except that if two or more parcels meeting the foregoing definition are contiguous and under common ownership, then all of such parcels shall be deemed a single parcel for purposes of this ordinance on which one (1) principal building and its accessory buildings are placed, together with the open spaces required by this ordinance.

PARKING AREA, SPACE OR LOT means an off-street open area, the principal use of which is for the parking of motor vehicles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees. Parking area shall include access drives within the actual parking area.

PERMITTED USE means a use by right that is specifically authorized in a particular zoning district.

PLANNING COMMISSION means the Marshall Township Planning Commission.

PLAT means a map of a subdivision of land, recorded with the County Register of Deeds, pursuant to the Subdivision Control Act, PA 288 of 1967, Land Division Act, PA 591 of 1996 (MCL 560.101 et seq.), as amended.

PRIMARY CAREGIVER That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marihuana Act.

PRINCIPAL USE means the primary or predominant use of a lot or parcel.

RECREATIONAL VEHICLE means any type of vehicle used temporarily or periodically for recreational or leisure pursuits. Examples include, but are not limited to, travel trailers, motor homes, boats, special purpose automobiles, floats, rafts, trailers, detachable travel equipment of the type adaptable to light trucks, personal watercraft and other vehicles or equipment of a similar nature, as well as any trailer used to transport them.

ROAD, PRIVATE means a privately owned and maintained thoroughfare serving more than a single building, a dwelling or a structure.

ROAD, PUBLIC means a publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, except an alley.

SCREENING means a way of visually shielding or obscuring one abutting or nearby structure or use from another, using a fence, wall, berm or vegetation.

SETBACK means the minimum horizontal distance that any principal or accessory building shall be separated from a street right-of-way or front, side or rear lot line to meet the minimum requirements of this ordinance.

SPECIFIED ANATOMICAL AREA means either the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or less than completely and opaquely covered human genitals, attached pubic hair, buttocks or a female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITY means the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or, sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or excretory functions as a part of or in connection with any of the activities set forth in this definition.

SIGN means any object or device containing letters, figures and/or other means of communication, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service, or to bring attention to a message.

- A. **AIR DANCER SIGN** means an inflatable sign intended to draw attention by movement of air through the inflated core, also known as a sock sign.
- B. **AWNING SIGN** means a sign that is part of or located on a canopy or awning that is attached to and projects from a building wall.
- C. **DEVICE SIGN** means a permanent sign on a machine or device, such as vending machines, gas pumps, or ice containers.
- D. **DIRECTIONAL SIGN** means on-site signage serving as directional guides for customers and visitors.
- E. **BENCH SIGN** means a sign located on any part of the surface of a bench or seat placed anywhere outside a building.
- F. **BILLBOARD SIGN** means a sign advertising a land use, business, general message, product or service, not typically located on, related to, or available upon the premises where the sign is located. These signs are distinguished from other types of freestanding signs by their larger than otherwise permitted size and typical location along Interstate, U.S. and State routes. Additionally, billboards are often erected to attract the attention of motorists that may be unfamiliar with the area, such as tourists, or pass-through travelers.
- G. **BILLBOARD SIGN FACE** means a static, trivision or digital sign panel, that is attached to a billboard structure.
- H. **BILLBOARD SIGN EXTENSION** means an additional display-component of a billboard sign face that is installed only on a temporary basis, on a part of the billboard structure that extends in one or more directions from the billboard sign face.
- I. **BILLBOARD STRUCTURE** means the pylon(s), pole(s), foundation, framework, supporting members, skirting, lighting and other electrical equipment and all other components and elements used to mount, support or operate a billboard sign face, whether or not a billboard sign face is present on the billboard structure at any given time.
- J. **BILLBOARD, TRIVISION** means a billboard sign face composed of a series of vertical or horizontal cylinders, each of which has a triangular cross section. A rotation of the triangular cylinders produces the display of a different image.
- K. **BUSINESS CENTER SIGN** means a freestanding sign associated with a business center or park with multiple individual businesses, offices, uses or tenants.
- L. **DEVELOPMENT ENTRY SIGN** means a sign placed at the entryway driveway or road of a residential or commercial development or industrial park.
- M. **ELECTRONIC CHANGEABLE MESSAGE (ECM) SIGN** means a sign with content can be changed or altered by means of electronically controlled electronic impulses.

- N. **FEATHER SIGN** means a freestanding sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft. Also known as a feather flag.
- O. **FLAG** means a piece of cloth or bunting generally of a square or short rectangular shape affixed at one end.
- P. **FREESTANDING SIGN** means a sign structurally separated from a building, supported by one or more posts or braces or attached directly to the ground or a standard, including but not limited to pole signs and ground signs.
- Q. **GOVERNMENTAL FLAG** means a flag representing a nation, state, municipality, nonprofit institution, or nonprofit organization.
- R. **GOVERNMENTAL SIGN** means a temporary or permanent sign erected by the City of Marshall, Marshall Township, Calhoun County, or the state or federal governments.
- S. **GROUND SIGN** means a freestanding sign that is supported by one or more short uprights, a standard, or upon the ground.
- T. **HISTORIC MARKER** means a sign or plaque installed by a local, state, or federal public agency describing a property's designation as a historical site or structure.
- U. **INCIDENTAL SIGN** means a small sign, not more than one (1) square foot in size.
- V. **INFLATABLE SIGN** means a tethered sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.
- W. **MENU BOARD SIGN** means a sign board accommodating drive-in or drive-through businesses.
- X. **MURAL AND ART** means an integral decorative or architectural features of buildings or works of artistic expression, without letters, logos, commercial representations, trademarks, moving parts or lights. Murals and art are not defined as signs.
- Y. **PERMANENT SIGN** means a sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.
- Z. **PLACARD SIGN** means a small temporary sign posted on a structure or object.
- AA. **POLE SIGN** means a sign having a sign face that is elevated above the ground by one or more uprights, pylons or poles.
- BB. **PORTABLE SIGN** means a sign intended to be easily moved which is not attached to a building, structure, or the ground. Portable signs shall include, but are not limited to, trailer mounted signs, A-frame signs, sandwich board signs, etc., but not including signs on a motor vehicle.
- CC. **PROJECTING SIGN** means a sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs, as defined.
- DD. **ROOF SIGN** means a sign that is erected, constructed and maintained upon or above the roof of a building, or parapet wall and that is wholly or partially supported by such building.
- EE. **SIGN STANDARD** means the base of a ground sign.
- FF. **TEMPORARY SIGN** means a sign that is intended to be displayed for a limited period of time which is not intended to be lasting and is not constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is not permanently affixed to the ground, wall or building.
- GG. **VEHICLE SIGN** means a sign mounted on a vehicle or trailer, designed to be visible to motorists or pedestrians while the sign is being transported. A logo painted on a vehicle identifying the business owning or using the vehicle, or a lettering depicting the name of the owner of the vehicle, is not considered a vehicle sign.
- HH. **WALL SIGN** means a sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall

or to the surface on which it is mounted, not projecting more than 12" from the wall, and which does not have any part of such sign or sign supports extending above the uppermost building line not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment or extensions. This definition shall include writing, letters or numbers placed or painted directly on a building wall surface.

II. **WINDOW SIGN** means a sign installed inside a window and intended to be viewed from the outside.

SITE PLAN means a plan of a proposed project that shows all relevant features necessary to determine if it meets the requirements of this ordinance.

SPECIAL LAND USE means a use of land which can be permitted within a zoned district if certain conditions exist to assure compatibility with surrounding property and within conformance to the provisions of all Township ordinances. Special land uses can be approved with stipulations to assure that nuisances are not generated as a result of the land use.

STORY means that portion of a building included between the surface of any above floor grade and the surface of the floor next above it, or if there is no floor above it then the space between any floor and the ceiling next above it. A story shall have vertical walls.

STORY, HALF means the uppermost habitable story under a sloped roof with a usable floor area that does not exceed 50 percent of the floor area of the story immediately below; provided, the area contains at least 200 square feet with a clear height of at least seven and a half feet.

STREET means a publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, except an alley. Also, includes a public road.

STRUCTURE means anything except a building constructed or erected, the use of, which requires permanent location on or in the ground or attachment to something having a permanent location on the ground.

SUBDIVISION means a legal division of a tract of land into two or more lots, all fronting on a public or private street, and offered for sale as individual lots.

- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision for purposes of this code; or
- B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance.

SWIMMING POOL means a constructed basin or structure for the holding of water for swimming and aquatic recreation, not including temporary, portable pools located upon the ground, and holding less than 300 gallons of water, or decorative pools less than two (2) feet deep. Swimming pools require a zoning compliance permit prior to installation.

TOWNSHIP means Marshall Township, Calhoun County, Michigan.

TOWNSHIP BOARD means the Marshall Township Board.

TREE, CANOPY means a deciduous shade tree.

TREE, EVERGREEN means a tree with foliage that persists and remains green throughout the year.

TREE, ORNAMENTAL means a small deciduous tree grown for its foliage and/or flowers.

VARIANCE means an allowed modification to the requirements of this ordinance, as authorized by the Zoning Board of Appeals under the provisions of this ordinance.

VEHICLE means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, airway, land, river, or lake, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

YARD means an open space at grade between a building and the adjoining lot lines.

- A. **FRONT YARD** means an open space between the front of a principal building and the front lot line, generally adjacent to a street, and extending the full width of the lot.
- B. **REAR YARD** means an open space between the rear of a principal building and the rear lot line and extending the full width of the lot.
- C. **SIDE YARD** means an open space between the side of a principal building and the side lot line extending from the front yard to the rear yard.

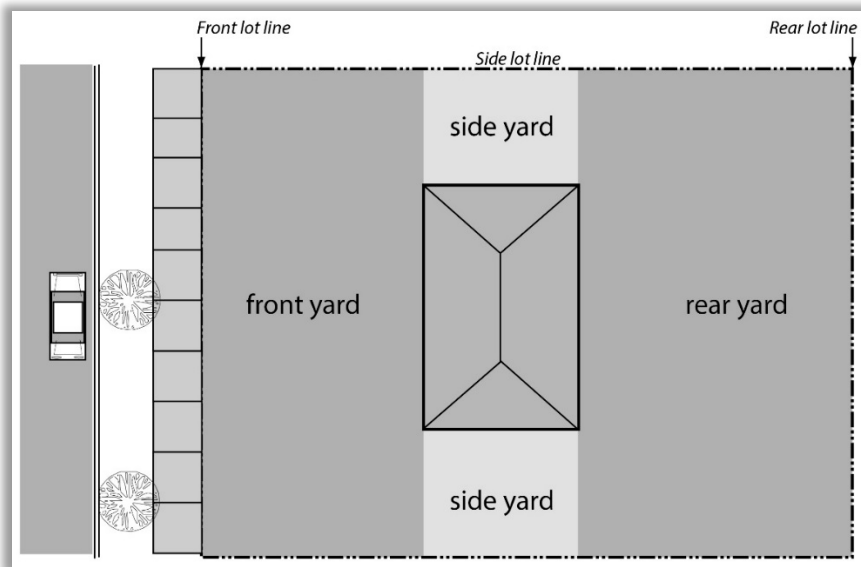


Figure 19-4 Yard Designations

ZONING ACT means the Michigan Act, Public Act 110 of 2006, as amended.

ZONING ADMINISTRATOR means the Township official authorized to administer, interpret and enforce the Marshall Township Zoning Ordinance.

ZONING DISTRICT means a section of the Township in which requirements for the use and dimensions of the land and buildings are prescribed.

ZONING PERMIT means a written authorization issued by the Administrator verifying that proposed buildings, structures or uses are consistent with the terms of this zoning code for the district in which the building, structure or use will be located.

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Land Use Definitions

Article 20

Section 20-1 Accessory Uses

ACCESSORY USE means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings located on the same lot.

- A. **AMATEUR RADIO SERVICE** means a federally licensed radio-communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest particularly with respect to providing emergency communications. (As per Code of Federal Regulations, Title 47, Part 97)
1. **AMATEUR RADIO ANTENNA** means any combination of materials or equipment used exclusively for the purpose of sending and/or receiving electromagnetic waves for Amateur Radio Services.
 2. **AMATEUR RADIO ANTENNA SUPPORT STRUCTURE** means any structure, such as a mast, pole, tower or any combination thereof, whether ground or roof mounted, freestanding or guyed, used exclusively for supporting Amateur Radio Antenna(e).
 3. **GROUND MOUNTED AMATEUR RADIO ANTENNA AND/OR AMATEUR RADIO ANTENNA SUPPORT STRUCTURES** means amateur Radio Antenna and/or Amateur Radio Antenna Support Structures that are not fixed to any building or accessory structure.
 4. **ROOF MOUNTED AMATEUR RADIO ANTENNA AND/OR AMATEUR RADIO ANTENNA SUPPORT STRUCTURES** means amateur Radio Antenna and/or Amateur Radio Antenna Support Structures that are fixed to any building or accessory structure.
- B. **BANQUET BARN** means an accessory use which provides rental space in a barn or accessory building for functions such as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.
- C. **GARAGE AND YARD SALES** means sales event conducted on a temporary basis from a principal residential use.
- D. **HOME BASED BUSINESS** means a business operated at a dwelling that because of its nature, intensity, scope, characteristics, activities and equipment is not customary for a residential property. A home based business is operated by the occupants of the dwelling and is clearly an incidental and secondary use of the property. A hobby or activity pursued for enjoyment and not for financial gain, provided it is conducted in a manner which complies with the provisions of the zoning ordinance, is not considered a home based business.
- E. **HOME OCCUPATION** means a use which includes any activity which is clearly secondary to a residential use and carried out for economic gain. It is conducted within a dwelling, carried out by its occupants utilizing equipment typically found in a home and is not evident from the outside.
- F. **MOBILE FOOD UNIT** means a food service establishment operating from a vehicle, trailer, or watercraft which is not fully equipped for full food service.
- G. **OUTDOOR DISPLAY, SALES** means the outdoor placement, storage or keeping, for display purposes, of equipment, vehicles, trailers and other similar goods for sale on a premises.
- H. **OUTDOOR DONATION COLLECTION FACILITY** means a donation collection bin or mobile donation collection equipment located in an outdoor setting that provides the general public with the opportunity to voluntarily donate items for which no valuable consideration is given in exchange.
1. **MOBILE DONATION COLLECTION EQUIPMENT** means a mobile type of equipment placed or parked outdoors that is designed with a door, slot, or other opening that is intended to accept donated items from the public, such as clothing and other household or office goods, and store them for a temporary period of time.
 2. **DONATION COLLECTION BIN** means an unattended outdoor receptacle designed with a door, slot, or other opening that is intended to accept donated items from the public, such as clothing and other household or office goods, and store them for a temporary period of time at a semi-permanent location.

- I. **OUTDOOR STORAGE** means the outdoor placement of goods such as, building or construction materials, equipment, vehicles, trailers and other supplies, for future use, production, assembly, preservation or disposal.
- J. **OVER-THE-AIR RECEPTION DEVICE** means antennas and dish antennas designed to receive direct broadcast satellite service, including direct-to-home satellite service, to receive or transmit fixed wireless signals via satellite, receive video programming services via broadband radio service (wireless cable), receive or transmit fixed wireless signals other than via satellite, or receive local television broadcast signals.
- K. **SOLAR ENERGY COLLECTOR** means a panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an Authorized Public Utility For Distribution To Other Lands.
 - 1. **BUILDING-MOUNTED SOLAR ENERGY COLLECTOR** means a solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.
 - 2. **GROUND-MOUNTED SOLAR ENERGY COLLECTOR** means a solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

Section 20-2 Accommodations, Hospitality, Entertainment

- A. **BANQUET HALL** means a use which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.
- B. **BED AND BREAKFAST** means a house, or portion of a house, where short-term lodging rooms and breakfast and light snacks are provided to overnight guests and where the operator lives on the premises or in adjacent premises.
- C. **DISTILLERY, SMALL** means a facility operated by a small distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits within the limits established by the State of Michigan for a small distiller.
- D. **HOTEL/MOTEL** means a building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.
- E. **MICRO-BREWERY** means a facility operated by a micro brewer duly licensed by the State of Michigan Liquor Control Commission (MLCC) to brew ales, beers, meads, and/or similar beverages within the limits established by the State of Michigan for a micro brewer.
- F. **RECREATION FACILITY: CAMPGROUND** means a form of lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience natural environments. Campgrounds rent pads or spaces to guests. May also include accessory uses such as a camp store, shower/bathroom facilities, and recreational facilities.
- G. **RECREATION FACILITY: COMMERCIAL INDOOR** means an establishment providing indoor amusement and entertainment services, often for a fee or admission charge, including, but not limited to: bowling alleys, commercial health and fitness facilities, coin-operated amusement arcades, movie theaters, electronic game arcades (video games, pinball, etc.), indoor ice skating and roller skating rinks, pool and billiard rooms as primary uses. Does not include adult-oriented businesses. May include bars and restaurants as accessory uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50 percent or

more of the floor area is occupied by electronic games or amusement devices is considered an indoor recreation facility; three or fewer machines or devices are not considered a use separate from the primary use of the site.

- H. **RECREATION FACILITY: COMMERCIAL OUTDOOR** means a facility for outdoor recreational activities where a fee is often charged for use. Examples include, but are not limited to, amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Marinas may include marine-related retail (bait and tackle, boat supplies), fuel sales, minor boat repair, and boat storage. This use does not include golf courses or campgrounds.
- I. **RECREATION FACILITY: GOLF COURSE** means a use consisting of regulation and par 3 golf courses having nine or more holes, and accessory facilities and uses, including driving ranges, clubhouses with bar and restaurant; locker and shower facilities; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage facilities.
- J. **RESTAURANT** means a business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas, or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building, but does not include drive-through services, which are separately defined and regulated. Service of alcoholic beverages by the drink is incidental to the service of food and food receipts exceed 50 percent of sales.
1. **RESTAURANT WITH DRIVE-THROUGH** means a business establishment whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-through restaurant may also have indoor or outdoor seating.
 2. **RESTAURANT WITH MICRO-BREWERY OR SMALL WINERY** means a restaurant that serves and brews handcrafted beer or wine intended for retail consumption on the premises and on any premises that has a license as a standard full-service restaurant owned and operated in its entirety by the same corporate ownership and management.
 3. **RESTAURANT WITH OUTDOOR DINING** means a restaurant with seating on a sidewalk, patio, deck or other on-site outdoor location.
- K. **TAVERN** means a commercial establishment licensed to sell at retail and serve beer, wine, liquor or other alcoholic beverages for consumption on the premises and where the service of food is incidental to the sales and consumption of such beverages. Taverns include nightclubs, lounges and bars.
- L. **THEATER** means a building or part of a building use to show motion pictures or a facility used for drama, dance, musicals or other live performances.
- M. **WINERY, SMALL** means a facility operated by a small wine maker duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture, bottle and sell wine within the limits established by the State of Michigan for a small wine maker.

Section 20-3 Agricultural

- A. **AGRIBUSINESS** means a business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals (but not including slaughtering, rendering or tanning); veterinarian and/or technical support facilities.
- B. **AGRITOURISM** means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting reserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.
- C. **COMMERCIAL STABLE** means a structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training equines may also be conducted.

- D. **FARM** means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- E. **FARMERS MARKET** means a building or structure designed or used for the seasonal sale of farm or home grown agricultural products, or agriculturally related products, directly to the consumer from a designated area.
- F. **FARM OPERATION** means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:
1. Marketing produce at roadside stands or farm markets.
 2. The generation of noise, odors, dust, fumes, and other associated conditions.
 3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
 4. Field preparation and ground and aerial seeding and spraying.
 5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
 6. Use of alternative pest management techniques.
 7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
 8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
 9. The conversion from a farm operation activity to other farm operation activities.
 10. The employment and use of labor.
- G. **GREENHOUSE AND NURSERY** means a retail or wholesale business whose principal activity is the display and sales of plants grown on the site within an enclosed building (greenhouse) or outdoors (nursery).
- H. **ROADSIDE STAND** means an accessory structure for the seasonal retail sale of products grown on the site only, with no space for customers within the structure itself.

Section 20-4 Industrial

- A. **MANUFACTURING, PROCESSING, AND PACKAGING – LIGHT** means a facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include: artisan / craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production, photo/film processing lab not accessory to a retail business, printing & publishing, food preparation and packaging, winery, brewery.
- B. **MANUFACTURING, PROCESSING, AND PACKAGING – HEAVY** means a facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following: chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing;

paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; pulp and pulp product manufacturing; textile and leather product manufacturing; food products manufacturing.

- C. **SALVAGE OR IMPOUND OPERATIONS** means any land or structure used for storing, dismantling, reconditioning, collecting, purchasing or selling of scrap metal or other discarded goods and materials, including the collection, dismantlement and salvage of two or more inoperative vehicles, boats, trucks, or other types of machinery or equipment, or the impounding of any operable or inoperable vehicle associated with towing or wrecker services.
- D. **WAREHOUSING** means facilities for the storage of furniture, household goods, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include mini-storage facilities offered for rent or lease to the general public (see "Mini-Warehouse/Self-Storage") or warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution").
- E. **WHOLESALE AND DISTRIBUTION** means an establishment engaged in selling merchandise in bulk quantities to retailers; to contractors, industrial, commercial, agricultural, institutional, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.
- F. **MINI-WAREHOUSE/SELF-STORAGE** means a building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized and controlled access rooms, stalls or lockers for the storage of customer's goods or wares.

Section 20-5 Infrastructure, Transportation, Communications

This category encompasses land uses that provide the underlying infrastructure, utilities, and systems that allow a community to function.

- A. **AIRSTRIPE** means a runway without normal airport facilities.
- B. **COMMERCIAL SOLAR ENERGY SYSTEM** means a utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm.
- C. **ESSENTIAL SERVICE** mean the erection, construction, alteration, or maintenance by a public utility, or municipal department, of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply, or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience, or welfare. These do not include wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network); wind energy conversion systems (WECS); offices, utility buildings, substations, or structures that are enclosures or shelters for service equipment; or maintenance depots.
- D. **HELICOPTER LANDING PAD** means a designated area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging of passengers or cargo.
- E. **INFRASTRUCTURE AND UTILITIES: REGIONAL** means utility facilities that provide County-wide or regional service. Examples include public utility substations; water towers; waste treatment plants; and electrical substations.
- F. **PARKING FACILITY, PUBLIC OR COMMERCIAL** means a public or commercial parking lot or structure providing parking either for free or for a fee. Does not include towing impound and storage facilities.
- G. **WASTE MANAGEMENT FACILITY** means a site used for collecting waste and recyclables, sorting and transferring materials.
- H. **WIND ENERGY CONVERSION SYSTEM (WECS)** means a system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, tower, and related equipment.

1. **ANEMOMETER TOWER OR MET** means temporary meteorological tower that is used for the measurement of wind speed.
2. **LARGE TURBINE OR UTILITY GRID SYSTEM** means a WECS that is designed to generate electricity from one (1) or more towers (within an array) and is intended to serve institutions, residential communities, or larger cooperatives, including public and private utility systems.
3. **SMALL TURBINE OR ON-SITE SYSTEM** means a WECS that is intended to primarily serve the needs of the customer, with a single tower, that may or may not be connected to the utility grid.

I. **WIRELESS COMMUNICATIONS**

1. **WIRELESS COMMUNICATIONS FACILITY** means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services. Wireless communication facilities shall be specifically excluded from the definition of “essential services.”
2. **WIRELESS COMMUNICATION TOWER** means any structure, such as a mast, pole, monopole, guyed tower, or lattice tower which is designed and constructed primarily for the purpose of supporting one or more antennas. Wireless communication tower shall be specifically excluded from the definition of “essential services.”

Section 20-6 Institutional/Civic

This category includes not-for-profit and for-profit recreation, education, safety, and public assembly functions that benefit the citizens of the community used or operated by government, quasi-governmental and service organizations.

- A. **COMMUNITY ORIENTED CULTURAL FACILITY** means a public or non-profit facilities that provide educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.
- B. **COMMUNITY PUBLIC SAFETY FACILITY** means a public safety facility operated by a public agency including fire stations, other fire preventive and fire fighting facilities, police and sheriff substations and headquarters, including interim holding facilities. May include ambulance dispatch on the same site.
- C. **GOVERNMENTAL FACILITY** means buildings, structures and facilities that may include administrative offices, public works services, libraries, museums, cemeteries, recreational centers and storage areas for public equipment and materials for local, county, state and federal public adjacencies.
- D. **MEETING FACILITY** means a facility for public or private meetings, including: community centers, meeting halls for clubs and other membership organizations, etc.
- E. **PARKS, PLAYGROUNDS, OUTDOOR RECREATION AREAS** means an outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, playing fields, outdoor tennis and basketball courts, outdoor swimming pools, boat ramps and fishing piers; and areas for passive recreation such as hiking trails, picnic areas and bird blinds.
- F. **PLACE OF WORSHIP** means a building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.
- G. **RECREATION FACILITY: COMMUNITY-BASED** means a community recreation center that may include one or more of the following: gymnasium; indoor swimming pool; indoor tennis, racquetball, and/or handball courts, and other indoor sports activities. This use includes all not-for-profit organizations chartered to provide community-based recreation services. Does not include commercial health/fitness facilities, which are included under “Recreation Facility, Commercial Indoor.”

- H. **SCHOOL, COLLEGE OR UNIVERSITY** means a facility for post-secondary education that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.
- I. **SCHOOL, PUBLIC OR PRIVATE** means a public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.
- J. **SCHOOL, SPECIALIZED TRAINING** means small-scale facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, including, but not limited to: the arts, dance, photography, martial arts training, gymnastics instruction, production studios for individual musicians, painters, sculptors, photographers, and other artists, business and vocational schools, and driver education schools.

Section 20-7 Offices and Services

This category encompass activities, without outdoor storage needs, that are primarily oriented towards office and service functions.

- A. **ANIMAL SERVICES, ANIMAL CLINIC / HOSPITAL** means an establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.
- B. **ANIMAL SERVICES, KENNEL** means a commercial facility for the boarding, breeding, and/or maintaining of animals for a fee that are not owned by the operator. This use includes pet day care facilities, animal training facilities, and may include grooming as an accessory use. This use includes the breeding of animals in outdoor structures, cages or pens for sale, but does not include animals for sale in pet shops (see "General Retail").
- C. **ANIMAL SERVICES, RESCUE OR SHELTER** means a facility that keeps four (4) or more impounded stray, homeless, abandoned, or unwanted animals.
- D. **BODY BRANDING, PIERCING AND TATTOO FACILITIES** means an establishment whose principal business is the one or more of the following: any invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means; creation of an opening in the body for the purpose of inserting jewelry or other decorations (not including ear piercing); and/or placing designs, letters, figures, symbols or other marks upon or under the skin of any person using ink or other permanent coloration.
- E. **CHILD CARE CENTER** means a facility other than a private residence in which one or more preschool or school age children are given care and supervision for periods of less than twenty 24 hours per day, and where the parents or guardians are not immediately available to the child. A child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program or drop-in center.
- F. **CREMATORIUM** means a facility consisting of one or more cremator furnaces or cremation retorts for the ashes.
- G. **GENERAL OFFICES AND SERVICES**
1. **BANK/FINANCIAL SERVICES** means financial institutions, including, but not limited to: banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities.
 2. **BUSINESS SERVICES** means establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, travel agencies, landscaping and tree removal companies, exterminators, carpet cleaners, and contractors' offices without exterior storage.

3. **BUSINESS SUPPORT SERVICES** means establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, mailing and mailbox services.
 4. **PERSONAL SERVICES** means establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, tanning salons and funeral homes (not including crematory services). These uses may include incidental retail sales related to the services they provide.
 5. **PROFESSIONAL AND ADMINISTRATIVE SERVICES** means office-type facilities occupied by businesses or agencies that provide professional or government services, or are engaged in the production of intellectual property.
- H. **GENERAL OFFICES & SERVICES: WITH A DRIVE THROUGH FACILITY** means facilities where services may be obtained by motorists without leaving their vehicles. Examples of drive-through services include bank teller windows and drive-up ATMs, dry cleaners, etc.
- I. **MEDICAL SERVICES**
1. **CLINIC** means facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: Medical offices with five (5) or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, other allied health services. These facilities may also include incidental medical laboratories and/or pharmacies. Counseling services by other than medical doctors or psychiatrists are included under "Professional and Administrative Services."
 2. **MEDICAL OFFICE** means a facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four (4) licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five (5) or more licensed practitioners is classified under "Clinic." Counseling services by other than medical doctors or psychiatrists are included under "Professional and Administrative Services."
 3. **HOSPITAL** means an institution licensed by the State, where people, including inpatients, receive medical, surgical or psychiatric treatment and nursing care.
- J. **VEHICLE REPAIR, MAJOR** means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning.
- K. **VEHICLE REPAIR, MINOR** means a building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing a repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.
- L. **VEHICLE WASH** means a building or portion of a building with machine or hand- operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.
- M. **VEHICLE WASH, TRUCKS AND HEAVY EQUIPMENT** means a building or portion of a building with machine or hand- operated facilities used principally for the cleaning, washing, polishing or waxing of trucks and heavy equipment.

Section 20-8 Residential

A. DAY CARE

1. **DAY CARE, FAMILY DAY CARE HOME** means a private home in which one (1), but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the

family by blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

2. **DAY CARE, GROUP DAY CARE HOME.** A private home in which more than six (6), but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

B. DWELLING

1. **DWELLING, ATTACHED ACCESSORY** means an attached dwelling subordinate to the principal single-family dwelling that contains an independent living area, including sleeping quarters, a bathroom, living area and kitchen facilities, but can be internally accessed through the principal dwelling. The inclusion of a secondary kitchen or kitchenette within the principal dwelling does not alone result in classification as an attached accessory dwelling unit.
2. **DWELLING, MULTI-FAMILY** means a structure containing three (3) or more dwelling units on a single lot designed for occupancy by three (3) or more families living independently of one another.
3. **DWELLING, SINGLE-FAMILY** means a freestanding dwelling unit that is physically separate from any other dwelling.
4. **DWELLING, SINGLE-FAMILY ATTACHED** means a structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport.
5. **DWELLING, TEMPORARY** means a manufactured home or recreational vehicle that may be permitted for a limited time and that may be subject to specific requirements or restrictions.
6. **DWELLING, TEMPORARY ACCESSORY** means a manufactured home, secondary to a principal single-family dwelling, that may be permitted for a limited time and that may be subject to specific requirements or restrictions.
7. **DWELLING, TWO-FAMILY** means a structure containing two (2) dwelling units on a single lot designed for or used by two (2) families living independently of one another, may also be referred to as a duplex.

C. FOSTER CARE

1. **FOSTER CARE, ADULT FOSTER CARE FAMILY HOME** means a private residence with an approved capacity of six (6) or fewer adults, where foster care is provided 24 hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks. It is licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The person issued the adult foster care family home license is a member of the household and an occupant of the residence.
2. **FOSTER CARE, ADULT FOSTER CARE GROUP HOME** means private residence where adults are provided with foster care 24 hours a day, five (5) or more days per week, and for two (2) or more consecutive weeks. A foster care group home with an approved capacity of at least seven (7), but not more than 12 adults is a "small group home". A group home with an approved capacity of at least 13, but not more than 20 adults is a "large group home". An adult foster care facility is licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended, and the person issued the adult foster care group home license is a member of the household and an occupant of the residence.
3. **FOSTER CARE, FOSTER FAMILY HOME** means a private home, licensed under Act 116 of the Public Acts of 1973, in which at least one (1), but not more than four (4) minor children who are not related to an adult member of the house by blood or marriage, or who are not placed in the household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended), are given care and supervision 24 hours per day, four (4) or more days per week for two (2) or more

consecutive weeks, unattended by a parent or guardian. The person issued the license is a permanent resident of the home.

4. **FOSTER CARE, FOSTER FAMILY GROUP HOME** means a private home, licensed under Act 116 of the Public Acts of 1973, in which more than four (4), but fewer than seven (7) minor children, who are not related to an adult member of the house by blood or marriage, or who are not placed in the household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended), are given care and supervisions 24 hours per day, four (4) or more days per week for two (2) or more consecutive weeks, unattended by a parent or guardian. The person issued the license is a permanent resident of the home.
- D. **HOUSING, INDEPENDENT AND ASSISTED LIVING** means a building or buildings containing individual dwelling units designed for and restricted to occupancy by persons of a specified age who are retired or are nearing retirement and wish to live in a community environment, but do not require nursing or medical supervision. Group dining facilities and non-medical personal care services may also be provided. Such housing does not include a nursing or convalescent home.
- E. **HOME, CONVALESCENT OR NURSING HOME** means a facility licensed as a “nursing home” by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15 (20101) et seq.), as amended. A “nursing home” shall include an extended care facility, hospice and convalescent home.
- F. **MANUFACTURED HOME COMMUNITY** means a single parcel of land that contains two (2) or more manufactured homes for use as dwelling units where home sites are leased to individuals who retain customary leasehold rights.

Section 20-9 Retail

- A. **RETAIL, GENERAL (INDOOR)** means stores and shops that sell and/or rent goods and merchandise to the general public.
- B. **GENERAL RETAIL (OUTDOOR)** means a retail sales establishment operated substantially in the open air including, but not limited to: flea markets, monument sales, beach recreation rentals, and the like. Does not include “Vehicle Sales and Rental”, agricultural equipment sales and rental, plant nurseries, or roadside stands and farmers markets.
- C. **GENERAL RETAIL WITH A DRIVE THROUGH FACILITY** means stores and shops where products may be purchased by motorists without leaving their vehicles.
- D. **LIQUEFIED PETROLEUM GAS (LPG) SALES** means an establishment providing LPG dispensing and bulk containers for sale.
- E. **SERVICE STATION** means an establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services (see Vehicle Repair, Minor); retail sales of convenience items (see General Retail- Indoor), restaurant (see Restaurant and Restaurant with Drive-Through) and a single bay vehicle wash (see Vehicle Wash), but not overnight vehicle storage.
- F. **VEHICLE SALES AND RENTAL: AUTOMOBILES, LIGHT TRUCKS, BOATS** means a retail or wholesale establishment selling and/or renting automobiles, light trucks (less than 2-ton load capacity), vans, trailers, boats, and/or any other motorized or non-motorized vehicles (e.g. scooters, jet skis, golf carts, motorcycles) that includes outdoor display. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include businesses dealing exclusively in selling used parts, auto wrecking and/or salvage (see “Salvage Operations”); the sale of auto parts/accessories separate from a vehicle dealership (see “General Retail”); or service stations (see “Service Stations”).
- G. **VEHICLE SALES AND RENTAL: HEAVY EQUIPMENT, HEAVY TRUCKS, RVS, MANUFACTURED HOMES** means a retail or wholesale establishment selling and/or renting heavy equipment and/or trucks, RVs, or mobile homes. May also include accessory repair shops.

Section 20-10 Other

- A. **SEXUALLY ORIENTED BUSINESS** means an “adult book store or adult video store,” and “adult cabaret,” an “adult motion picture theater,” a “semi-nude model studio,” or a “sexual device shop,” as each term is defined in the Township’s Sexually Oriented Business Licensing Ordinance.
- B. **TEMPORARY OFFICE**
1. **CONSTRUCTION OFFICE** means an office, typically mobile, established at a permitted construction site to accommodate personnel. A location for outdoor storage of materials and equipment is commonly associated with the use.
 2. **TEMPORARY SALES OFFICE** means an office, either mobile or located in a model home, used to accommodate real estate agents and associated administrative staff for the purposes of selling or renting real property in subdivisions or other housing developments.