

GREEN TOWNSHIP

ALPENA COUNTY, MICHIGAN

ZONING ORDINANCE

GREEN TOWNSHIP

ALPENA COUNTY, MICHIGAN

Green Township Hall
14621 M-32
Lachine, MI 49753
989-379-2398



GREEN TOWNSHIP ZONING ORDINANCE

Green Township
Alpena County
Michigan

Adopted: March 16, 2009

Effective: April 2, 2009

Amended: February 8, 2010. Effective: February 23, 2010 (R-1 Loon Lane Setback)

Amended: April 9, 2012. Effective: April 18, 2012 (Medical Marihuana)

Amended: July 11, 2012. Effective: July 18, 2012 (Pets and Livestock)

Amended: February 10, 2014. Effective: February 24, 2014 (Wireless Communication Facilities and Support Structures; Biofuel Production Facilities on Farms; and Mines, Quarries and Gravel Pits).

Amended: September 14, 2015; Effective: September 27, 2015 (Greenhouse, Nursery, Landscaping & Floriculture use by right in B-1 and B-2)

Amended: June 12, 2017; Effective: July 4, 2017 (Signs Regulations and Definitions; Nonconforming Signs)

Amended: December 14, 2020; Effective: December 29, 2020 (Medical Marihuana Primary Caregivers)

Amended: December 12, 2022; Effective: December 22, 2022 (Wireless and Solar)

Prepared with the Assistance of:

Northeast Michigan Council of Governments

PO Box 457

80 Livingston Blvd Suite U-108

Gaylord, MI 49734

989-705-3730

www.nemcog.org

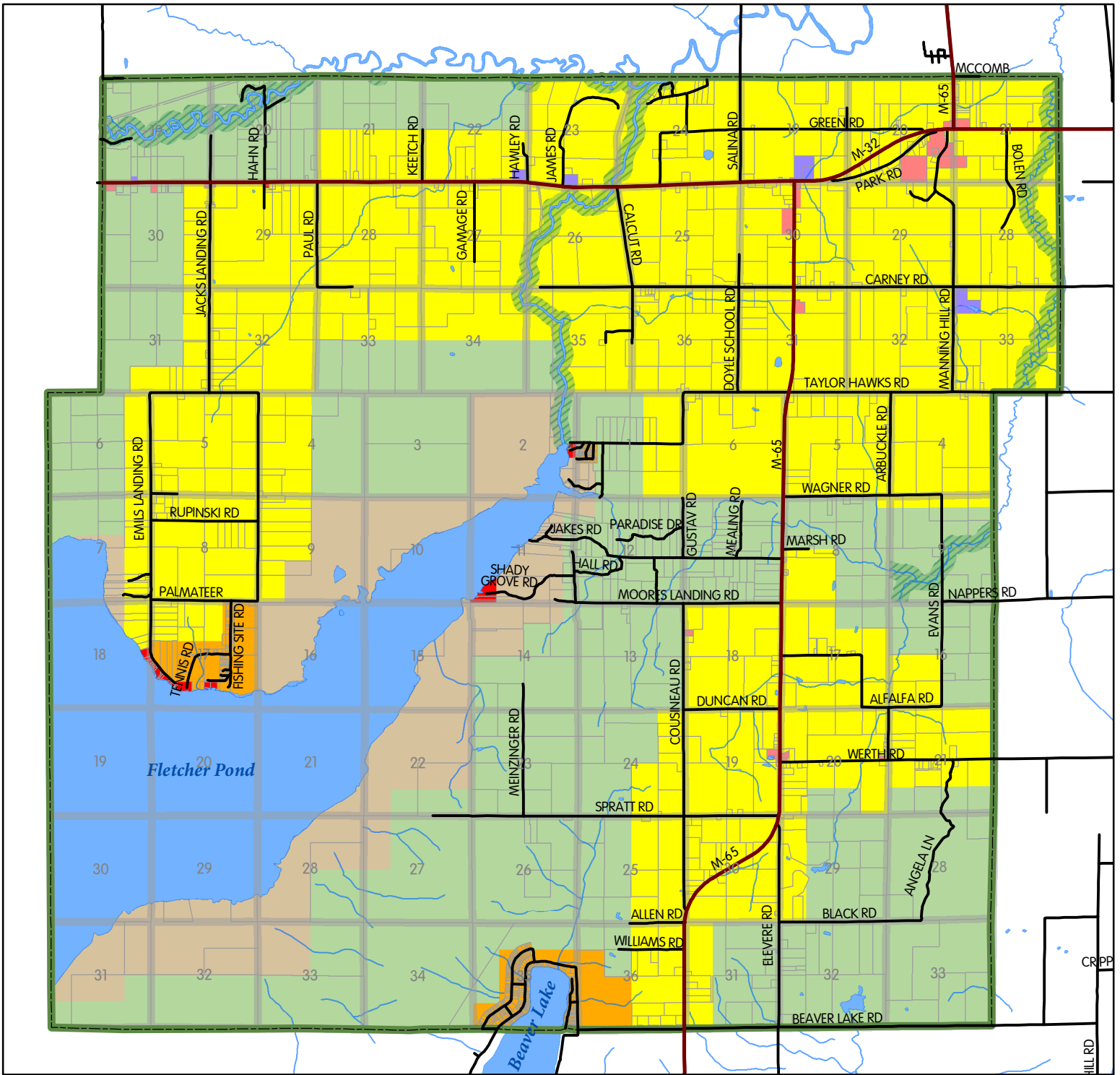


Table of Contents









Article		Page #
1	Purpose and Authority	1-1
	Section 1.0 Purpose	1-1
	Section 1.1 Authority	1-2
	Section 1.2 Title	1-2
2	Definitions	2-1
	Section 2.0 Rules Applying to Text	2-1
	Section 2.1 Definitions	2-1
3	General Provisions	3-1
	Section 3.0 Purpose	3-1
	Section 3.1 Application of Regulations	3-1
	Section 3.2 Lot-Building Relationship	3-2
	Section 3.3 Restoration of Unsafe Buildings/Barrier Free Modification	3-2
	Section 3.4 Continued Conformance with Regulations	3-2
	Section 3.5 Accessory Buildings	3-2
	Section 3.6 Temporary Buildings for Construction Purposes	3-3
	Section 3.7 Basement as a Dwelling	3-3
	Section 3.8 Moving Buildings	3-3
	Section 3.9 Demolition of Buildings	3-3
	Section 3.10 Projections (encroachments into setbacks)	3-4
	Section 3.11 Intersection Visibility and Street Rights-of-Way	3-4
	Section 3.12 Essential Services	3-4
	Section 3.13 Required Water Supply and Sanitary Facilities	3-5
	Section 3.14 On Site Drainage and Runoff Requirements	3-5
	Section 3.15 Mobile Homes on Individual Lots or Parcels	3-5
	Section 3.16 Recreational Vehicles	3-6
	Section 3.17 Temporary Dwelling Occupancy during Construction	3-7
	Section 3.18 Waterfront Greenbelt	3-7
	Section 3.19 Waterfront Setback	3-8
	Section 3.20 Home Occupations & Cottage Industries	3-9
	Section 3.21 Fences and Walls	3-11
	Section 3.22 Landscaping and Buffering	3-14
	Section 3.23 Parking and Loading Space Requirements	3-17
	Section 3.24 Water Supply and Sewage Disposal Facilities	3-23
	Section 3.25 Stormwater Retention	3-23
	Section 3.26 Groundwater Protection & Hazardous Substances	3-23
	Section 3.27 <i>Reserved</i>	3-23
	Section 3.28 Salvage of Dumping of Motor Vehicles	3-24
	Section 3.29 Dumping of Materials	3-25
	Section 3.30 <i>Reserved</i>	3-24
	Section 3.31 Outdoor Lighting	3-25
	Section 3.32 Outdoor Advertising Signs	3-26
	Section 3.33 Pets and Livestock	3-34
	Section 3.34 Driveways & Private Roads	3-35







4	Zoning Districts and Map	4-1
	Section 4.0 Classification of Zoning Districts	4-1
	Section 4.1 Zoning Map	4-1
	Section 4.2 Boundaries of Districts	4-1
	Section 4.3 Public Rights-of-Way	4-2
	Section 4.4 Zoning of Vacated Areas	4-2
	Section 4.5 Zoning of Filled Areas	4-2
	Section 4.6 Zoning District Changes	4-2
5	District Regulations	5-1
	Section 5.0 General (All Districts)	5-1
	Section 5.1 (R-1) One-Family Residential District	5-2
	Section 5.2 (R-2) Agricultural District	5-3
	Section 5.3 (R-3) General Residential District	5-4
	Section 5.4 (RR) Recreational Residential District	5-7
	Section 5.5 (FF-1) Farm & Forest District	5-8
	Section 5.6 (B-1) Neighborhood Business District	5-9
	Section 5.7 (B-2) General Business District	5-10
	Section 5.8 (I) Industrial District	5-11
	Section 5.9 (CR) Conservation & Resources District	5-12
	Section 5.10 Schedule of Regulations	5-13
	Section 5.11 Table of Uses Permitted By Right & Special Land Uses	5-15
6	Nonconforming Buildings, Structures, Uses, Lots and Signs	6-1
	Section 6.0 Nonconforming Buildings or Structures	6-1
	Section 6.1 Nonconforming Uses	6-2
	Section 6.2 Nonconforming Lots of Record	6-3
	Section 6.3 Nonconforming Contiguous Parcels	6-3
	Section 6.4 Nonconforming Signs	6-3
	Section 6.5 Zoning Board of Appeals Variance	6-4
7	Plot Plans & Site Plan Requirements & Review	7-1
	Section 7.0 Purpose	7-1
	Section 7.1 Plot Plan	7-1
	Section 7.2 Site Plan Review (All Districts)	7-2
	Section 7.3 Site Plan Waiver	7-10
8	Special Land Uses	8-1
	Section 8.0 General Requirements	8-1
	Section 8.1 Special Land Use Procedures	8-1
9	Supplemental Regulations	9-1
	Section 9.0 Supplemental Regulations	9-1
	Section 9.1 Bed & Breakfast Facilities/Tourist Homes/Boarding Houses	9-1
	Section 9.2 Group Day Care Homes/Child Care Center	9-2
	Section 9.3 Businesses with Drive-Through Services	9-3
	Section 9.4 Campgrounds & Travel Trailer Parks	9-3
	Section 9.5 Car Wash Facilities	9-4

Section 9.6	Cemeteries	9-4
Section 9.7	Commercial & Industrial Uses with Outdoor Storage	9-4
Section 9.8	Commercial Outdoor Recreational Facilities	9-4
Section 9.9	Lumber Yards	9-5
Section 9.10	Sawmills & Other Mills	9-5
Section 9.11	Automobile Repair Garage/Automobile Service Station	9-6
Section 9.12	Junkyards, Salvage Yards, & Sanitary Landfills	9-6
Section 9.13	Kennels/Veterinary Clinics/Animal Hospitals	9-7
Section 9.14	Manufactured Housing Developments	9-8
Section 9.15	Outdoor Sales Facilities	9-8
Section 9.16	Sexually Oriented Business	9-9
Section 9.17	Storage Uses	9-10
Section 9.18	Wireless Communications Equipment & Support Structures	9-11
Section 9.19	Biofuel Production Facilities	9-19
Section 9.20	Wind Turbine Generators (Wind Energy Systems) and Anemometer Towers	9-21
Section 9.21	Planned Unit Developments (PUD)	9-28
Section 9.22	Medical Marihuana Primary Caregiver Facility	9-31
Section 9.23	Mines, Quarries, and Gravel Pits	9-33
Section 9.24	Solar Energy	9-34
10	Administration and Enforcement	10-1
Section 10.0	Zoning Administrator	10-1
Section 10.1	Zoning Permit	10-1
Section 10.2	Conditions	10-2
Section 10.3	Public Notification	10-3
Section 10.4	Registration to Receive Notice by Mail	10-5
Section 10.5	Rehearing Process	10-5
Section 10.6	Fees	10-6
Section 10.7	Performance Guarantee	10-7
Section 10.8	Violations and Penalties	10-8
11	Zoning Board of Appeals	11-1
Section 11.0	Zoning Board of Appeals Creation & Membership	11-1
Section 11.1	Meetings	11-2
Section 11.2	Jurisdiction	11-2
Section 11.3	Stay	11-3
Section 11.4	Variances	11-3
Section 11.5	ZBA Submittal	11-4
Section 11.6	Conditions of Approval	11-4
Section 11.7	Exercising Powers	11-4
Section 11.8	Time Limit	11-4
Section 11.9	Appeals to Circuit Court	11-4
12	Adoption and Amendments	12-1
Section 12.0	Amendment to this Ordinance	12-1
Section 12.1	Conditional Rezoning	12-3
Section 12.2	Conflicting Regulations	12-6
Section 12.3	Severability	12-6
Section 12.4	Repeal and Savings Clause	12-7



Zoning Districts

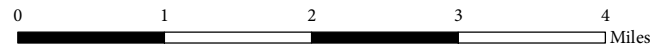
-  CR: Conservation & Resources Overlay
-  R1: One-Family Residential
-  R2: Agricultural
-  RR: Recreational Residential
-  FF: Farm & Forest
-  B1: Neighborhood Business
-  B2: General Business
-  I: Industrial

-  State Highways
-  Roads
-  Township Boundary
-  Sections
-  Water
-  Parcels

Green Township Zoning Map

Alpena County, Michigan

Adopted 3/16/2009 Effective 4/2/2009



Green Township Hall
14621 M-32
Lachine, MI 49753
989-379-2398

Prepared with the Assistance of:
Northeast Michigan Council of Governments
www.nemcog.org

ARTICLE 1: PURPOSE AND AUTHORITY

Section 1.0 - Purpose

It is the purpose of this Ordinance to regulate and restrict the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to divide Green Township into zoning districts. Within each district, regulations shall be imposed designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, to promote the public health, safety, and general welfare and shall be made with reasonable consideration given to the character of the district, its particular suitability for particular uses, the preservation of property values, and the general trend and character of building and population development.

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by Township ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

The purpose and intent of the Section of this ordinance pertaining to wireless telecommunications towers, structures, antennas and wind energy facilities is to establish general guidelines for the location of wireless telecommunication towers, alternative tower structures, antennas and wind energy facilities. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures, antennas and wind energy facilities within the Township. The Township also recognizes the need to protect the scenic beauty of Green Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures, antennas and wind energy facilities may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this ordinance seeks to:

- A. Protect residential areas from potential adverse impact of towers, antennas, and wind energy facilities;

- B. Minimize the total number of towers throughout the community;
- C. Encourage new tower development in areas dispersed throughout the community;
- D. Encourage the joint use of new and existing tower sites;
- E. Encourage developers of towers, antennas, and wind energy facilities to configure them in a way that minimizes their adverse visual impact;
- F. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- G. Consider the public health and safety of telecommunication towers, alternative tower structures and wind energy facilities; and
- H. Avoid potential damage to adjacent property from tower and wind turbine failure.

Section 1.1 - Authority

This Ordinance is enacted into law pursuant to Act 110, Public Acts of 2006, as amended.

Section 1.2 - Title

This ordinance shall be known as the Green Township Zoning Ordinance of 2009 and shall be referred to herein as "this Ordinance."

ARTICLE 2: DEFINITIONS

Section 2.0 - Rules Applying to Text

For the purposes of this Ordinance, certain terms are defined to clarify the intent of the provisions of the Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this ordinance and any caption, the text shall control.
- C. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- G. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 - 1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- H. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- I. Any word or term not defined herein shall be assumed to have the meaning customarily assigned them.
- J. "Township" shall refer specifically to Green Township.
- K. Any necessary interpretation of this Ordinance shall be made by the Green Township Zoning Board of Appeals.

Section 2.1 - Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

Abutting: Having property or district line in common; e.g., two lots are abutting if they have property lines in common.

Accelerated soil erosion: The increased lay of the land surface that occurs as a result of man's activities.

Access: A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public road or highway or to a private road.

Accessory Building or Accessory Structure: A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building, or buildings. An accessory structure attached to a main structure shall be considered part of the main structure

Accessory Building or Accessory Structure, Temporary: An accessory structure two hundred (200) square feet or less with no permanent footings or foundations and/or no water/sewer connections.

Accessory Dwelling Unit: A dwelling unit accessory to a single-family residence with its own kitchen, bath, living area, sleeping area, and separate entrance.

Accessory Use: A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

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

Adjacent Property: Property which adjoins any side or corner of a specific parcel of land.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

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

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

of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

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

Adult Foster Care Facility: See State-Licensed Residential Facility.

Adult Motel: A hotel, motel or similar commercial establishment that:

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

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture: The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain.

The following definitions A-J are related to agricultural tourism:

- A. **Agricultural Tourism**: The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, 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.
- B. **Value-Added Agricultural Product**: The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.
- C. **Agricultural Products**: Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc
- D. **Agriculturally Related Products**: Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and value-added agricultural products and production on site.
- E. **Non-Agriculturally Related Products**: Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.
- F. **Agriculturally Related Uses**: Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
- G. **Non-Agriculturally Related Uses**: Activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit.
- H. **Farm Market/On-Farm Market/Roadside Stand**: The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.
- I. **Seasonal**: A recurrent period characterized by certain occurrences, festivities, or

crops; harvest, when crops are ready; not all year round.

- J. **Seasonal Sign**: A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

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

Alterations: The term "alterations" shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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

Animal Shelter: A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Apartment: The term "Apartment" shall mean the dwelling unit in a multiple dwelling as defined herein:

- A. **Efficiency Unit**: A dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
- B. **One Bedroom Unit**: A dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
- C. **Two Bedroom Unit**: A dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.
- D. **Three or More Bedroom Unit**: A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of

computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Appeal: See "Zoning Appeal".

Applicant: Any person that applies for a permit.

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

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile Car Wash: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Automobile Repair: A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

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

Automobile or Trailer Sales Area: Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

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

Average: For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

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

Banner, Flag, or Pennant: Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, pole, line, framing, or vehicle, not including the official flags of the United States, the State of Michigan, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

Basement: That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walkout capability. A "walkout basement" shall be defined as a room with at least one wall below grade, which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade. Basements must have fire escape routes as designated in the current building code in use by Alpena County.

Bed and Breakfast Facility: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

Bedroom: A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.

¹Biofuel Production Facilities:

A. **¹Biofuel:** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

B. **¹Ethanol:** A substance that meets the ASTM international standard in effect on the effective date of this section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

C. **¹Farm:** That term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

D. **¹Proof gallon:** That term as defined in 27 CFR 19.907.

Board of Appeals: See "Zoning Board of Appeals"

Boarding House: See Rooming House.

Boat and/or Canoe Livery and Boat Yard: A place where boats and/or canoes are stored, rented, sold, repaired, docked and serviced.

Bordering Lands: All lands adjacent to a parcel of land, including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility right-of-ways.

Breezeway: Any covered passageway with open sides between two buildings.

Buffer Strip: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. See also "Greenbelt". When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

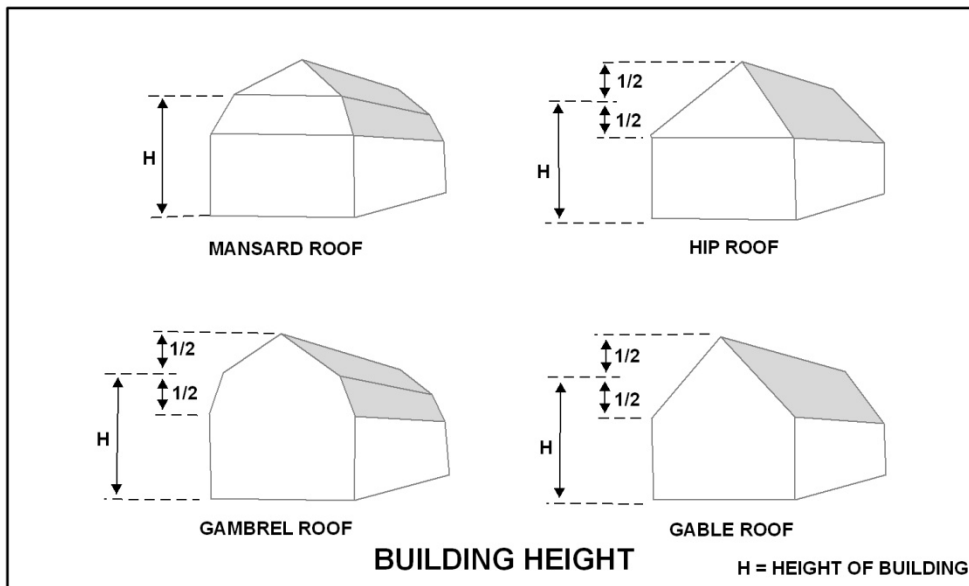
Buildable Land(s): All areas of a parcel not defined as Unbuildable Land(s)

Buildable Width: The width of a lot left for building after required side yards are provided.

Building: Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

Building, Farm: Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

Building Height: The elevation measured from the average finished lot grade at the front of the building to a point on the roof as shown below:



Building Line: An imaginary line established by District setback regulations.

Building, Main: The building or structure in which the principal use or authority on a lot or parcel takes place.

Building Permit: A building permit is the written authority issued by the Green Township

Building Inspector in conformity with the provisions of the Construction Code Ordinance.

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

Building, Temporary: A nonpermanent structure which is permitted incidental to construction.

Cabin: A detached building that is used for seasonal occupancy, but not including motels or migrant housing.

Cabin Court: One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

Campgrounds: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Canopy: A permanent roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

Carport: A permanent roof-like shelter that is free-standing or extends from part of a building and is constructed of rigid material.

Child Care Facility: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. **Family Child Care Home:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- B. **Group Child Care Home:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. **Child Care Center or Day Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of

less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

D. **Private Home:** A private residence in which the registered facility operator permanently resides as a member of the household.

Church: See “Religious Institution”.

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

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

Club or Lodge: An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

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

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

Commercial: A term relating to the use of property in connection with the purchase, sale, or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than 14 days during any twelve-month period.

Commission: Green Township Planning Commission.

Common Areas, Uses and Services: Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Condominium Unit: That portion of a condominium development designed and intended for separate ownership and use consistent with the provisions of the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time share unit or any other type of use.

Construction Code: Means the Michigan State Construction Code or any Code established in accordance with its provisions or adopted by reference thereunder.

Convalescent or Nursing Home: A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care and which qualifies for license under the applicable Michigan law.

Cottage Industry: A home occupation in which goods or products are sold on the premises.

Crawl Space: An open area between the floor of a building and the ground.

Deck: An unroofed structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than four inches above finished grade.

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

District: "District" as used herein is synonymous with the word "zone" or "zoning district". See "Zoning District"

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

Drive-In Establishment: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in the motor vehicle while parked.

Drive-In Restaurant: A drive-in restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

Drive-Through Establishment: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach for motor vehicles so as to provide patrons with a service while in the motor vehicle which is in the drive-through lane(s). This service is provided from the establishment by means of a window or similar device.

Driveway: A driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot. One (1) driveway may provide access to not more than two (2) units.

Dwelling - Condominium: An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

Dwelling, Farm: A dwelling used to house the principal family operating the farm, and which

is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

Dwelling - Garden Apartment: A building divided into separate living quarters, each having living and sleeping facilities and all units with common yard areas for outdoor recreation.

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

Dwelling, Multiple-Family: A building containing more than two (2) dwelling units designed for residential use.

Dwelling, Seasonal: A dwelling that is not utilized in each month of the year.

Dwelling, Single-Family: A detached building containing not more than one (1) dwelling unit designed for residential use.

Dwelling - Town House: A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

Dwelling, Two-Family or Duplex: A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

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

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Efficiency Unit: A dwelling unit consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Erected: Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for a building or structures. Excavation, fill drainage, land clearing, and general property improvements are not considered part of this definition.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

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

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or similar dwelling for group use.

Farm: Structures, facilities, and lands for carrying on of any agricultural activity or the raising of livestock or small animals. Farms include the general as well as the specialized (furs, fowl, dairy, fruits, vegetables, and livestock), but excludes kennels and/or reptiles.

Farm Building: See Building, Farm..

Fence: A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

Filling: The depository or dumping of any matter into or onto the ground, except common household gardening and general care.

Filling Station: See "Automobile Service Station"

Flood Plain: The relatively flat area or lowlands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by flood water. Determination of a flood plain is:

- A. Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling a river, stream or other body of water that exhibit unstable soil conditions for development.

Floor Area: The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

Floor Area, Usable Commercial: All floor area used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Floor area used principally for the storage or processing of merchandise, hallways or for utilities, shall be excluded for the computation of usable floor area; For uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.

Floor Area, Usable Residential: The floor area available for living purposes exclusive of that used for parking vehicles, utility closets, and the like.

Garage-Commercial: A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

Garage-Private: An accessory building which is used primarily for the storage of vehicles for the use of the occupants of a lot on which such building is located.

Gasoline Service Station: See Automobile Service Station.

Gazebo: An accessory building of an open (“see through”) design. A gazebo does not exceed fifteen (15) feet in length, width, and height. The open area may be glass and/or screen enclosed.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Greenbelt: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Greenbelt, Shoreline: A strip parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as a waterfront buffer.

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

Heavy Industry: Manufacturing, fabricating activities or other large scale specialized industrial operations having external effects that will be felt to some degree by surrounding uses.

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

Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Illegal Sign: A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Junk: All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery (except farm equipment), household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. Also, any premises upon which three or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

Kennel, Large-Scale: Any facility, lot, or premises on which more than twenty (20) dogs six (6) months of age or older are kept temporarily or permanently.

Kennel, Small-Scale: Any facility, lot, or premises on which between seven (7) and twenty (20) dogs six (6) months of age or older are kept temporarily or permanently.

Landscaping: Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

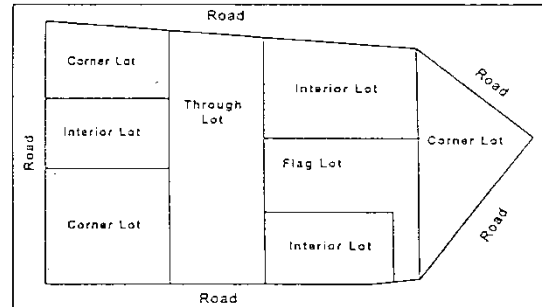
Land Use Permit: See "Zoning Permit".

Livestock: Domesticated animals raised for home use or profit. Livestock includes such farm animals as horses, pigs, poultry, cows, goats, sheep, fowl, rabbits, camelids and similar animals.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

Lot: The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records.

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.



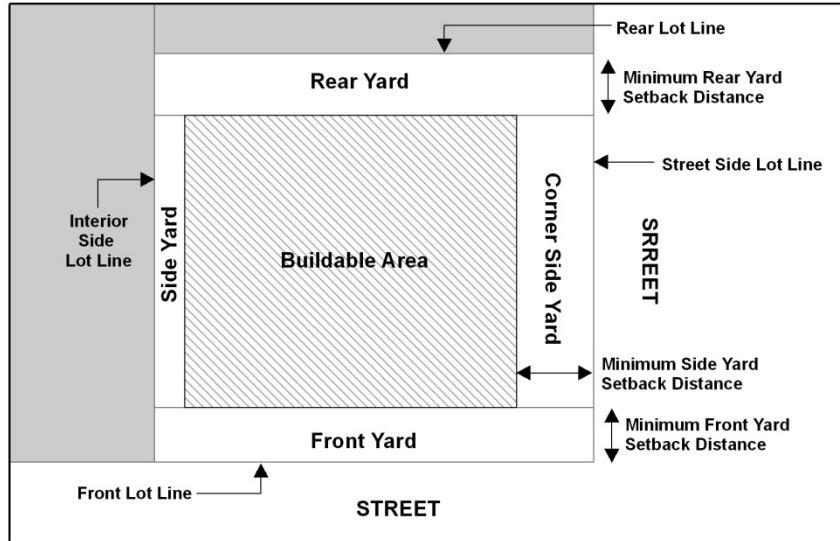
Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or, fully roofed, but shall not include fences, walls or hedges used as fences or swimming pools.

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

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front. See also "Through Lot".

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines: The exterior perimeter boundary lines of a lot or parcel.



Lot Line, Front: In the case of an interior lot abutting upon a road, the front lot line shall mean the line separating such lot from such road right-of-way. In the case of a corner lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot line shall be on the most improved or best rated road according to the Alpena County Road Commission. In the case of a waterfront lot, the line separating the lot from the water's edge shall be considered the front lot line.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot. In the case of a waterfront lot, the line separating the lot from the road right-of-way shall be considered the rear lot line.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Alpena County Register of Deeds, or site condominium unit established and recorded by master deed in the Alpena County Register of Deeds on or before the effective date of this Ordinance.

Lot, Through: See Lot, Double Frontage

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line.

Manufactured Home: see Dwelling, Manufactured.

Manufactured Housing Community: A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

Manufactured Housing Community Homesite: The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

Marquee: A permanent, roof-like shelter that extends from part or all of a building face and is constructed entirely of non-combustible materials.

¹ **Medical Marihuana:** Marihuana as defined by the Michigan Medical Marihuana Act (MCL 333.26421 et seq.) grown, used or transferred for “medical use” as defined by the Act.

- A. ¹ **Enclosed, Locked Facility:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.
- B. ¹ **Marihuana:** A controlled substance as defined in section 7106 of the public health code, PA 368 of 1978, MCL 333.7106.
- C. ¹ **Primary Caregiver:** That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who is at least 21 years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients’ use of medical marihuana.
- D. ¹ **Primary Caregiver Facility:** A building in which the activities of a Primary Caregiver are conducted.
- E. ¹ **Qualifying Patient:** That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

Migratory Labor: Temporary or seasonal labor employed in planting or harvesting.

Mobile Home: see Dwelling, Manufactured.

Mobile Home Park: see Manufactured Housing Community.

Mobile Home Site: see Manufactured Housing Community Homesite.

Municipal Civil Infraction: A violation of the Green Township Zoning Ordinance. Such violation carries civil penalties.

Municipal Civil Infraction Citation: A written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Motel or Motor Court: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Nonconforming Building or Structure: A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

Nonconforming Lot of Record: A lot of record that legally existed on or before the effective date of this Ordinance or any amendment to this Ordinance which does not meet dimensional requirements of this Ordinance or amendment.

Nonconforming Sign: A sign lawfully existing on the effective date of this Zoning Ordinance, which does not conform to one or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Use: A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the zoning district in which it is located.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- A. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- B. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
- C. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night.

Nursing Home: See "Convalescent Home"

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* roadside stand.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

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

Open Storage: A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Ordinary High Water Line: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten year flood limit line.

Outdoor Sales Facility: Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- A. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- B. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.

Owner: A person holding any legal, equitable, option or contract of interest in land.

Parcel: See "Lot".

Parent Parcel: Any lot, from which sublots or subparcels are created after the adoption date of this Ordinance.

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking, Off-Street: Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

Parking, Off-Street, Lot: see Off-Street Parking Lot.

Parking, Off-Street, Space: An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within public highway or public or private road rights-of-way.

Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

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

Pet: Shall mean only such animals as may commonly be housed within domestic living quarters.

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

Place of Worship: See Religious Institution.

Planned Unit Development (PUD): A use which allows a development to be planned and built as a unit and which permits upon review and approval, variation in many of the traditional controls related to density, land use, open space and other design elements, and the timing and sequencing of the development.

Planning Commission: The commission appointed by the Township Board under the provisions of Public Act 33 of 2008, the "Michigan Planning Enabling Act" as amended. Refers to the Green Township Planning Commission.

Plat: A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Land Division Act as amended (formerly the Subdivision Control Act).

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

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is not enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Principal Structure: The main structure on the premises devoted to the principal use.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exists.

Private Road: See "Road, Private".

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

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

Public Sewer Systems: A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be

attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers.

Recreation Vehicle Park (RV Park): A family recreation-oriented facility for the overnight, short-term or seasonal, but not permanent or year-round, parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

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

Residential Structures: Means any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by human families or individuals.

Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

Restaurant: A building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

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

Right-of-Way: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles

Road, Private: Any road which is privately constructed and has not been accepted for maintenance by the Alpena County Road Commission, State of Michigan or the federal government.

Road, Public: Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

Road Right-of-Way Line: The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Rooming House: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public and meals may be served for compensation.

Sanitary Landfill: A private or public landfill that meets all of the requirements of Part 115 of Public Act 451 of 1994, as amended and the rules promulgated under these Acts by the Michigan Department of Natural Resources.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Seasonal Residence: A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during the calendar year.

Seasonal Use: Any use or activity that is not conducted during each month of the year.

Setback: The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

Setback, Waterfront: The minimum required horizontal distance measured from the ordinary high water mark within which no buildings or structures may be placed.

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

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

Shoreline: The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County or other public agency. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Signs not exceeding one (1) square foot in area are excluded from this definition. ¹

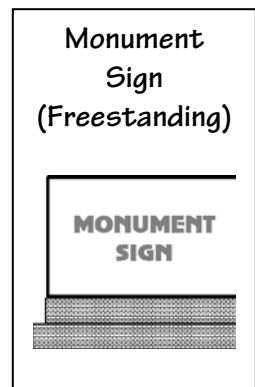
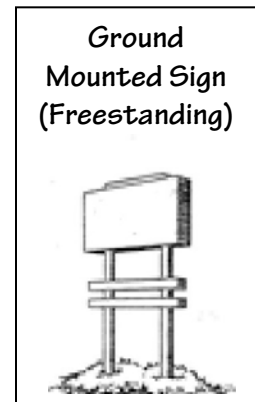
¹SIGN DEFINITIONS:

- A. **Message Board, Static:** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

- B. **1Message Board, Electronic**: A sign with a changeable display/message composed of a series of lights that may be changed through electronic means.
- C. **1Sign, Abandoned**: A sign to which any of the following applies:
 1. The sign has remained blank over a period of one (1) year.
 2. The sign's message becomes illegible in whole or substantial part.
 3. A sign which has fallen into disrepair.
- D. **Sign Area**: The entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or 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.

Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

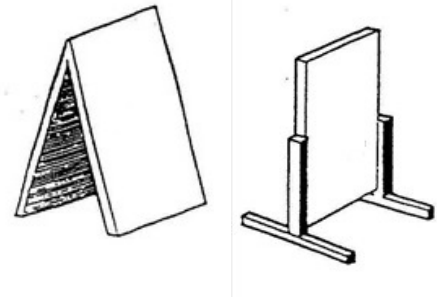
- E. **Sign, Awning**: A sign painted on, printed on, incorporated in, or attached flat against the surface of an awning.
- F. **Sign, Canopy**: Any sign attached to or constructed within or on a canopy.
- G. **Sign Clearance**: The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- H. **1Sign, Cluster**: An on-premise sign which identifies a complex of establishments on one parcel and contains multiple signs on one structure including one for each establishment and one for the complex as a whole.
- I. **Sign, Copy**: The wording on a sign surface in either permanent or removable letter form.
- J. **Sign Face**: The area of a sign on which the copy is placed.
- K. **Sign, Ground-Mounted (freestanding)**: A sign supported by permanent uprights or braces in the ground.



- L. **Sign Height:** The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.
- M. **¹Sign, Monument (freestanding):** A sign where the entire bottom of the sign is affixed to the ground.
- N. **Sign, Off-Premise (billboard):** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.
- O. **¹Sign, Primary:** Any sign which permanently affixed to the ground or a wall and not designated an accessory sign or a message board and is used for the purpose of displaying permanent information.
- P. **Sign, Projecting:** A sign that projects in a perpendicular manner from a structure (bracket sign) or is hung beneath a canopy (blade sign).
- Q. **¹Sign Surface:** That portion of a sign excluding its base, foundation and erection supports on which is displayed a message.

- R. **¹Sign, Temporary:** A sign constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays. A temporary sign is one that is not affixed to the ground permanently and can be easily moved. A temporary sign shall not be used as a substitute for a permanent sign except as permitted within this ordinance .

Temporary Signs



- S. **Sign, Wall:** Any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one sign surface.
- T. **¹Sign, Window:** Any sign, picture, symbol, or combination thereof, designed to communicate information that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

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

Small-Scale Craft-Making: Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty percent (50) percent of the structure is devoted to making crafts.

Solar Energy Definitions: (Amended 12/12/22; Effective 12/22/22)

1. **Solar Energy System:** A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above-ground and below-ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any solar collection devices and any necessary operations and maintenance building(s) but does not include substation(s) or other transmission facilities between the solar energy system and the point of interconnection to the electric grid.
2. **Solar Energy Facility (Utility Scale/Commercial):** A solar energy system designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
3. **Solar Energy Panels (Accessory):** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
 - a. **Building-Integrated Accessory Solar Energy Panels:** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
 - b. **Building-Mounted Accessory Solar Energy Panels:** A solar energy system mounted on racking that is attached to or ballasted on the roof or wall of a building or structure.
 - c. **Ground-Mounted Accessory Solar Energy Panels:** Accessory solar energy panels mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
4. **Maximum Tilt:** The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
5. **Minimum Tilt:** The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
6. **Non-Participating Lot(s):** One (1) or more lots for which there is not a signed lease or easement for the development of a solar energy facility associated with the applicant project.

7. **Participating Lot(s)**: One (1) or more lots under a signed lease or easement for the development of a solar energy facility associated with the applicant project.
8. **Repowering**: Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.

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

Special Land Use Permit : A permit issued by the Township Board/Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.

Specified Anatomical Areas: Means and includes any of the following:

- B. Less than completely and opaquely covered:
 1. Human genitals;
 2. Pubic region;
 3. Buttocks
 4. Female breast below a point immediately above the top of the areola.
- C. Human male genitals in a discernible turgid state even if completely or opaquely covered.

Specified Sexual Activities: Means and includes any of the following:

- A. Human genitals in a state of sexual arousal;
- B. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
- D. Excretory functions as part of or in connection with any of the activities set forth in A – C above.

Stable: A building or structure used to house horses, either for the property owner's private use or for hire.

State-Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

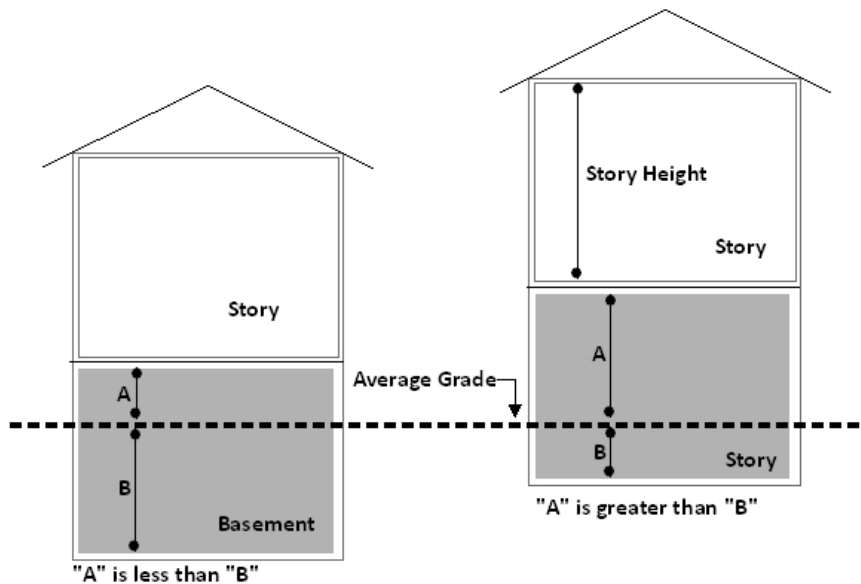
Stormwater Detention Basin: A facility which temporarily stores surface runoff.

Stormwater Retention Basin: A facility which stores surface runoff indefinitely.

Story: That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground.

Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

Story Height: The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.



Street: A public or private thoroughfare which affords the principal means of access to abutting property, but not an alley.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground. Driveways, sidewalks, parking areas, septic systems and tanks are excluded from this definition.

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

Swimming Pool: Any permanent, non-portable structure or container located either above or

below grade designed to hold water to depth greater than eighteen (18) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Temporary Accessory Building or Structure: see Accessory Building or Structure, Temporary.

Temporary Building: see Building, Temporary.

Temporary Sign: see Sign, Temporary.

Temporary Use: See Use, Temporary.

Tent: As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

Tourist Home: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the term tourist home also includes bed and breakfast facility.

Township: Green Township, Alpena County, Michigan.

Township Board: The Green Township Board.

Travel Trailer: See Recreational Vehicle.

Travel Trailer Park: See Recreation Vehicle Park (RV Park).

Use: The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

Use, Accessory: See "Accessory Use".

Use, Land: The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.

Use, Principal: See Principal Use.

Use, Public: Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

Use, Temporary: A use, activity, or building permitted to exist during the period of construction of the main building or use or for special events.

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

difficulty owing to circumstances unique to the individual property on which the variance is sought.

Variance, Dimensional: A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or construction requirement/limitation. It is the most common type of variance and, unlike use variances, does not affect what land use may be established on a parcel. Rather it is granted only to allow permitted structures to be developed in the face of a "practical difficulty."

Vehicle Sales - New: An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having complete and enclosed facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

Vehicle Sales - Used: An authorized dealership for the sale of used vehicles with completely enclosed-office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

Wind Energy:

- A. **Ambient:** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer:** A device used to measure wind speed.
- C. **dB(A):** The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **Hub Height:** The distance measured from the ground level to the center of the turbine hub.
- F. **Small On-Site Wind Energy Systems:** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which is intended to primarily serve the property on which it is located.
- G. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as window of a dwelling.
- H. **Wind Energy Facility:** A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

- I. **Wind Turbine Generator**: A wind energy conversion system which converts wind energy into power. Includes a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 - 1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

- J. **Wind Turbine Generator Total Height**: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

Wireless Communications: Any FCC-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals. *(Amended 12/12/22; Effective 12/22/22)*

- A. **Antenna Array**: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other antenna configuration. The Antenna Array does not include a Wireless Communications Support Structure. *(Amended 12/12/22; Effective 12/22/22)*

- B. **Collocate**: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning. *(Adopted 2/10/14;; Effective 2/24/14)*

- C. **Equipment Compound**: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located. *(Adopted 2/10/14;; Effective 2/24/14)*

- D. **Height**: When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array. *(Amended 12/12/22; Effective 12/22/22)*

- E. **Small Cell Wireless Facility**: A wireless facility that meets both of the following requirements: *(Amended 12/12/22; Effective 12/22/22)*
 - 1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and

all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.

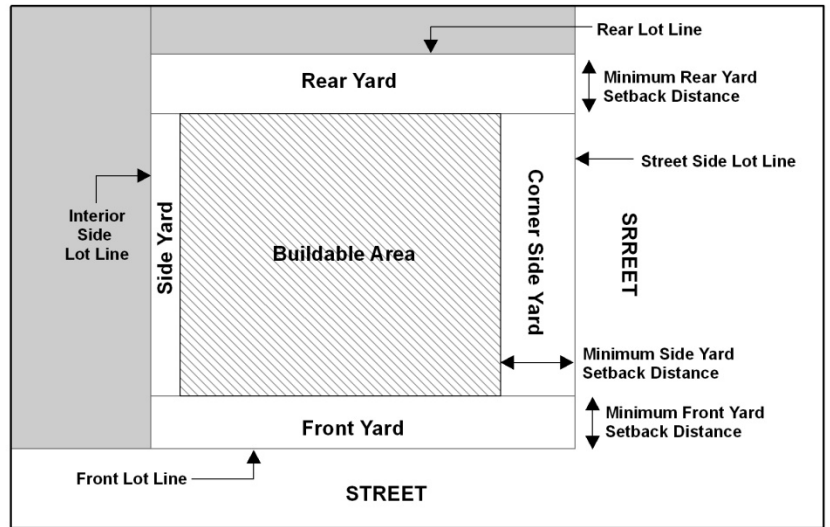
2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- F. **¹Wireless Communications Equipment (WCE)**: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures. *(Adopted 2/10/14;; Effective 2/24/14)*
- G. **Wireless Communication Facility**: Any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, Wireless Communications Equipment, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure. *(Amended 12/12/22; Effective 12/22/22)*
- H. **Wireless Communication Facility (Ground-Mounted) – also called “Earth Station or Ground Station”**: A wireless communication facility in which the antenna array is mounted to the ground or other surface and which does not use a Wireless Communications Support Structure. *(Amended 12/12/22; Effective 12/22/22)*
- I. **¹Wireless Communications Support Structure (WSS)**: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building. *(Adopted 2/10/14;; Effective 2/24/14)*

Yard: An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied and unobstructed from the ground upward, except for projections, such as porches and steps, and specific accessory uses or structures allowed in such open space under the provisions of this Ordinance. Yards are further defined herein:

- A. **Front Yard**: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- B. **Rear Yard**: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

C. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

D. **Corner Side Yard:** An open space between a main building and the street side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the street side lot line to the nearest point of the main building.



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

Zoning Administrator: Means the person retained by the Township Board to administer and enforce this Zoning Ordinance.

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

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

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

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

ARTICLE 3: GENERAL PROVISIONS

Section 3.0 – Purpose

The provisions of this Article shall apply to all districts, except as noted herein. Where the requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.

Section 3.1 – Application of Regulations

Zoning affects every structure and use, and extends vertically. The following shall apply to all of Green Township.

- A. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
- B. No building shall hereafter be erected or altered to exceed the height limitations, or to occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yard or inner or outer courts, or so as to accommodate or house a greater number of families, or so as to provide less space per dwelling unit than is specified for the district in which such building is located.
- C. No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- D. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
- E. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion.

Section 3.2 - Lot-Building Relationship

Hereafter, every building erected, altered or moved shall be located on a zoning lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, retail business complexes, or industrial complexes, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any zoning district. No building, structure or permanent accessory building shall be erected without first obtaining a zoning permit from the Zoning Administrator.

Section 3.3 - Restoration of Unsafe Buildings/Barrier Free Modification

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Green Township Building Official.

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

Section 3.4 - Continued Conformance with Regulations

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

Section 3.5 - Accessory Buildings

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

- A. Authorized accessory buildings or structures may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.
- B. Where any accessory building or structure is attached to a principal building, such accessory building or structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then attached.
- C. Except as provided in **§3.5(D)** of this Ordinance, a detached accessory building or structure shall be located no closer to a side or front lot line than the permitted distance for the principal building on the same lot and shall not be located closer than ten (10) feet from the rear lot line.
- D. A detached accessory building or structure that is no greater than 200 square feet in size may be located no closer than five (5) feet from a side or rear lot line regardless of the zoning district in which it is located. A detached accessory building shall conform to the front setback of the district in which it is located.

- E. No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes. Approved secondary dwelling units as a Special Use shall be the exception.
- F. Truck bodies, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi trailers may be used as temporary storage for commercial, industrial, or agricultural establishments.

Section 3.6 - Temporary Buildings for Construction Purposes

Temporary buildings may be utilized during construction for the storage of construction materials and for construction offices during a construction period as permitted herein. Temporary structures utilized as dwellings during the construction of a permanent dwelling are controlled by **§3.17** of this ordinance. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variances on the size of temporary dwelling units. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator.

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

Section 3.7 – Basement as a Dwelling

Dwelling spaces contained in basements shall meet the requirements of the State of Michigan Residential Code.

Section 3.8 - Moving Buildings

The moving of a building to a different location shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is moved. No building shall be moved either within, into or out of Green Township without first obtaining a zoning permit from the Zoning Administrator.

Section 3.9 - Demolition of Buildings

No principal structure shall be demolished until an inspection has been completed by the Green Township Building Official. The demolition shall be completed within such reasonable time period as shall be prescribed by the Green Township Building Official and under conditions that may be specified by the Green Township Building Official deemed necessary to protect the public health, safety and welfare. The Green Township Building Official is furthermore authorized to prescribe conditions relating to the filling of excavations, the proper

termination of utility connections, and the manner in which demolition will be carried out in situations where asbestos is present.

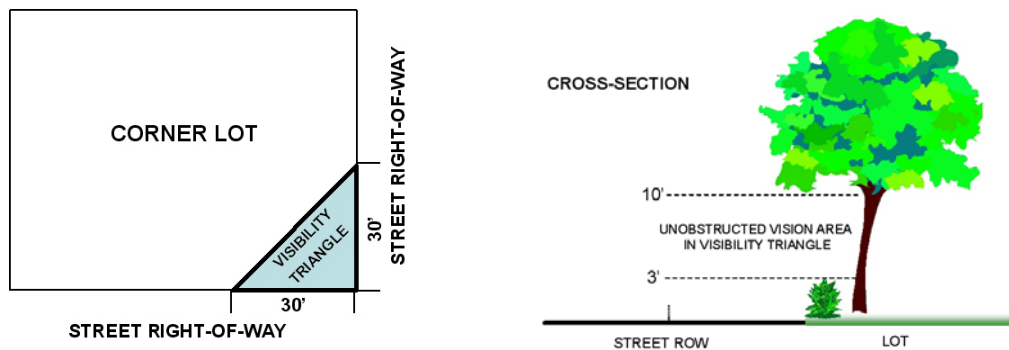
Section 3.10 – Projections (encroachments into setbacks)

The following encroachments shall be permitted into the setbacks specified in all zoning district classifications:

- A. Terraces, patios, decks, and similar structures may project into the front or rear setback requirements provided that such structure be unroofed and without walls or other continuous enclosures and the same is not constructed in the road right-of-way. Porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all setback requirements thereof. All terraces, patios, decks, and similar structures shall conform to the stated side yard setbacks in that district.
- B. Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twenty-four (24") inches.
- C. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback a maximum of five (5') feet.

Section 3.11 - Intersection Visibility and Street Rights-of-Way

On any corner lot, no fence, wall, sign or other structure or planting shall obstruct vision between the heights of three (3') feet and ten (10') feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of three (3') feet and ten (10') feet, measured above the elevation of the street center line, within ten (10') feet of any front property line.



Section 3.12 - Essential Services

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, supply systems, including mains, drains,

sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Green Township in any use District, provided that the above meet the setback and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained. Electrical substations shall comply with the fencing provisions of **§3.21** of this Ordinance.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.13 - Required Water Supply and Sanitary Facilities

Buildings hereafter erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the District Health Department.

Section 3.14 – On Site Drainage and Runoff Requirements

No premises shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.

Section 3.15 - Mobile Homes on Individual Lots or Parcels

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

- A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
- C. Mobile homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards", and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 3280, as amended.

- D. Mobile homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a mobile home.
- E. No person shall occupy a mobile home as a dwelling within Green Township until a certificate of compliance with the HUD Code has been issued by the Green Township Building Official.
- F. No mobile home shall be located or placed in Green Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.
- G. Mobile homes shall not be used as accessory buildings.
- H. No unoccupied mobile home shall be stored on any lot or parcel in Green Township.

Section 3.16 - Recreational Vehicles or Travel Trailers

- A. In all districts, travel trailers and similar recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit subject to the following conditions:
 - 1. The travel trailer or recreational vehicle shall carry current state license plates.
 - 2. Travel trailers or recreational vehicles may be stored in a rear or side yard of a lot containing a permanent dwelling, provided the yard setback requirements are met.
 - 3. The travel trailer or recreational vehicle shall not be connected to water and sewer services.
 - 4. The unit shall not be used for permanent/continuous dwelling purposes.
 - 5. The open storage of a travel trailer or recreational vehicle shall not occur on vacant or unimproved property, except as provided in **§3.16B** and as may be permitted in accordance with a properly zoned outdoor storage or commercial facility.
- B. Overnight camping on private property on which no dwelling unit is located shall be permitted in all districts providing that the recreational vehicle shall occupy such a parcel for not longer than thirty (30) consecutive days and not more than a total of forty-five (45) days in a calendar year, subject to the following conditions:
 - 1. Yard setback requirements for the district where the unit is located shall be met.
 - 2. Sanitation facilities must meet the requirements of and be approved by the District Health Department.
 - 3. The travel trailer or recreational vehicle shall carry current state license plates.

Section 3.17 - Temporary Dwelling Occupancy during Construction of a Dwelling

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

- A. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
- B. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection, construction and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator upon expiration of the original zoning permit. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance. Failure or refusal to remove a temporary dwelling within the time frame specified constitutes a violation of this ordinance.
- C. A septic system and a water well shall be constructed and maintained in accordance with the standards for materials, design and installation required by the District Health Department, and shall precede occupancy of the temporary dwelling. In the event the temporary dwelling unit has self-contained sanitary facilities, these facilities may be utilized in lieu of a traditional septic system and water well.
- D. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- E. No additions shall be constructed to temporary dwellings.

Section 3.18 - Waterfront Greenbelt

To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all property located within fifty (50) feet of the ordinary high water mark of a stream. Within the greenbelt area, the following development or use restrictions shall apply:

- A. At least seventy (70) percent of the lot width at the water line shall be kept in its natural vegetative state with trees, shrubs, herbaceous plants or unmowed grass located thereon. This vegetative strip shall be fifty (50) feet wide.

- B. No structures will be permitted in the Greenbelt except those related to use of the water; such as boat launches, docks or boathouses.
- C. No burning of leaves or stockpiling of grass, leaves or compost is allowed in the Greenbelt.
- D. Setbacks for septic systems must meet those minimum requirements set by the District Health Department.
- E. No dredging or filling can occur in the Greenbelt without an Act 347 Soil Erosion and Sediment Control Permit, and applicable permits from the Michigan Department of Natural Resources and/or the Michigan Department of Environmental Quality.
- F. The Greenbelt shall be shown on the plot plan or site plan filed with the Zoning Administrator.

Section 3.19 - Waterfront Setback

To provide minimum setback standards in the Zoning Ordinance to protect surface water resources and flood plains from adverse construction or alteration, these measures are deemed to be the minimum necessary in order to:

- Avoid structural encroachment of the natural waters and waterways, except in the situation of uses traditionally depending upon direct water access.
 - Promote high water quality through the encouragement of an undisturbed natural area to trap nutrients and sediment from entering natural waters, and to prevent erosion.
 - Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent practical, the natural image of landscapes.
- A. Any property which borders on or contains a natural river, stream, pond, or lake, which is identifiable on the U.S. Geological Survey Maps of Green Township, shall be subject to waterfront setbacks for buildings and uses, as follows:
 1. No fill or permanent construction shall occur in any floodway appurtenant to a natural river, stream, pond, or lake, which is identifiable on U.S. Geological Survey Maps of the 7' or 15' quadrangle series, and which is further identified as an area that is prone to annual flooding (i.e. a natural storage basin during high water levels). Fill can be approved if accomplished in such a way as to not reduce or diminish the water holding capacity of the natural floodway, and that such is documented by a Registered Professional Engineer or similarly qualified professional.
 2. Permanent structures, parking lots, and other impervious surfaces, except boat docks, boat slips, ramps, or marinas, or other water-dependent uses, shall observe a minimum setback of seventy-five (75) feet from the documented 1986 High Water Mark in all Districts. Except for a potential interference in floodways, the setbacks of this paragraph shall not apply to drains or intermittent streams. An intermittent stream is one which holds water at some time during each year, but for not more that eight (8) months.
 3. Ground decking and patios without railings and which are less than eighteen (18)

inches above the natural grade at the deck building line may extend into the setback area, but not nearer to the shoreline than twenty-five (25) feet. Railed decks and enclosed patios over eighteen (18) inches high shall observe the setback lines for main buildings, in the applicable zoning district. Walkways and pathways, if not wider than six (6) feet, and if perpendicular to the shoreline, are not restricted by this section.

B. Other Environmental Rules

Any filling or construction within flood plains or wetlands, or other environmental areas protected by State Law, or other laws, shall require appropriate permits from the government unit or agency having jurisdiction.

Section 3.20 - Home Occupations & Cottage Industries

While Green Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

A. Home Occupations & Cottage Industries: General Standards

1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
2. In cases where goods or products are sold on the premises to the public, the use is considered a Cottage Industry. Cottage Industries are permitted as a Special Land Use in any Zoning District in which single-family dwellings are allowed, subject to review and approval by the Planning Commission as a Special Land Use in accordance with **Article 8** of this Ordinance. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.
3. Home Occupations or Cottage Industries shall be operated entirely within the dwelling or within an attached or detached garage or accessory building.
 - a. **Home Occupations or Cottage Industries in the Primary Dwelling:** No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the Home Occupation or Cottage Industry.
 - b. **Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building:** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.

4. Home Occupations or Cottage Industries shall be conducted by the person or persons occupying the premises as their principal residence. Not more than three (3) nonresident persons shall be employed at the place of the Home Occupation or Cottage Industry.
5. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling, shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation or Cottage Industry is discontinued.
6. Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
7. Home Occupations or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
8. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by Zoning Administrator.
9. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
10. No such Home Occupation shall require the delivery of goods or the visit of customers before 6:00 a.m. and after 9:00 p.m.
11. Hours of operation for Cottage Industries shall be approved by the Planning Commission.
12. Sufficient solid waste receptacles must be provided and sufficiently screened from view. The property must be maintained free of debris.
13. There shall be no parking permitted within any setback areas. No Home Occupation or Cottage Industry shall require parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space at curbside on the street.
 - a. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.

14. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.
15. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Home Occupation or Cottage Industry permit.
16. Signage shall conform to the requirements of **§3.32**.

B. Home Occupations & Cottage Industries: Termination, Extensions, Revisions, and Inspections.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity.
5. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

Section 3.21 - Fences and Walls

- A. Except for as provided in **§3.21 (B)** or unless specifically provided for by other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, provided that no fence or wall shall exceed a height of ten (10) feet in the side and rear yards and four (4) feet in the front yard. In no event shall a fence or wall be installed or constructed closer than five (5) feet to the front property line or road right-of-way. The height of a fence is measured vertically from the surface of the ground to the top of the fence/post combination. For the purposes of fencing, the front yard shall be considered as beginning at the front of the primary structure to the front property line. Fences or walls installed or constructed in accordance with the provisions of this Ordinance shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences in a side or rear yard must be set back one (1) foot from the property

line. Fences may be located on the lot line in the side or rear yards if a prearranged agreement is signed by both abutting property owners. Said agreement shall not terminate upon sale of the property.

- B. Platted Subdivisions, Site Condominiums and Planned Unit Developments: Chain link fences shall not be used in the front yard in any platted subdivision, site condominium development, or planned unit development. The height of fences in any platted subdivision, site condominium or planned unit development shall not exceed six (6) feet in the side or rear yard. Front yard fence height and setback requirements shall be the same as in **§3.21 (A)**.
- C. Except for fences constructed for agricultural purposes:
1. Fences shall not be constructed on the waterfront side within the waterfront setback where a lot borders a lake or stream or has lake views.
 2. Fences in the waterfront yard shall not exceed four (4) feet in height, nor unreasonably restrict views to the water from neighboring properties.
 3. All fences shall be finished on both sides.
 4. Barbed wire and electrified fencing is only permitted for agricultural purposes.
 5. **Swimming Pools:** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool shall be provided with a barrier which shall comply with the following:
 1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above-grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.
 2. Openings in the barrier shall not allow passage of a 4-inch diameter sphere.
 3. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between the vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.
 4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.

5. Maximum mesh size for chain link fences shall be a 2.25-inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches.
6. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.
7. Access gates shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - a. The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate, and
 - b. The gate and barrier shall have no opening greater than 0.5 inch within 18 inches of the release mechanism.
8. Where the wall of a dwelling serves as part of the barrier one of the following conditions shall be met:
 - a. The pool shall be equipped with a powered safety cover; or
 - b. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened.
 - c. Other means of protection, such as self-closing doors with self-latching devices shall be acceptable.
9. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
 - a. The ladder or steps shall be capable of being secured, locked, or removed to prevent access, or
 - b. The ladder or steps shall be surrounded by a barrier. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.
6. No fence shall be approved which
 1. constitutes a fire hazard either by itself or in connection with the existing structures in the vicinity; or
 2. interferes or will interfere with access by the Fire Department in case of fire to buildings in the vicinity; or

3. will constitute a hazard to street traffic or to pedestrians.
7. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
8. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner of the fence.
9. Fences and walls used to separate residential uses from non-residential uses shall follow the regulations in **§3.22 (G)**.

Section 3.22 - Landscaping and Buffering

It is the intent of this section to require landscape screening to minimize visual impacts of commercial and industrial development along roadways and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy and land use values along roadways. It is also the intention of this section to provide for buffering between residential and non-residential uses.

A. Application

These requirements shall apply to all uses for which site plan review is required under **Article 7** of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.

B. Landscape Plan

A landscaping plan shall be submitted as either part of the required site plan or as a separate plan if permitted by the Planning Commission during site plan review. The Landscape Plan shall contain, at a minimum, the following:

1. The location, spacing, size, and root type [bare root (BR) or balled and burlaped (BB)] and descriptions for each plant type proposed for use within the required landscape area;
2. An identification of existing trees and vegetative cover to be preserved;
3. The Identification of grass and other ground cover and the method of planting; and
4. The enumeration of a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this ordinance.

C. Parking Lot Landscaping

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

D. Highway Landscape Buffers

1. A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street or major thoroughfare is required as a "highway landscape buffer". The highway landscape buffer shall contain a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2 ½) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet of frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. The area along the roadway proposed to be grassed shall be minimized and directly related to the necessity, if any, for an ornamental landscape character.
2. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this section.

E. Site Landscaping

1. In addition to any landscape areas and/or parking lot landscaping required by this ordinance, at least ten (10) percent of the site area, including existing thoroughfare rights-of-way, shall be landscaped.
2. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area.

F. General Landscape Development Standards

1. Minimum Plant Material Standards:
 - a) All plant material shall be hardy to Alpena County, free of disease and insects and conform to the standards of the American Association of Nurserymen.
 - b) All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
 - c) All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.

- d) Minimum plant sizes at time of installation:
- | | |
|-----------------------------|------------------|
| Deciduous Canopy Trees | 2 ½" caliper |
| Deciduous Ornamental Trees: | 2" caliper |
| Evergreen Tree: | 6' height |
| Deciduous Shrub: | 2' height |
| Upright Evergreen Shrub: | 2' height |
| Spreading Evergreen Shrub: | 18" – 24" spread |
- e) Existing plant material, which complies with the standards and intent of the ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
- f) The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.
- g) The following trees are not permitted to be planted in required landscape areas as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

<u>Common Name</u>	<u>Horticultural Name</u>
Boxelder	<i>Acer Negundo</i>
Ginkgo	<i>Ginkgo Biloba (female only)</i>
Honey Locust	<i>Gleditsia Triacanthos (with thorns)</i>
Mulberry	<i>Morus Species</i>
Poplars	<i>Populus Species</i>
Black Locust	<i>Robinia species</i>
Willows	<i>Salix Species</i>
American Elm	<i>Ulmus Americana</i>
Siberian Elm	<i>U. Pumila</i>
Slippery Elm: Red Elm	<i>U. Rubra</i>
Chinese Elm	<i>U. Parvifolia</i>

2. Minimum Standard for Berms:
- a) Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
- b) Berms not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
- c) Berms shall be constructed in a way that does not alter drainage patterns on site or on adjacent properties, nor shall it obstruct vision for reasons of safety, ingress or egress.

G. Landscape Buffers and Protective Screening

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever

the use, storage area, etc. is more than 400 feet from an adjacent Residential District boundary or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements applying to more intense Special Land Uses may be contained in **Article 9: Supplementary Regulations**.

1. **Width of landscape buffers:** Landscape buffers (greenbelts) shall be ten (10) feet in width.
2. **Height of landscape buffers:** Height of landscape buffers shall be no less than eight (8) feet for trees and four (4) feet for shrubs.
3. **Height of protective screening (fences and walls):** Height of fences or walls shall be no less than six (6) feet.

H. Installation and Maintenance

1. All landscaping and landscape elements shall be planted, and earth moving or grading performed according to accepted good planting and grading procedures.
3. The owner or occupant, if different from the owner of property required to be landscaped by this Ordinance, shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and accessible water supply.

Section 3.23 - Parking and Loading Space Requirements

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to occupancy or use of the property as hereinafter prescribed.

A. Parking Requirements

1. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
2. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, carport, or combination thereof, and shall be located on the premises they are intended to serve. Driveways to a residential structure in any district shall be subject to the side setback requirements of the district.

3. Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas may be revised and approved only in accordance with a site plan to be submitted to the Township Planning Commission in accordance with **Article 7** of this ordinance.
4. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.
5. Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Register of Deeds office.
6. **Parking Lot Deferment:** Where the property owner can demonstrate that the required amount of parking is excessive or where there will be a dual function of parking spaces between two uses where operating hours do not overlap, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking if needed at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
7. In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.
9. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
10. **Parking Space Dimensions:**
All required off-street parking spaces shall meet the following dimensional standards:

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space	
		Width	Length
0 degree (parallel parking)	12 feet	8 feet	23 feet
30 to 53 degrees	12 feet	9 feet	20 feet
54 to 74 degrees	15 feet	9 feet	20 feet
75 to 90 degree	20 feet	10 feet	20 feet*

* May include a maximum of two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

11. Vehicle Stacking Space:

Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-through or similar service, but is not within use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Planning Commission determines to be most similar.

12. The number of off-street parking spaces shall be in accordance with the following schedule:

Residential Parking Requirements	
Use	Requirements
One family and two family	2 for each dwelling unit
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms
Mobile homes	2 for each mobile home site
Housing for the elderly	1 for each 2 units, and 1 for each employee Should units revert to general occupancy, then 2 spaces per unit shall be provided
Rooming houses and group quarters	1 for each bed
Group day care homes	2 for each home in addition to the 2 required for the residence For this use only, such additional spaces may be located in the side yard setback

Institutional Parking Requirements	
Use	Requirements
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 3 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees
Nursery schools, day nurseries, or child day care centers	2 for each employee plus 1 space for each 8 children of licensed authorized capacity
Elementary, middle, and junior high schools	1 for each 1 teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater

Senior high schools	1 for each 1 teacher, employee, administrator, and 1 for each 5 students; or the requirements of the auditorium, whichever is greater
Colleges and universities	1 for each teacher, employee, administrator, and 1 for each 10 students
Government offices	1 for every 1000 square feet of usable floor area
Homes for the aged and convalescent homes	1 for each 3 beds or 2 rooms, whichever is less, plus 1 for each employee on duty based upon maximum employment shift.
Hospitals	1 for every 2 beds, one for each doctor, one for every two employees, plus one for every 1,000 square feet of treatment area.
Private clubs or lodges	1 for each 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes

Business Parking Requirements	
Use	Requirements
Professional offices of doctors, dentists, or similar professions	4 for every 1000 square feet of usable floor area
Bank, business offices, or non-medical professional offices	1 for each 200 square feet of useable floor area, plus 2 spaces for each ATM, and stacking area equivalent to 3 stacking spaces for each drive up window
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for each 2 persons of seating capacity
Food consumption services or drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Motel, hotel, or other commercial lodging establishments	1 for each 1.5 occupancy unit plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code
Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 800 feet of useable floor area, plus 1 for each 2 employees
Retail stores, planned commercial or shopping centers by square feet of gross leasable area (GLA)	1 space per 150 square feet of useable floor area plus 3 stacking spaces are required for each service bay, window, or pedestal
A. 1 to 15,000 square feet GLA	
B. 15,001 to 400,000 square feet GLA	3.0 spaces minimum, 3.75 maximum, per 1000 GLA

C. 400,001 square feet GLA and higher	3.5 spaces minimum, 4 maximum, per 1000 GLA
Retail stores except as otherwise specified	1 for each 150 square feet of useable floor area
Convenience store, with or without automotive fuel service	4 spaces for every 1000 square feet of usable floor area, plus spaces required for automotive fuel service
Beauty parlor or barber shop	2 spaces for each of the first 2 beauty or barber chairs, and 1.5 spaces for each additional chair
Laundromats and coin operated dry cleaners	1 for each 3 washing and/or dry cleaning machines
Dry cleaners	2 for every 1000 square feet of gross leaseable floor area
Mortuary establishment	3 for each 100 square feet of useable floor area
Auto service stations	2 for each service rack or pit and 1 for each single or dual gasoline pump, but not less than 6 spaces
Automobile wash (self-service or coin operated)	3 for each washing stall in addition to the stall itself, plus 1 upon exiting each stall
Motor vehicle sales and service	1 for each 200 square feet of gross floor space of sales room and 1 for each 1 service stall.
Marine sales and service centers, including RVs	1 space for each employee, and 1 for each service stall. Add 1 space for every 400 square feet usable floor area of the sales room, but not less than 5 spaces with or without a showroom
Veterinary clinics or hospitals	4 for every 1000 square feet of usable floor area
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area

Miscellaneous Use Parking Requirements	
Use	Requirements
Wholesale establishments	5 spaces, plus 1 for every 1.5 employees in the largest working shift; or 1 for every 1700 square feet of useable space, whichever is greater
Warehouse and/or storage building	5 spaces, plus 1 for each 3 employees; or 1 for every 1700 square feet of useable floor area, whichever is greater
Mini-Storage, Self Storage facilities	No designated parking spaces shall be required in addition to the traffic circulation pattern shown on the approved site plan.
Dance Halls, Exhibition Halls, Pool Halls, Billiard Parlors and Assembly Halls without fixed seats	1 per every 2 persons allowed within the maximum occupancy load.

Golf Courses	1 per every 2 persons allowed within the maximum occupancy load.
Industrial Establishments	One for every 1 ½ employees based on the greatest number of persons employed at any one period during the day or night.

Note: Any change of use shall be required to meet the parking requirements for the revised use, and obtain approval of such.

Note: Square footage refers to "Usable Floor Area"

Agricultural Tourism-Related Uses	
1.	The number of parking spaces required will be determined on a case by case basis taking into consideration such factors as building size, expected visitor numbers, seasonal or year-round use, and other factors determined by the Planning Commission.
2.	Parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
3.	For uses permitted by Special Use Permit, parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.

B. Loading Space Requirements

1. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial zoning district or other similar use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition, off street loading spaces in relation to floor area as follows:
 - a. Up to twenty thousand (20,000) square feet — one (1) space.
 - b. Twenty thousand (20,000) to fifty thousand (50,000) square feet — two (2) spaces.
 - c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet — three (3) spaces.
 - d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
2. Each loading space shall be a minimum of (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

Section 3.24 - Water Supply and Sewage Disposal Facilities

- A. All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies.
- B. Permitted industrial uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by the District Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the District Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

Section 3.25 - Stormwater Retention

The property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten years (ten year design storm).

Section 3.26 - Groundwater Protection and Hazardous Substances

- A. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- B. All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

Section 3.27 - Reserved

Section 3.28 - Salvage or Dumping of Motor Vehicles

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles within the Township, except in a legally authorized junk yard. Nor shall any unlicensed or inoperable motor vehicle be stored on any property unless stored within a totally enclosed structure or screened from adjacent properties and roads.

Section 3.29 - Dumping of Materials

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or to create olfactory or visual pollution.

- A. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk, debris, or refuse is prohibited, except under the following circumstances.
 - 1. Such practices are a necessary accessory use to a permitted agricultural use.
 - 2. Such practices occur in a junk yard, landfill, recycling facility, or transfer station authorized under this Ordinance, and are included in the approved site plan.
 - 3. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.
- B. Dumping of soil, sand and clay materials: The material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.
- C. Dumping of toxic materials and/or nuclear wastes shall not be allowed in Green Township.

Section 3.30 – Reserved

Section 3.31 - Outdoor Lighting

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lenses, directing light on-site only, and shall be no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.32 - Outdoor Advertising Signs¹

The purpose of this section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the mass communications needs of both businesses and other parties and creating a more attractive business environment. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to promote pedestrian and traffic safety, promote pleasing aesthetics, protect property values and neighborhood character, and protect the dark night sky.¹

The use and erection of all outdoor advertising signs shall be subject to the following provisions:

A. General Provisions for all Zoning Districts

1. **Approval:** No sign, except those listed in **subsection H** below shall be erected or altered until approved by the Zoning Administrator and a Zoning Permit issued. A property owner may maintain, improve, or replace an existing conforming sign without a sign permit provided the type, size, shape and height do not change.¹
2. **Signs which are in need of repair, obsolete, not affixed, or obstructing/Signs affixed to other surfaces:** Signs, which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure; or which are obsolete; or those that resemble official traffic signs; or obstruct official signs, are prohibited. No sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects. No sign shall be affixed to a motor vehicle or other similar object not usually used for signage and put on permanent, non-mobile display.¹
3. **Nonconforming Signs:** Any sign existing prior to the adoption of this Ordinance, which does not conform to the provisions of this section, shall not be altered or replaced, other than normal maintenance, except in conformance with the provisions of this ordinance and shall fall under the provisions of **Article 6**.¹
4. **Obstruction of Vision:** No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
5. **Signs in Right-of-Way:** No sign except those established and maintained by Township, County, State or Federal governments shall be erected in, nor project into, or overhang a street or road right-of-way.¹
6. **Obstruction of or Confusion with Traffic Signals/Signs:** No sign shall be erected in such a manner that the position, size, movement, shape or color may interfere with the view of or be confused with any public traffic sign or device.
7. **Glare/Flashing/Moving Signs:** Sign illumination shall not cause a reflection or glare on

any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises or residence(s). Illuminated signs shall not be of the flashing, moving or intermittent type unless approved by the Zoning Administrator or unless allowed elsewhere in this Ordinance, who shall find that the lighting is non glaring, does not interfere with traffic control devices, and further does not involve the principal notice or message carried on the sign; hence, all intermittent lighting elements shall be designed as accessory to the sign.

- 8. **Obscene Material:** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd or disgusting according to accepted moral standards.¹
- 9. **Substitution Clause:** Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.¹
- 10. **Multiple Uses on One Lot:** In cases where a lot contains more than one (1) use, the sign requirements contained in this section apply to each use on the property.

B. **Size Limitations:** Size limitations found in Tables 3.32 A and B apply to the sign face only, not the support structure.

TABLE 3.32A: ON-PREMISE SIGNS: RESIDENTIAL SIGN REQUIREMENTS ¹		
Residential Uses		
	Single & Two- Family Uses	Multiple Family, Subdivisions, Manufactured Housing Dev.
Ground Mounted Signs (Pylon Signs and Monument Signs)	2 at 16 sq ft	1 per entrance at 16 sq ft Height = 6 ft
Wall Signs	2 at 16 sq ft	-----
Temporary Signs	Size: 32 sq ft ¹ ¹ Total square footage of all temporary signs combined including temporary freestanding signs, temporary wall signs, and portable message boards.	-----

TABLE 3.32B: ON-PREMISE SIGNS: AGRICULTURAL, BUSINESS & INDUSTRIAL USES¹

	Number & Area	Height	Setback	Other Regulations
Ground Mounted Signs (Pylon Signs and Monument Signs)	2 at 64 ft ²	The top of any ground-mounted sign shall be not more than ten (10) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than three (3) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. (See Figure 3.32 A & B)	Shall not be located nearer to the front lot line than ½ the required front yard setback.	Sign mounting: The sign shall be mounted on one or more posts. Posts shall not have a diameter greater than 12 inches.
Wall Signs	Can occupy a maximum of 25% of wall area (of entire building).	The sign shall not project above the edge of the roof of a structure.	n/a	Sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches.
Projecting Signs	1 at 16 ft ²	Minimum height of 8 ft	n/a	Sign structure: Sign supports and brackets shall be compatible with the design and scale of the sign.
Awning or Canopy Signs	No restriction.	No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade.	n/a	n/a
Cluster Signs	Up to six (6) signs in addition to the primary sign. Each sign in a cluster shall be no greater than 20 ft ² in area.	20 ft	10 ft from front lot line	Cluster signs may only be allowed <i>for uses</i> located together which share an access to the primary road. Any <i>use</i> which has a sign in a cluster is allowed only one additional primary sign located on the lot on which the <i>use</i> is located. Cluster signs must be located near the access from which each <i>use</i> in the cluster is located.
Message Boards (Static & Digital)	See Section 3.32C			
Temporary Signs	Size: 32 sq ft ¹ ¹ Total square footage of all temporary signs combined including temporary freestanding signs, temporary wall signs, and portable message boards.			

Figure 3.32A

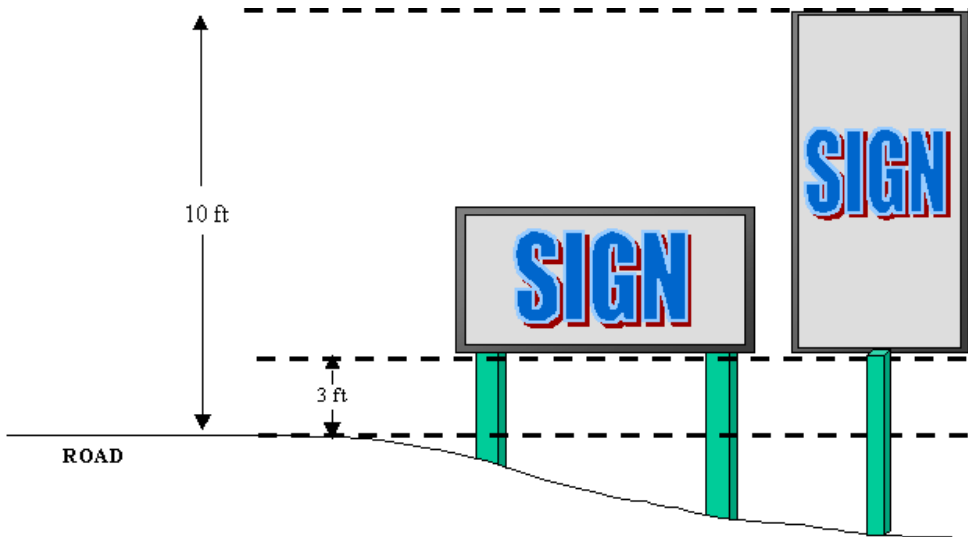
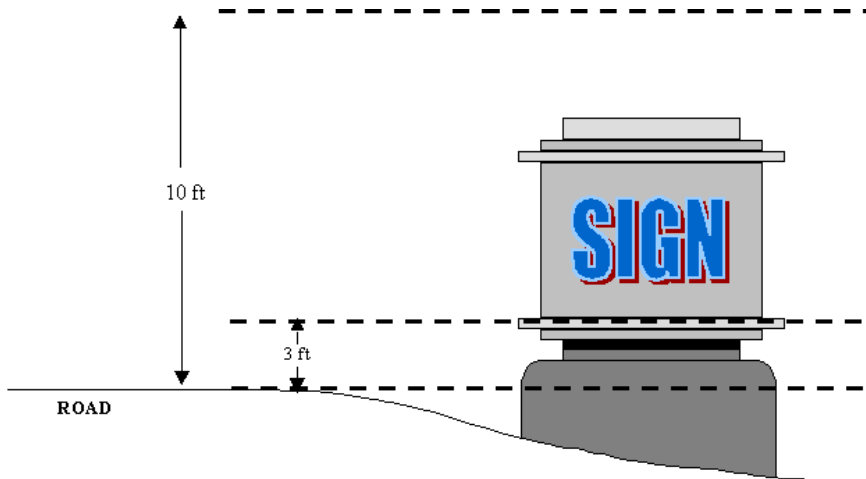


Figure 3.32B



C. Message Boards

1. **Static Message Boards:** Static message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
 - a. If the static message board is utilized as one of the allowable primary signs on the premises, then the static message board shall be no greater than sixty-four (64) square feet.
 - b. If the static message board is attached to the same support structure as a primary sign, then the static message board shall be no greater than fifty (50) percent of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.
2. **Electronic Message Boards:** Electronic message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.¹
 - a. If the electronic message board is utilized as one of the allowable primary signs on the premises, then the electronic message board shall be no greater than sixty-four (64) square feet.
 - b. If the electronic message board is attached to the same support structure as a primary sign, then the electronic message board shall be no greater than fifty (50) percent of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.
 - c. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
 - d. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
 - e. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 - f. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

D. Off-Premise Signs (Billboards)

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances, and to place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized. Billboard regulations address the location, size, height and related characteristics of such signs.

1. **Off-Premise Sign Regulations:** Billboards may be established in Green Township provided that they meet the following conditions:
 - a. Off-Premise Signs shall only be allowed on State highways and other Class A roads in Green Township.
 - b. Not more than one (1) billboard may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Green Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted.
 - c. No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
 - d. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
 - e. The surface display area of any side of a billboard may not exceed seventy-two (72) square feet
 - f. The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting roadway.
 - g. No billboard shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
 - h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

- i. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- j. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
- k. Digital Billboards:
 - (1) Rate of Change: The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
 - (2) Luminance: The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
 - (3) Digital billboards shall be configured to default to a static display in the event of mechanical failure.
- 2. **Permit Required:** No person, firm or corporation shall erect a billboard within Green Township without first obtaining a permit from the Green Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Green Township Zoning Administrator confirming continued compliance with this ordinance and payment of the billboard permit fee. The amount of the zoning permit fee required hereunder shall be established by resolution of the Green Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Green Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

D. Signs Allowed Without a Permit: The following signs are allowed without a permit, notwithstanding any prohibition contained in this Ordinance, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:¹

- 1. On residential properties, wall signs not exceeding two (2) square feet in area.
- 2. Interior Signs: Interior window signs which occupy up to fifty (50%) percent of the window area.

3. On non-residential property, signs not exceeding four (4) square feet in area.
4. Plaques when cut into any masonry surface of a building or when constructed of non-ferrous metal and attached to a building.
5. Flags.
6. Temporary Signs.
7. Signs less than two (2) square feet in size and located on the perimeter of a parcel (along a parcel boundary).
8. Signs erected by an official governmental body or historic agency.
9. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels;

E. Removal of Signs in Violation of this Ordinance:

The Zoning Administrator may order the removal of any sign that is abandoned or erected or maintained in violation of this ordinance. An abandoned sign shall not include a sign located on a lot on which the principal use structure is for sale. Thirty (30) days notice in writing shall be given to the owner of such sign, and to the owner of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance. The Zoning Administrator may cause the removal of the sign that remains in violation after such notice. The Zoning Administrator shall cause the removal of a sign immediately and without notice if, in the Zoning Administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located.

F. Severability Clause for Signs:

Provisions of **Section 3.32** shall be deemed to be severable, and should any section, subsection, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.¹

Section 3.33 - Pets and Livestock¹

- A. Domestic household pets, including dogs, cats, birds and fish, but not including poisonous or dangerous reptiles, wild or dangerous animals may be kept as an accessory residential use on any premises without a zoning permit, but subject to state and county canine licensing requirements. The keeping of more than six (6) dogs, other than dogs under six months of age born to a female dog under the care, custody, or control of resident of the property, will be considered a kennel and requires a zoning permit as such.
- B. The following shall apply to the keeping of livestock on platted premises within the Township. The raising and keeping of livestock is prohibited on any platted properties in the R-1 and RR Districts. The Planning Commission may make special provisions for 4-H projects and similar activities so long as:
1. Adequate space shall be provided for the clean and healthful keeping of such animals.
 2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
 3. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.
- C. The raising and keeping of livestock is allowed in the A, F-F, and CR Districts. In addition:
1. Adequate space shall be provided for the clean and healthful keeping of such animals.
 2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
 3. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.

Section 3.34 - Driveways and Private Roads

- A. **Driveways:** Driveways that provide access to not more than four (4) parcels shall meet the following standards: Access to the principle structure(s) shall require a driveway which has fifteen feet (15') horizontal and twelve feet (12') vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles. A vehicle turn around area shall be provided within one hundred feet (100') of the principle structure(s) capable of handling thirty foot (30') vehicles (Minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. Alpena County or Green Township cannot be held responsible for non-maintenance of access.
- B. **Nonconforming Existing Private Roads:** In the case of private roads built prior to this ordinance, such roads may be utilized and improved and additional access points for new structures are permitted. However, emergency fire service will be provided at the discretion of the Fire Office. Green Township bears no liability for emergency services on nonconforming private roads.
- C. **Private Roads:** Private roads, providing access to five (5) or more parcels, are permitted provided they conform to the requirements of this section. No private road shall be constructed, after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.
1. Application, review and approval of a proposed private road shall follow the same procedures as Special Uses.
 2. The proposed private road shall meet the currently Alpena County Road Commission design standards.
 3. No structure or development activity shall be established within approved rights-of-way or easements.
 4. No fence, wall, sign, landscape screen or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility.
 5. No more than twenty (20) lots or parcels may gain access to a single private road if only one point of intersection is provided between the private road and a public road. No more than fifty (50) lots or parcels may gain access to a private road where two or more points of intersection are provided between the private road and public roads. Where more than fifty (50) lots or parcels are served, the road shall be a paved road built to County Road Commission standards.
 6. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road.

7. Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.
 8. Construction authorization from the Alpena County Road Commission is required for connection to a road under the Commission's jurisdiction, and from the Michigan Department of Transportation if connected to a state trunkline. When applicable, a permit is also required from the County under Part 91 of the Natural Resources and Environmental Protection Act.
 9. Intersections of private roads with public roads shall meet the current Alpena County Road Commission standards.
 10. Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing county or state road stormwater system, the stormwater plan for the private road shall be submitted to the Alpena County Drain Commissioner and the Alpena County Road Commission, Michigan Department of Transportation, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.
 11. Lots or parcels fronting on private roads shall meet the required front yard setback and lot width for the zoning district where located.
- D. **Road Construction Approval Procedures:** No private road shall be constructed after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.
1. Application for approval of a private road shall include ten (10) copies of a site plan sealed by a professional engineer showing:
 - a. Existing and proposed lot lines.
 - b. The location of existing and proposed structures.
 - c. The width and location of the private road easement.
 - d. A cross-section of the proposed road, showing the type of material the road base and surface will consist of.
 - e. Utility plans including the location and size/capacity of stormwater drainage systems, sewer or septic system, water lines or private wells and private utilities such as telephone, electric and cable service.
 - f. Proposed locations of driveways off the private road.
 - g. Any existing or proposed structures, trees or other obstruction within the proposed right-of-way.

2. All plans as submitted for approval shall show the private road easement including a legal description, and must include the grade for these roads.
3. Road maintenance agreement or covenants running with the land signed by the proprietor(s) shall be recorded with the Green Township Clerk and the Alpena County Register of Deeds providing for:
 - a. A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
 - b. A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - c. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established County Road Commission standards for public roads and assess owners of lots or parcels on the private road for the improvements, plus an administration fee in the amount of twenty-five percent (25%) of the total costs.
 - d. No public funds of Green Township will be used to build, repair or maintain the private road.
4. Road easement agreement signed by the proprietor(s) shall be recorded with the Green Township Clerk and the Alpena County Register of Deeds providing for:
 - a. Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.
 - b. A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons and other bound to or returning from any of the properties having a need to use the road.
5. Application Review and Approval or Denial
 - a. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission if connected to a county public road and to MDOT if connected to a state trunkline for review and comment. The proposed road maintenance agreement and road easement agreement and covenants running with the land shall be sent to the Township Attorney for review and comment.
 - b. County Road Commission, MDOT, County Drain Commissioner, Emergency Services and Fire Protection agencies, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny or approve with conditions the application for a private road.

- c. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
 - d. The Zoning Administrator shall arrange for inspections during construction or, and upon completion of the private road.
5. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the County Road Commission, MDOT or the Township in its standards and specifications for road construction and development.
6. Issuance of Building Permits for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.
7. Posting of Private Roads: All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietor(s). The applicant shall check with the County Road Commission to avoid a duplication of names.
8. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
 - a. This parcel of land has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.
 - b. This notice is to make purchaser aware that this parcel of land has ingress and egress over this easement only.
 - c. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.
 - d. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.
9. Fees: Before final approval, an application fee established by the Township Board and the cost for a qualified professional to review the plans and inspect the construction shall be paid by the proprietor(s).
10. Final Approval: The Planning Commission shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

Section 3.35 – Classification of Unlisted Uses

When the proposed use of land or use of a structure is not specified in this Ordinance, the Planning Commission shall have the power upon written request of the property owner or Zoning Administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Planning Commission shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the Green Township Master Plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Planning Commission.

ARTICLE 4: ZONING DISTRICTS

Section 4.0 - Classification of Zoning Districts

For the purpose of this Ordinance, the Township of Green is hereby divided into the following Zoning Districts:

- R-1 One-Family Residential District
- R-2 Agricultural District
- R-3 General Residential District
- RR Recreation Residential District
- FF-1 Farm and Forest District
- B-1 Local Tourist Business District
- B-2 General Business District
- CR Conservation and Resources District
- I Industrial District

Section 4.1 - Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Green Township Zoning Map " are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

Section 4.2 - Boundaries of Districts

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

- A. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- B. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.

- C. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- D. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

Section 4.3 - Public Rights-of-Way

Each street, alley, railroad right-of-way, or other public right-of-way is zoned to the center line according to the zoning of the properties immediately adjacent to the public right-of-way.

Section 4.4 - Zoning of Vacated Areas

Whenever any street, alley or other public way within Green Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way said property shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used as is permitted under Ordinance for such adjoining lands.

Section 4.5 - Zoning of Filled Areas

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

Section 4.6 - Zoning District Changes

When district boundaries change, any legal non-conforming use may continue subject to all other applicable provisions of this Ordinance.

ARTICLE 5: DISTRICT REGULATIONS

Section 5.0 – General (All Districts)

A. Permitted Uses

Permitted uses in all districts shall be limited to the uses listed in **Table 5.11: Table of Uses Permitted By Right and Special Land Uses**.

B. Uses by Special Land Use Permit

Permitted Special Land Uses in all districts shall be limited to the uses listed in **Table 5.11: Table of Uses Permitted By Right and Special Land Uses** and shall be subject to the provisions of **Article 7: Site Plan Review**, **Article 8: Special Land Uses** and the applicable portions of **Article 9: Supplemental Regulations**.

C. Height Regulations: Height regulations are also listed in **§5.10: Schedule of Regulations**.

No building shall exceed thirty-five (35') feet in height measured from grade level. Height regulations shall apply to any area that could be used as living or commercial space (belfries, etc.), but shall not apply to areas that could not be used for living or commercial space (chimneys, etc.). Height restrictions do not apply to agricultural accessory structures, wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities.

Section 5.1 – (R-1) One-Family Residential District

- A. **Purpose:** The purpose of this district and its accompanying regulations is to provide a stable and sound medium-density residential environment for single family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of, and convenient to the various types and compositions of families living within such residential land use areas.
- B. **Area Regulations: (§5.10: Schedule of Regulations)** No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.
1. **Front Yard** - There shall be a front yard of not less than twenty (20) feet. ¹For parcels located on Loon Lane, there shall be a setback of no less than forty (40) feet on the lot line abutting the road.
 2. **Side Yard** – There shall be an interior side yard shall of not less than five (5) feet on each side of any dwelling, except on the longest street side of a corner lot where a twenty (20) foot corner side yard shall be provided and maintained. Principal buildings other than dwellings shall have interior side yards of not less than ten (10) feet in width and shall have a corner side yard of twenty (20) feet.
 3. **Rear Yard** - There shall be a rear yard of not less than twenty (20) feet.
 4. **Lot Area** – The minimum lot size in the R-1 District is sixteen-thousand nine-hundred (16,900) square feet in area with a minimum width of sixty-five (65) feet of street frontage. Each lot will not exceed a depth to width ratio of 4 to 1.
 5. **Floor Area Regulations** - Each dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.

Section 5.2 – (R-2) Agricultural District

- A. Purpose:** This zoning district provides for a mix of agricultural and residential use with limited commercial uses relating chiefly to agriculture.
- B. Area Regulations: (§5.10: Schedule of Regulations)** No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.
1. **Front Yard** - There shall be a front yard of not less than forty (40) feet.
 2. **Side Yard** – For dwellings, there shall be an interior side yard shall of not less than ten (10) feet on each side of any dwelling, except on the longest street side of a corner lot where a twenty (20) foot side setback shall be provided and maintained. Principal buildings other than dwellings shall have side yards of not less than twenty (20) feet.
 3. **Rear Yard** - There shall be a rear yard of not less than thirty-five (35) feet.
 4. **Lot Area** – The minimum lot size in the R-2 District is forty-thousand (40,000) square feet with a minimum lot width of one-hundred (100) feet. Each lot will not exceed a depth to width ratio of four (4) to one (1).
 5. **Floor Area Regulations** - Each dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.

Section 5.3 – (R-3) General Residential District

- A. Purpose:** The purpose of this district and its accompanying regulations is to provide a stable and sound residential environment for single-family and multiple-family dwelling units along with business uses which are (1) normally accessory to and (2) compatible with, supportive of and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain healthful and sanitary on-site water supply and wastewater disposal.
- B. Area Regulations: (§5.10: Schedule of Regulations)** No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.
1. **Front Yard**
 - a. **Multiple-Family Dwellings:** Where it is the intention of the developer of a multiple-family unit to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which the lot abuts of at least sixty-five (65) feet; of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback from the right-of-way of all streets on which the R-3 Zoning District abuts of forty (40) feet; the total area of which shall be landscaped.
 - b. **Other Uses:** Uses other than multiple-family dwelling units shall have a front yard of no less than forty (40) feet.
 2. **Side and Rear Setbacks**
 - a. **Multiple-Family Dwellings and Non-Residential Uses:** For multiple-family dwellings, there shall be a minimum interior side yard of twenty (20) feet and a minimum corner side yard of twenty (20) feet. There shall be a minimum rear yard of thirty-five (35) feet.
 - b. **Single-Family and Two-Family Dwelling Units:** Single- and two-family dwelling units shall have an interior side yard of no less than ten (10) feet and a corner side yard of no less than twenty (20) feet. There shall be a minimum rear yard of no less than thirty-five (35) feet.
 3. **Lot Area** – The minimum lot size in the R-3 District is forty-thousand (40,000) square feet with a minimum lot width of one-hundred (100) feet. Each lot will not exceed a depth to width ratio of four (4) to one (1).
 4. **Floor Area Regulations** - Each multiple-family dwelling unit in this zoning district shall have a minimum of six hundred (600) square feet of usable floor area exclusive of unenclosed porches, garages, and basements. Each single-family dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.

C. Density Regulations for Multiple-Family Dwelling Units

No land shall hereafter be used in this zoning district unless the following density regulations are followed and maintained.

- 1. Not more than four (4) dwelling units per acre shall be permitted in this zoning district, except as otherwise herein provided.
- 2. There shall be a minimum of fifty (50) percent of the net area of the proposed R-3 Zoning District maintained as open space or non-profit recreational uses.
- 3. Density bonuses will be allowed provided the developer follows the following schedule:

Open Space*	Density**
50%	4 units/acre
60%	6 units/acre
70%	8 units/acre
75%	10 units/acre

*Percent of Net Acreage

** Units/Net Acre

- 4. In the process of determining the net acreage available for construction in a particular R-3 project, the developer shall not consider the following:
 - a. Lands having a slope greater than twenty (20) percent: Twenty (20) feet of vertical fall in one hundred (100) lineal feet.
 - b. Lands covered by water or wetlands as defined by the Michigan Department of Environmental Quality.
 - c. Lands currently being utilized as a power line or gas line right-of-way or dedicated as some other type of right-of-way.

D. Other Development Regulations for Multiple-Family Dwelling Units:

- 1. The horizontal distance measured in feet between parallel or nearly parallel elements of buildings forming courts and courtyards shall be not less than twice the height of the taller building measured in feet.
- 2. All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete or similar materials.
- 3. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel and other services shall be provided; shall be adequate in size; and shall be arranged in such a fashion that they may be utilized without blockage or interference with the use of driveways or automobile parking facilities.
- 4. Provisions shall be made for safe and efficient ingress and egress to the public and private roads servicing the multiple-family dwelling unit without undue congestion or

interference with normal traffic flow.

5. The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open spaces that add to the overall enhancement of the area.
6. The developer shall be required to provide community areas, laundry facilities, playground and tot lots, and other services necessary for the comfort and convenience of R-3 residents.
7. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
8. A site plan shall be submitted for each multiple family development in the R-3 Zoning District in accordance with Article 7 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.

Section 5.4 – (RR) Recreational Residential District

- A. Purpose:** The purpose of this district is to accommodate single-family dwelling units along with certain low-impact public and private recreational uses along the waterfront.
- B. Area Regulations:** Area regulations (**§5.10: Schedule of Regulations**) No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.
- 1. Front Yard** - There shall be a front yard of not less than forty (40) feet.
 - 2. Side Yard** – There shall be an interior side yard shall of not less than ten (10) feet on each side of any dwelling, except on the longest street side of a corner lot where a twenty (20) foot corner side yard setback shall be provided and maintained. Principal buildings other than dwellings shall have side yards of not less than twenty (20) feet in width.
 - 3. Rear Yard** - There shall be a rear yard of not less than thirty-five (35) feet.
 - 4. Lot Area** – The minimum lot size in the RR District is forty thousand (40,000) square feet in area with a minimum width of one hundred (100) feet of street frontage. Each lot will not exceed a depth to width ratio of 4 to 1.
 - 5. Floor Area Regulations** - Each dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.

Section 5.5 – (FF-1) Farm & Forest District

- A. Purpose:** This zoning district is provided to promote the proper use, enjoyment, and conservation of the forested and rural areas of the township by providing a district for residential, agriculture and forestry-related uses.
- B. Area Regulations: (§5.10: Schedule of Regulations)** No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.
1. **Front Yard** - There shall be a front yard of not less than forty (40') feet.
 2. **Side Yard** – For dwellings, there shall be an interior side yard shall of not less than ten (10') feet on each side of any dwelling, except on the longest street side of a corner lot where a twenty (20) foot corner side yard side setback shall be provided and maintained. Principal buildings other than dwellings shall have side yards of not less than twenty (20) feet.
 3. **Rear Yard** - There shall be a rear yard of not less than thirty-five (35) feet.
 4. **Lot Area** – The minimum lot size in the FF-1 District is forty thousand (40,000) square feet. Each lot will not exceed a depth to width ratio of 4 to 1.
 5. **Floor Area Regulations** - Each dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.

Section 5.6 – (B-1) Neighborhood Business District

- A. Purpose:** The purpose of this district and its accompanying regulations is to provide for stable and sound neighborhood shopping areas, tourist services, personal services, and professional offices that are compatible with and of service to residential uses.
- B. Area Regulations: (§5.10: Schedule of Regulations)** No building or structure shall hereafter be erected, altered or enlarged unless the following setbacks and lot areas are provided and maintained in connection with such alteration, construction or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.
- 1. Front Setback** - There shall be a front setback of not less than forty (40) feet, provided that where established buildings on adjacent lots vary from this minimum, a new building may be constructed with a front setback equal to the average setback of the existing buildings on immediately adjacent lots. This shall not be interpreted to require a front setback of more than forty (40) feet nor less than fifteen (15) feet. In addition, if parking and loading spaces are confined to the rear of the principal structure, the required front yard setback may be reduced to twenty (20) feet but no less than the average setback of existing buildings on immediately adjacent lots.
 - 2. Side Setbacks** - There shall be a side setback on each side not less than five (5) feet in width. Side yards may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential use.
 - 3. Rear Setback** - There shall be a rear setback of no less than twenty (20) feet in depth.
 - 4. Lot Area** – There shall be no minimum lot area in the B-1 District.
 - 5. Floor Area Regulations** - There shall be no minimum floor area in the B-1 District.
- C. Other Development Regulations**
1. A site plan shall be submitted for each permitted use in this zoning district in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.
 2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
 3. A greenbelt and/or buffer strip, as defined herein, shall be provided when a commercial use in this zone abuts a residential use or a conservation resources use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.

Section 5.7 – (B-2) General Business District

- A. **Purpose:** The purpose of this district and its accompanying regulations is to provide for a general commercial district which contains commercial uses of a more diverse nature which cater to the entire community and the needs of highway traffic.
- B. **Area Regulations: (§5.10: Schedule of Regulations)** No building or structure shall hereafter be erected, altered or enlarged unless the following setbacks and lot areas are provided and maintained in connection with such alteration, construction or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.
1. **Front Setback** - There shall be a front setback of not less than forty (40) feet, provided that where established buildings on adjacent lots vary from this minimum, a new building may be constructed with a front setback equal to the average setback of the existing buildings on immediately adjacent lots. This shall not be interpreted to require a front setback of more than forty (40) feet nor less than fifteen (15) feet. In addition, if parking and loading spaces are confined to the rear of the principal structure, the required front yard setback may be reduced to twenty (20) feet but no less than the average setback of existing buildings on immediately adjacent lots.
 2. **Side Setbacks** - There shall be a side setback on each side not less than five (5) feet in width. Side yards may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential use.
 3. **Rear Setback** - There shall be a rear setback of no less than twenty (20) feet in depth.
 4. **Lot Area** – There shall be no minimum lot area in the B-2 District.
 5. **Floor Area Regulations** - There shall be no minimum floor area in the B-2 District.
- C. **Other Development Regulations**
1. A site plan shall be submitted for each permitted use in this zoning district in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.
 2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
 3. A greenbelt and/or buffer strip, as defined herein, shall be provided when a commercial use in this zone abuts a residential use or a conservation resources use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.

Section 5.8 – (I) Industrial District

- A. **Purpose:** The purpose of this district is to accommodate heavier commercial and light industry, wholesale activities, warehouses and other industrial operations whose external physical effects are restricted to the area of the district and do not affect in a detrimental way any of the surrounding districts. It is the intent of this district to permit only those industrial operations having characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effects which are discernible beyond the lot lines of the parcel upon which the industrial activity is located. Since this area is not anticipated to be served by public water or sewer systems in the foreseeable future, development regulations will contain groundwater protection standards.
- B. **Area Regulations: (§5.10: Schedule of Regulations)** No building or structure shall hereafter be erected, altered or enlarged unless the following setbacks and lot areas are provided and maintained in connection with such alteration, construction or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.
1. **Front Setback** - There shall be a front setback of not less than forty (40) feet.
 2. **Side Setbacks** - There shall be side setbacks of not less than twenty (20) feet.
 3. **Rear Setback** - There shall be a rear setback of no less than forty (40) feet in depth.
 4. **Lot Area** – The minimum lot size in the I District is forty thousand (40,000) square feet in area with a minimum width of one hundred (100) feet of street frontage. Each lot will not exceed a depth to width ratio of 4 to 1.
 5. **Floor Area Regulations** - There shall be no minimum floor area in the I District.
- C. **Other Development Regulations**
1. A site plan shall be submitted for each permitted use in this zoning district in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.
 2. Outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
 3. A greenbelt and/or buffer strip shall be provided when an industrial or commercial use abuts a residential or a conservation resources use on either of the side lot lines or on the rear lot line. A greenbelt and/or buffer strip shall be provided whenever outdoor storage areas or operational activities abut a public street that extends through the Industrial District and serves non-industrial areas. This may be provided as part of the side setback or rear setback requirement. The buffer strip may be composed of vegetation, fencing, walls, or a combination therein
 4. When discontinued or abandoned, the site shall be left in a reusable condition and free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

Section 5.9 – (CR) Conservation and Resources Overlay District

- A. **Purpose:** The intent of this district is to protect and conserve natural and scenic resources along river corridors in Green Township in order to promote environmental quality and retain community character.
- B. **Delineation:** The Conservation and Resources Overlay District includes the river channel and extends landward radially or at right angles from the ordinary high water mark four hundred (400) feet on both sides of the Thunder Bay River and portions of Bean Creek (see Green Township Zoning Map).
- C. **Area Regulations: 5.10: Schedule of Regulations)** No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.
1. **Front Yard** - There shall be a front yard of not less than seventy-five (75) feet.
 2. **Side Yard** – There shall be an interior side yard shall of not less than ten (10) feet on each side of any dwelling, except on the longest street side of a corner lot where a twenty (20) foot corner side yard setback shall be provided and maintained. Principal buildings other than dwellings shall have side yards of not less than twenty (20) feet in width.
 3. **Rear Yard** - There shall be a rear yard of not less than thirty-five (35) feet.
 4. **Lot Area** – The minimum lot size in the CR District is forty thousand (40,000) square feet in area with a minimum width of one hundred fifty (150) feet of water frontage. Each lot will not exceed a depth to width ratio of 4 to 1.
 5. **Floor Area Regulations** - Each dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.
- D. **Additional Development Standards:** Any development within the Conservation and Resources Overlay District shall conform to **§3.18 Waterfront Greenbelt** and **§3.19 Waterfront Setback**.

Section 5.10 – Schedule of Regulations

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure ¹	Minimum Setbacks				Minimum Floor Area ²	Maximum % of Lot Coverage ³	Section Index
		Area	Width		Feet	Front	Interior Side	Corner Side (h)			
R-1	One-Family Residential	16,900 ft ²	65'	35'	20'	5' (a)	20'	20'	800 ft ²	50%	5.1
R-2	Agricultural	40,000 ft ²	100'	35'	40'	10'(b)	20'	35'	800 ft ²	30%	5.2
R-3	General Residential	40,000 ft ²	100'	35'	40' (c)	10' (d)	20' (d)	35'	800 ft ² (e)	30%	5.3
RR	Recreational Residential	40,000 ft ²	100'	35'	40'	10' (b)	20'	35'	800 ft ²	30%	5.4
FF-1	Farm & Forest	40,000 ft ²	100'	35'	40'	10'(b)	20'	35'	800 ft ²	30%	5.5
B-1	Neighborhood Business	n/a	n/a	35'	40' (f)	5' (g)	20'	20'	n/a	75%	5.6
B-2	General Business	n/a	n/a	35'	40' (f)	5' (g)	20'	20'	n/a	75%	5.7
I	Industrial	40,000 ft ²	100'	35'	40'	20'	20'	40'	n/a	50%	5.9
CR	Conservation & Resources	40,000 ft ²	150'	35'	75' (i)	10' (b)	20'	35'	800 ft ²	30%	5.9

¹ Height restrictions do not apply to agricultural accessory structures, wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities **§5.0(C)**.

² Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels or similar uses.

³ Applies to percentage of lot coverage by permanent structures.

Schedule of Regulation Footnotes:

- (a) Principal buildings other than dwellings shall have an interior side yard of not less than ten (10) feet in width
- (b) Principal buildings other than dwellings shall maintain side yards of no less than twenty (20) feet.
- (c) Multiple-Family Dwelling Units: Where it is the intention of the developer of a multiple-family unit to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which the R-3 Zoning District abuts of at least sixty-five (65) feet; of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback from the rights-of-way of forty (40) feet; the total area of which shall be landscaped.
- (d) For multiple-family dwellings and non-residential uses, there shall be a minimum interior side yard of twenty (20) feet and a minimum corner side yard of twenty (20) feet.
- (e) Each multiple-family dwelling unit in this zoning district shall have a minimum of six hundred (600) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.
- (f) Where established buildings on adjacent lots vary from this minimum, a new building may be constructed with a front setback equal to the average setback of the existing buildings on immediately adjacent lots. This shall not be interpreted to require a front setback of more than forty (40) feet nor less than fifteen (15) feet. In addition, if parking and loading spaces are confined to the rear of the principal structure, the required front yard setback may be reduced to twenty (20) feet but no less than the average setback of existing buildings on immediately adjacent lots.
- (g) Side yards may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential use.
- (h) For residential lots in all districts, in the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting the street shall not be less than the required front yard of that district (see **diagram 5.10 (A)**).
- (i) For waterfront properties, the front yard is defined as the waterfront.

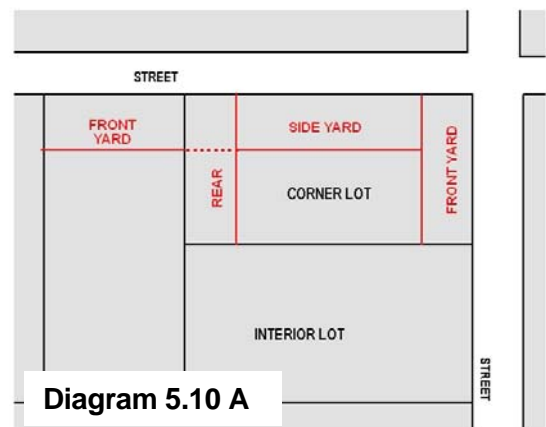


TABLE 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit * indicates a site plan is required	R-1	R-2	R-3	RR	FF-1	B-1	B-2	I	CR
RESIDENTIAL USES									
<i>Accessory Buildings/Structures</i>	R	R	R	R	R	R	R	R	R
<i>Cottage Industry</i>	S	R	S	S	R				S
<i>Dwelling Units in Support of Commercial Establishment*</i>		S			S	R	R		
<i>Home Occupations</i>	R	R	R	R	R				R
<i>Manufactured Housing Community*</i>		S			S				
<i>Multiple-Family Dwelling*</i>			S						
<i>Planned Unit Development*</i>		S	S	S	S	S	S	S	S
<i>Secondary Dwelling Units</i>		S	S	S	S				S
<i>One-Family Dwelling (year round & seasonal)</i>	R	R	R	R	R				R
<i>Two-Family Dwelling</i>		R	R		R				R
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R	R	R	R	R	R	R	R	R
HUMAN CARE AND SOCIAL ASSISTANCE									
<i>Child Day Care Services (see following)</i>									
<i>Family Child Care Home</i>	R	R	R	R	R				R
<i>Group Child Care Home</i>	S	S	S	S	S				S
<i>Child Care Center or Day Care Center*</i>	S	S	S	S	S	R	R		S
<i>Health Care Clinics/Dental Clinics*</i>			S			R	R		
<i>Hospitals*</i>		S	S		S		S		
<i>Nursing & Residential Care Facilities (see following)</i>									
<i>State-Licensed Residential Facilities (6 or less adults)</i>	R	R	R	R	R				R
<i>Nursing/Convalescent Home*</i>		S	S		S		S		
<i>Other Residential Care Facilities (substance abuse, correctional)*</i>		S	S		S				
<i>Social Assistance (see following)</i>									
<i>Individual & Family Services*</i>						R	R		
<i>Community/Emergency & Other Relief Services*</i>						R	R		
<i>Vocational Rehabilitation Services*</i>						R	R		

TABLE 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Land Use Permit * indicates a site plan is required	R-1	R-2	R-3	RR	FF-1	B-1	B-2	I	CR
AGRICULTURE, FORESTRY, FISHING AND HUNTING									
<i>Agricultural business related to the sale of field crops, forest products, and livestock raised or cultivated on the property</i>		R	R		R				R
<i>Agricultural Equipment Dealers*</i>		S			S		R		S
<i>Agricultural products processing, storage, retail and wholesale marketing*</i>		S			S				S
<i>Animal Shelter*</i>		S			S				S
<i>Apiary farms</i>		R			R				R
<i>¹Biofuel Production Facility located on a farm (see §9.19)</i>		RS*							
<i>Bulk seed, feed, fertilizer and nursery stock outlet/distribution ctr.*</i>		S			S			R	S
<i>Cider mills or wineries*</i>		R			R				R
<i>Farms and agricultural operations</i>		R	R		R				R
<i>Forest products processing*</i>		S			S				S
<i>Forestry and forest management (including timber harvesting)</i>		R			R				R
<i>Game preserves (where game is hunted)*</i>		S			S				S
<i>Greenhouse, nursery, landscaping and floriculture production*</i>		R	R		R	² R	² R		R
<i>Lumber yards*</i>		S			S			R	S
<i>Raising and growing plants, trees, shrubs, nursery stock</i>		R	R		R				R
<i>Riding arenas or boarding stables*</i>		R	R		R				R
<i>Roadside stands</i>		R	R		R				R
<i>Sawmills (that operate for more than 60 days)*</i>		R			R			R	R
<i>Seasonal Outdoor Mazes of agricultural origin</i>		R			R				R
<i>Seasonal "U-Pick" fruits and vegetables operations</i>		R			R				R
<i>Veterinary services, animal clinics, animal hospitals, kennels*</i>		S			S		S		S
<i>Ancillary uses related to agricultural tourism (see following):</i>									
<i>Bakeries selling goods grown primarily on-site</i>		R			R				R
<i>Educational tours, classes, lectures, and seminars</i>		R			R				R
<i>Family-oriented animated barns (fun houses, haunted houses)</i>		S			S				S
<i>Gift shops for agriculturally-related products, crafts</i>		R			R				R
<i>Historical agricultural exhibits</i>		R			R				R
<i>Kitchen facilities, processing/cooking items for sale</i>		R			R				R
<i>Organized meeting space (weddings, birthdays, corporate picnics)*</i>		S			S				S
<i>Petting farms, animal display, and pony rides</i>		R			R				R
<i>Picnic areas (including rest rooms)</i>		R			R				R
<i>Playgrounds, wagon/sleigh rides, nature trails</i>		R			R				R
<i>Restaurant operations related to the agricultural use of site*</i>		S			S				S
<i>Small-scale entertainment (music concert, car show, art fair)*</i>		S			S				S
COMMUNICATIONS									
<i>^{1,3}Wireless Communication Equipment (that do not meet the requirements of Section 9.18 B.1)*</i>		S			S		S	S	
<i>^{1,3}Wireless Communication Equipment (that meet the requirements of Section 9.18 B.1)*</i>		R			R		R	R	
<i>³Small Cell Wireless Facilities*</i>		S			S		S	S	
<i>³Wireless Communication Facility* (with support structure or ground-mounted facilities or any other type of wireless facility)</i>		S			S		S	S	

¹Amendment adopted on 2/10/14; effective 2/24/14

²Amendment adopted on 9/14/15; effective 9/27/15

³Amendment adopted on 12/12/22; effective 12/22/22

TABLE 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit * indicates a site plan is required	R-1	R-2	R-3	RR	FF-1	B-1	B-2	I	CR
EDUCATIONAL SERVICES									
Private instructional facilities*	S	S	S		S	S	S	S	
Public or private schools*	S	S	S		S	S	S	S	
PUBLIC FACILITIES									
Community Centers*	S	S	S	S	S	R	R	R	S
General Government Administration Facilities*		R			R	R	R	R	
Libraries*	S	S	S	S	S	R	R	R	R
Police/Fire Stations*		R			R	R	R	R	
Public Parks, Playgrounds, and Recreation Areas*	R	R	R	R	R	R	R	R	R
ACCOMODATION AND FOOD SERVICES									
Bed & Breakfasts	S	R	S	S	R	R	R		S
Caterers*						R	R		
Cottages*				S		S	S		S
Drinking Establishments*						R	R		
Food Service Contractors*						R	R		
Hotels & Motels*			S			R	R		
Mobile Food Services*						R	R		
Resorts*				S		S	S		S
Restaurants without Drive-Through*						R	R		
Restaurants with Drive-Through*						S	S		
Rooming & Boarding Houses	S	R	S	S	R	R	R		S
RV Parks & Campgrounds*		S		S	S	S	S		S
Tourist Homes	S	R	S	S	R	R	R		S
ARTS, ENTERTAINMENT, AND RECREATION									
Amusement Arcades*							R		
Bowling Centers*							S		
Docks, Launch Ramps, and Associated Parking Areas (provided they are located a minimum of fifty (50) feet from a residential use.*	R	R	R	R	R	R	R		R
Fitness & Recreational Sports Centers*						R	R		
Golf Courses*		S		S	S				S
Nature Parks & Other Similar Institutions (private)*	S	S	S	S	S	S	S		S
Museums*	S	S	S	S	S	S	S		S
Outdoor Recreational Facilities (private)*	S	S	S	S	S	S	S		S
Performing Arts Companies*						R	R		
Private Clubs; Lodges*	S	R	S	R	R	R	R		R
Spectator Sports Arenas (private)*		S			S	S	S		
Sportsmen's Clubs*		S	S		S				S
Theaters*						R	R		

TABLE 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit * indicates a site plan is required	R-1	R-2	R-3	RR	FF-1	B-1	B-2	I	CR
GENERAL COMMERCIAL/BUSINESSES/SERVICES									
Automotive Body/Paint/Interior & Glass Repair*							S		
Automotive Equipment Rental & Leasing*							S		
Automotive Mechanical & Electrical Repair & Maintenance*							S		
Automotive Oil Change & Lubrication Shops*							S		
Business, Labor, Political & Like Organizations*						R	R		
Carwashes*							S		
Cemeteries*		S			S				S
Civic & Social Organizations; Social Advocacy Organizations*						R	R		
Commercial/Industrial Equipment Rental & Leasing*							R		
Commercial Equipment Repair & Maintenance*							R		
Dry Cleaning & Laundry Services*						S	S		
Electronic & Precision Equipment Repair & Maintenance*							R		
Extermination & Pest Control Services*						R	R		
Financial Institutions/Real Estate Offices*						R	R		
Funeral Homes & Mortuaries*						R	R		
General Rental Centers*						R	R		
Grantmaking & Giving Services (example: Community Foundation)*						R	R		
Insurance Carriers & Related Activities*						R	R		
Parking Lots & Garages*							S	R	
Personal & Household Goods Repair & Maintenance*						R	R		
Personal Services *			S			R	R		
Pet Care (except Veterinary and Animal Shelters)*						R	R		
Photofinishing*						R	R		
Professional Cleaning Services*						R	R		
Professional Offices*			S			R	R		
Religious Institutions*	S	S	S	S	S	R	R	R	S
Sexually Oriented Businesses*							S	S	
RETAIL TRADE									
Automobile Service Stations (example: gas station)*						S	S		
Building Material & Garden Equipment & Supplies Dealers*							S		
Electronics & Appliance Stores*						R	R		
Clothing & Clothing Accessories Stores*						R	R		
Food & Beverage Stores*						R	R		
Furniture & Home Furnishings Stores*						R	R		
General Merchandise Stores *						R	R		
Health & Personal Care Stores*						R	R		
Other Similar Retail Trade (without outdoor storage)*						R	R		
Outdoor sales facilities (open air sales)*							S		
Small-Scale Craft Making*						R	R		
Sporting Goods, Hobby, Book & Music Stores*						R	R		
Truck and heavy equipment sales/service establishments*							S	R	

TABLE 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Land Use Permit * indicates a site plan is required	R-1	R-2	R-3	RR	FF-1	B-1	B-2	I	CR
TRANSPORTATION SERVICES, WAREHOUSING & STORAGE									
Airports & Landing Fields*		S			S			S	
Couriers & Messengers*						R	R	R	
Postal Service*						R	R	R	
Rail yards*								S	
Scenic & Sightseeing Transportation*							R	R	
Transit & Ground Passenger Transportation*							R	R	
Truck Transportation Facilities*								R	
Warehousing & Storage*								R	
MINING									
¹ Mines, quarries, and gravel pits*	S	S	S	S	S	S	S	S	S
UTILITIES/ENERGY									
Commercial Wind Energy Facilities and Anemometer Towers*		S			S			S	
Public utility facilities (without storage yards)*	S	S	S	S	S	R	R	R	S
Public utility facilities (with storage yards)*								R	
Small On-Site Wind Energy Systems	R	R	R	R	R	R	R	R	R
² Solar Energy Facilities (Utility-Scale/Commercial)*		S			S				
² Solar Energy Panels, Accessory	R	R	R	R	R	R	R	R	R
CONSTRUCTION									
Building, developing & general contracting*		S			S		R	R	
Heavy construction*		S			S		R	R	
Special trade contractors (ex: electrical, plumbing)*		S			S		R	R	
MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT									
Bulk storage and distribution facilities for petroleum and gas products, paint and chemicals*								S	
Computer, Electronic, & Appliance Product Mfg*								R	
Dry bulk blending plants*								R	
Food/beverage processing and packaging*								R	
Furniture & Related Product Mfg*								R	
Industrial parks*								S	
Junkyards/salvage yards/landfills*								S	
Leather & Allied Product Mfg*								R	
Miscellaneous Mfg*								R	
Oil & gas extraction facilities (offsite from wellhead location)*		S			S			S	
Oil and gas processing facilities*								S	
Printing & Related Support Activities*							R	R	
Recycling facilities*								S	
Textile & Apparel Mfg*								R	
Waste Collection Services*								S	
Waste Treatment & Disposal Services*								S	
Wholesale trade*								R	
Wood Product Mfg*					S			R	

¹Amendment adopted on February 10, 2014; effective February 24, 2014

²Amendment adopted on December 12, 2022; effective December 22, 2022

**ARTICLE 6:
NONCONFORMING BUILDINGS, STRUCTURES, USES, LOTS, AND
SIGNS**

Section 6.0 - Nonconforming Buildings and Structures

If a structure is nonconforming because of height, floor area, parking or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled or modernized to comply with these provisions. Once in compliance, no structure or use shall again become nonconforming in these categories.

A. Maintenance of Nonconforming Buildings and Structures

Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official.

B. Completion of Nonconforming Buildings and Structures

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure if the construction of such building or structure has been substantially under way on the effective date of this Ordinance.

C. Damaged or Total Destruction of Nonconforming Building or Structure

Any building or structure, whether it be nonconforming because of the building itself or the lot on which it is located, may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosive, fire or other acts of God.

D. Alterations of a Nonconforming Building or Structure

1. Structural alterations which do not increase the nonconformity of the building or structure shall be permitted.
2. Nothing in this Ordinance shall prevent the modification of a building without limit when doing so required so as to comply with barrier-free requirements and the Americans with Disabilities Act.

E. Moving of a Nonconforming Building or Structure

No such nonconforming building or structure shall be moved in whole or in part to any other portions of the lot or parcel occupied, other than to correct or lessen the nonconforming conditions.

Section 6.1 - Nonconforming Uses

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to provisions of this Ordinance.

A. Abandonment of a Nonconforming Use

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

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

B. Change of Nonconforming Use

No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former non-conforming use after said use has been changed to a conforming use.

C. Extension of Nonconforming Use

A Special Use Permit for extension of a nonconforming use throughout a building or parcel of land not completely occupied by such nonconforming use on the effective date of this Ordinance may be granted by the Planning Commission when not contrary to the purposes of the Ordinance or the District.

Section 6.2 - Nonconforming Lots of Record

Except as provided in §6.3, any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

Section 6.3 - Nonconforming Contiguous Parcels

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

Section 6.4 - Nonconforming Signs

- A. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
- B. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Zoning Ordinance or as allowed in §6.4 (D).
- D. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be cleared from the land. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- E. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted so long as the cost of such work does not exceed, within any twelve (12) month period, fifty (50) percent of the value of such sign.
- F. If a nonconforming sign, other than an off-premise sign, is deemed abandoned, said sign shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over such sign within thirty (30) days after it is deemed abandoned.¹
- G. If a nonconforming off-premise sign remains blank for a continuous period of one

hundred eighty (180) days, that off-premise sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is "blank" if:

1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
2. The advertising message it displays becomes illegible in whole or substantial part; or
3. The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.

Section 6.5 - Zoning Board of Appeals Variance

Although it is the intent of this ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board of Appeals, subject to a hearing, may allow an expansion or enlargement, provided that it is conclusively shown that such expansion or enlargement:

- A. Will not further reduce the value or otherwise limit the lawful use of adjacent properties
- B. Will essentially retain the character and environment of abutting premises.
- C. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic, congestion, land over-crowding and related).

**ARTICLE 7:
PLOT PLANS AND SITE PLAN REQUIREMENTS & REVIEW**

Section 7.0 - Purpose

The purpose of this article is to specify the documents and/or drawings required for site plan review so as to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 7.1 - Plot Plan

All applications for Zoning Permits which do not require a site plan shall be accompanied by a Plot Plan, drawn to scale, showing the following:

- A. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale and north arrow.
- D. Location of required setbacks of the zoning district.
- E. The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
- F. The location and configuration of the lot access and driveway, drawn to scale.
- G. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
- H. Location of existing or proposed septic system and water well.
- I. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- J. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes

over 25%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.

- K. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 7.2 - Site Plan Review (All Districts)

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

A. Circumstances Requiring a Site Plan:

1. All new uses and/or structures designated with an “ * ” in **Table 5.11: Table of Permitted & Special Land Uses**.
2. Expansion or renovation of an existing use or structure designated with an “ * ” in **Table 5.11: Table of Uses Permitted by Right & Special Land Uses** which increases the existing floor space more than twenty five (25) percent.
3. Changes of use for an existing structure or lot except for the circumstances listed in **§7.3**.
4. Any use requiring off-street parking, except residential uses.
5. Establishment of a plat, a condominium subdivision, or other form of real estate development on greater than 10 acres of land on any parcel of land, provided the plat, the condominium subdivision plan or other real estate development establishes either (a) more than two residential units or (b) any other use requiring a site plan under this Ordinance.
6. Other uses as required by this Ordinance.

- B. **Pre-application Conference:** The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process, and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for **§9.21 (Planned Unit Developments)**, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

- C. **Site Plan Data Required:** Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.
1. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
 2. The parcel's legal description.
 3. The date, a north arrow, the scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels of three (3) acres or more.
 4. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing, at a minimum, the boundary lines of the property, all dimensions and legal description.
 5. Boundary dimensions of environmental features such as forests, water bodies, wetlands, floodplains, high risk erosion areas, slopes over twenty-five (25) percent, drainage and other similar features.
 6. The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory structures, walkways, signs, exterior lighting, proposed drives, neighboring drives, curb cuts, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, common use areas, recreational areas and facilities, and any impervious surface. An elevation drawing of the proposed building(s) is required in order to review the proposed building bulk and to verify height.
 7. Area of the property subject to be covered by structures (not available as open space).
 8. The location and width of all abutting rights-of-way, easements, utility lines, and public open spaces within or bordering the subject project.
 9. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
 10. The front yard dimensions of the nearest building on both sides of the proposed structure.
 11. The existing zoning district in which the site is located and the zoning of adjacent parcels.
 12. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.

13. The location, size and slope of all surface and subsurface drainage facilities.
14. Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
15. Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).
16. Description and location of on-site wastewater treatment and disposal systems.
17. Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
18. The location of snow storage areas.
19. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
20. Generalized soil analysis data, which may include data prepared by the Alpena County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
21. All site plans shall comply with the terms of the Alpena County Soil Erosion and Sedimentation Control Ordinance and Stormwater Ordinance. It shall be the applicant's responsibility to provide documentation of compliance with these County Ordinances.
22. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
23. Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
 - a. Minimum floor area of dwelling units.
 - b. Total number of units proposed.
 - c. Number of bedrooms per unit in multiple family developments.
 - d. Areas to be used for open space and recreation.
24. Impact Statement. The statement shall address itself to the following as applicable to the type of use:
 - a. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population

impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.

- b. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
- c. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

D. Application Submittal Procedures:

1. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
2. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - a. The Alpena County Soil Erosion and Sedimentation Control Officer;
 - b. The Alpena County Drain Commissioner;
 - c. The Alpena County Road Commission and, if appropriate, the Michigan Department of Transportation;
 - d. District Health Department;
 - e. Local fire and ambulance service providers.
3. Application fees to cover the estimated review costs as determined pursuant to **§10.6** of this Ordinance shall be paid when the application and site plan are submitted.
4. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

5. The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at the next scheduled Planning Commission meeting.

E. Standards for Granting Site Plan Approval:

1. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
 - a. **Public Welfare and Adjoining Properties:** The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - b. **Topography and Natural Landscape:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
 - c. **Drainage:** On site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
 - d. **Privacy:** The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - e. **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

- f. **Vehicular and Pedestrian Circulation:** Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry. Where possible, shared commercial access drives shall be encouraged.

All streets, whether public or private, shall be developed in accordance with **§3.34.**

- g. **Access:** Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- h. **Outdoor Storage:** All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
- i. **Exterior Lighting:** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.
- j. **Compliance with other Statutes and Regulations:** Site plans shall conform to all applicable requirements of state and federal statutes and the Green Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit is granted.

The following standards relate to groundwater protection:

- k. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
- l. Storm water detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of the Alpena County Drain Commissioner.

- m. General purpose floor drains shall be connected to an on-site holding tank (not a septic system) in accordance with state and county requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality. General purpose floor drains, which discharge to groundwater, are prohibited.
 - n. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 - o. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
 - p. Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations or the Michigan Department of Environmental Quality.
 - q. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the Michigan Department of Environmental Quality.
 - r. Aboveground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Environmental Quality.
 - s. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
 - t. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Environmental Quality and the County or District Health Department.
 - u. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies.
2. The Planning Commission may seek the recommendations of the Fire Chief, the Alpena County Road Commission, the County Health Department, the Michigan Department of Natural Resources, the Michigan Department of Environmental

Quality, or other agencies as appropriate, where applicable.

F. Approval of Site Plan:

1. Within sixty (60) days of the site plan application being found complete, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the site plan in writing with reasons.
2. If the Planning Commission does not act on the site plan, and put its action in writing within the prescribed time, the site plan shall be conclusively presumed to have been approved. If the proprietor and the Zoning Administrator or Commission mutually agree, the time limit may be extended.
3. If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.

G. Conformity to Approved Site Plan Required. Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

H. Amendment of Approved Site Plan:

Amendment of an approved site plan shall be permitted only under the following circumstances:

1. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more the ten (10) feet.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - d. 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.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

- f. Changes that will preserve the natural features of the site without changing the basic site layout.
 - g. Changes related to item a) through f) above, required or requested by Green Township, Alpena County, or other state of federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
 - h. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
2. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under **subsection (H.1)** above shall be processed in the same manner as the original site plan application.

I. Expiration of Site Plan:

- 1. The site plan shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year if it finds good cause for the extension.
- 2. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees.

J. Conditional Approvals: The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **§10.2** of this Ordinance.

K. Performance Guarantee Required: The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **§10.7** of this Ordinance.

Section 7.3 - Site Plan Waiver

The Zoning Administrator may waive site plan review requirements and, in the case of a use that would normally require Planning Commission approval, the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

- A. Accessory structures for a non-residential use

- B. A change in principal use where such change would not result in an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.

ARTICLE 8: SPECIAL LAND USES

Section 8.0 - General Requirements

Uses requiring special approval shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Section 8.1 - Special Land Use Procedures

A. Applications:

An application for a special land use shall be submitted through the office of the Zoning Administrator to the Planning Commission on a special form provided for that purpose, and shall include items listed below in §8.1 A.1 through A.4. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice within thirty (30) days with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with §10.3.

1. Site plan prepared under the requirements of **Article 7**.
2. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
3. A statement prepared by the applicant appraising the effect on the neighborhood.
4. The application shall be accompanied by the fee established by the Township Board of Trustees.

B. Special Land Use Approval Standards:

The Planning Commission shall approve, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed special land use complies with all the following standards in addition to the site plan review standards contained in **Article 7**:

1. **Allowed Special Land Use:** The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
2. **Compatibility with Adjacent Uses:** The proposed Special Land Use shall be designed, constructed, operated and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and

the surrounding land. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

- a. Use activities, processes, materials, equipment, or conditions of operation;
- b. Vehicular circulation and parking areas;
- c. Outdoor activity, storage and work areas;
- d. Hours of operation;
- e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
- f. Impacts on adjacent property values; and
- g. The relative ease by which the impacts above will be mitigated.

3. Public Services:

- a. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- b. The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

4. Economic Well-Being of the Community: The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

5. Compatibility with Natural Environment: The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the township or the natural environment as a whole.

6. Impact of Traffic on Street System: The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

7. Non-Detrimental Standards: The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

8. Compliance with Supplemental Site Development Standards: The proposed special land use complies with all applicable supplemental site development standards as contained in **Article 9** of this Ordinance.

C. Decision:

After a public hearing, site plan review, and deliberation, the decision of the Planning Commission on a Special Land Use shall be incorporated into a statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.

D. Amendment of Approved Special Land Use:

Amendment of an approved special land use shall be permitted only under the following circumstances:

1. The owner of property for which a special land use has been approved shall notify the Zoning Administrator of any desired change to the approved special land use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor violate any of the specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more the ten (10) feet.
 - c. Landscaping approved in the special land use that is replaced by similar landscaping to an equal or greater extent.
 - d. 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.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes which are required or requested by Green Township, Alpena County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor violate any of the specified conditions imposed as part of the original approval.
 - g. All amendments to a special land use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
2. An amendment to an approved special land use that cannot be processed by the zoning administrator under **§8.1(D)(1)** above shall be processed in the same manner as an original Special Land Use application.

E. Inspection:

The Zoning Administrator shall have the right to inspect any special land use, to ensure continued compliance with the conditions of the special land use.

- F. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of Special Land Use approval and the continuance thereof.
- G. As a minimum, or unless specifically modified by the provisions of **Article 9**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the provisions of **Article 9** or the approving body.
- H. Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary as referred to in **§10.2**.

ARTICLE 9: SUPPLEMENTAL REGULATIONS

Section 9.0 - Supplemental Regulations

The uses listed below shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

Section 9.1 - Bed and Breakfast Facilities/Tourist Homes/Boarding Houses:

- A. While this subsection is established to enable single-family dwelling units to be used as bed and breakfast facilities, tourist homes, or boarding houses, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast, tourist home, or boarding house is a subordinate use to a single-family dwelling unit subject to the following conditions:
1. The bed and breakfast, tourist home, or boarding house shall not alter the residential character of the structure.
 2. The operator shall live on the premises when the operation is active.
 3. Bed and breakfasts, tourist homes, or boarding houses will operate in compliance with all local, state and federal requirements.
 4. Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire extinguisher and carbon monoxide detector in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
 5. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
 6. The maximum length of stay for bed and breakfasts and tourist homes for guests shall be fourteen (14) consecutive days.
 7. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility, plus one (1) parking space for each available guest room and one (1) for any non-resident employed.
 8. Rental of snowmobiles, ATV's, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment may be permitted as part of the approval process. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.

9. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of **§3.32**, to indicate that the dwelling is being utilized for any purpose other than as a residence.
10. Breakfast may be served only to overnight guests in accordance with state public health regulations regarding bed and breakfast facilities.
11. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than one (1) non-resident full-time equivalent employee may be hired. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

Section 9.2 - Group Day Care Homes/Child Care Center

- A. A Special Land Use Permit will be issued if the group day care home or child care center meets all of the following conditions:
 1. Is not located closer than fifteen hundred 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. An adult foster care home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218.
 - c. A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under Article 6 of the public health code, 1978 PA 368.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 2. Has at least four hundred (400) square feet of fenced outdoor space.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 4. Does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.

Section 9.3 - Businesses with Drive-Through Services

- A. These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots and vehicles using drive-through service lanes.
- B. Businesses which provide a drive-in or drive-through service (but not Gasoline Service Stations) may be permitted, as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:
 - 1. Vehicular access drives shall be located at least sixty (60) feet from the nearest right-of-way line of all intersecting streets.
 - 2. Drive-through/drive-in service windows and order areas shall only be located in the side or rear yard of the property.
 - 3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and drive-through lanes.
 - 4. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing/walls may be required on the sides abutting or adjacent to a residential or Conservation Resource use.
 - 5. Stacking spaces shall be provided for drive-through operations subject to the standards listed in the parking requirements in **§3.23**.

Section 9.4 - Campgrounds & Travel Trailer Parks

- A. A minimum lot size shall be five (5) acres, and not less than six hundred (600) feet width.
- B. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- D. The campground perimeter shall be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and trailer courts shall comply with State of Michigan and District Health Department requirements.

Section 9.5 - Car Wash Facilities

- A. Layout: All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.
- B. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 9.6 - Cemeteries

- A. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- B. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery plan, and in compliance with appropriate district setbacks.
- C. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

Section 9.7 - Commercial and Industrial Uses With Outdoor Storage

Outside storage of equipment or materials in the Commercial and Industrial Districts shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.

Section 9.8 - Commercial Outdoor Recreational Facilities

Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf, driving ranges, shall be subject to the following requirements:

- A. Children's amusement facilities must be fenced on all sides with a minimum four (4) foot high protective wall or fence.
- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
- C. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

Section 9.9 - Lumber Yards

Facilities dealing primarily in the selling/distributing of lumber for wholesale or retail markets shall meet the following standards:

- A. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.
- B. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.

Section 9.10 - Sawmills and other Mills

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, are permitted provided:

- A. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than two-hundred fifty (250) feet.
- B. Log storage and sawn timber or lumber shall not be located nearer than two-hundred fifty (250) from an off-premises residence.
- C. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable.
- D. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.
- E. Operating hours shall be from sun up to sun down.
- F. Location of saw mills shall be such that operation will not create a nuisance to abutting residential or agricultural operations or to dwellings in the immediate area by reason of noise, dust or pollution
- G. Residue from saw mill operations such as slab wood, saw dust, other by products etc. shall be removed from the site or shall be stored on the site so as not to be unsightly to adjacent properties.
- H. Property must be returned to original state as much as possible.

Section 9.11 - Automobile Repair Garage/Automobile Service Station

- A. No ingress or egress to an automobile service station or automobile repair garage shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- B. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- C. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a fence or masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- D. All exterior lighting shall comply with §3.31 of this Ordinance.
- E. Parking and stacking spaces shall be provided subject to §3.23.

Section 9.12 - Junkyards, Salvage Yards, & Sanitary Landfills

- A. Junk and salvage yards may be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "Industrial" District, and shall be located only in sites which are completely screened from adjacent properties and public view. Inoperative vehicles stored or contained in junk yards are permitted only in enclosed structures or in outside areas which are completely screened from adjacent properties and public view.
- B. Sanitary landfills shall:
 - 1. only be located in the "Industrial" District;
 - 2. only be permitted if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Part 115 of the Natural Resources and Environmental Protection Act, as amended or under the jurisdiction of the Michigan Department of Environmental Quality in conformance Part 111 of the Natural Resources and Environmental Protection Act; as amended
 - 3. have direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission or State Department of Transportation.
- C. The location of a junkyard, salvage yard or sanitary landfill shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden or masonry fence, or by well maintained evergreens.

- D. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 9.13 - Kennels or Veterinary Clinic/Animal Hospital

A. Large-Scale Kennels and Veterinary Clinics/Animal Hospitals:

1. All large-scale kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or animal hospitals shall be located on sites of at least one (1) acre in size.
2. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, which ever is greater.
3. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
4. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.
5. Animals shall be kept in an enclosed building between the hours of 10 p.m. and 6 a.m.
6. All principal use activities shall occur within an enclosed main building.

B. Small Scale Kennels:

1. Animals shall be confined within a building or a fenced area.
2. Outdoor animal enclosures which are within five hundred (500) feet of a dwelling on another property shall be screened from adjacent properties and/or roads with an opaque fence or vegetated evergreen buffer at least five (5) feet in height. The enclosure shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.
3. If, in the Zoning Administrator's determination, the kennel presents a nuisance to neighboring properties, he/she may require the screening elements in subsection (b) above to be constructed regardless of whether a neighboring dwelling exists within five (500) feet.

Section 9.14 – Manufactured Housing Developments

Manufactured home developments shall be subject to the following conditions:

- A. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. The underside or chassis of all manufactured homes in manufactured housing developments to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

Section 9.15 – Outdoor Sales Facilities

Outdoor sales lots for automobile, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractor's equipment/vehicles, and similar units, for new and/or used units, are subject to the following:

- A. No display shall be permitted in the right-of-way of any abutting road or highway.
- B. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
- C. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two, or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the underframe of a vehicle more than five (5) feet above the ground.
- D. Display lot lighting shall comply with terms of **§3.31**, which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- E. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
- F. Adequate parking shall be provided.

Section 9.16 – Sexually Oriented Business

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
- B. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- C. The proposed use must meet all applicable written and duly promulgated standards of Green Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- D. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- E. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- F. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic

beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”

- G. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- H. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- I. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
 - 5. Has no holes or openings in any side or rear walls.

Section 9.17 – Storage Uses

Storage uses, including mini-storage, shall meet the following regulations:

- A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission.
- B. Proposed storage buildings shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
- C. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
- D. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, shall be within an enclosed building or behind an obscuring wall or fence.

Section 9.18 – Wireless Communications Equipment and Wireless Communications Facilities

¹ Amendment adopted February 10, 2014; Effective February 24, 2014

² Amendment adopted December 12, 2022; Effective December 22, 2022

A. Administration:

1. All Wireless Communications Facilities are approved by the Planning Commission. A zoning permit is required for new Wireless Communications Facilities. While a zoning permit is not required for new antennae erected on existing Wireless Communications Facilities in the Township, the owner of the antenna shall be required to notify the Township Zoning Administrator of each new or replacement antenna that is installed on a Wireless Communications Facility. Records of the capacity of each Wireless Support Structure shall be maintained on-file at the Township.
2. Changes to or replacement of Wireless Communications Equipment and Wireless Facilities that are also nonconforming uses are approved by the Planning Commission. The Zoning Administrator may waive submissions required in subsection C if he/she determines that said submissions are unnecessary.
3. **Exemption:**
 - a. Towers less than 50 feet in height: Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section.
 - b. Structures covered under the OTARD rule (47 CFR Section 1.4000) or any amendments thereto. Exempt structures shall comply with all FCC rules and regulations in effect at the time they are erected. The property owner shall notify the Township prior to erecting such an exempt structure.
 - (1) Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property are exempt from this Section
 - (2) Hub and relay antennas that are used for the distribution of fixed wireless services to multiple customer locations regardless of whether they are used primarily for this purpose as long as (1) The antenna serves a customer on whose premises it is located, and (2) the service provided over the antenna is broadband only are exempt from this Section.

B. Permitted and Special Land Uses:

1. **Co-location - Permitted Use:** Pursuant to Section 3514 of P.A. 110 of 2006, as amended, wireless communications equipment is a permitted use of property and

is not subject to Special Land Use approval or any other approval if the following requirements are met:

- a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
- b. The existing wireless communications support structure or existing equipment compound is in compliance with this Zoning Ordinance or was officially approved by the Zoning Administrator or Planning Commission.
- c. The proposed collocation will not do any of the following:
 - 1) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or 10% of its original height, whichever is greater.
 - 2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - 3) Increase the area of the existing equipment compound to greater than 2,500 square feet.
- d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Zoning Administrator or Planning Commission.

2. **Special Land Uses:**

- a. Wireless communications equipment that meets the requirements of subsections 1 (a) and (b) but does not meet the requirements of subsection 1(c) or (d) is a permitted use of property if it receives Special Land Use approval.
- b. **New Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Land Use as listed in Table 5.11 and shall be evaluated using the procedures stated in subsection C below using the standards stated in subsection D.
- c. **Other Wireless Communications Facilities:** Wireless communications facilities which do not fall under subsections B.1 or B.2 (above) shall follow the same Special Land Use approval procedure and standards as uses listed in subsection B.2 (above)

C. **Approval Procedure:**

1. An application for Special Land Use approval of wireless communications equipment and wireless communications facilities described in subsection B.2 (above) shall include all information required by Section 7.2.C.
2. After an application for a Special Land Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the 14-day period under subsection C.2, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection C.2 is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
4. The Planning Commission shall approve or deny the application not more than sixty (60) days for situations described in B.2.a above and not more than ninety (90) days for situations described in B.2.b and B.2.c above after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
5. Special Land Use approval may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.
6. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **Section 10.3**.
7. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in **Section 7.2.E** and **Section 8.1.B** and the standards contained in **subsection D** below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
8. The Township may authorize wireless communications equipment as a permitted use of property not subject to a special land use approval.

- D. **Standards:** In addition to the standards in **Section 7.2.E** and **Section 8.1.B**, the following site development standards shall apply to all wireless communications equipment and support structures in the Township:
1. **Ownership:** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the Wireless Communications Facility. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the Wireless Communications Facility within thirty (30) days of the effective date of the change.
 2. **Need & Co-location:** The applicant shall provide documentation to the Planning Commission establishing the need for a new Wireless Communications Facility and analysis of alternative options, such as co-location of an existing structure. The applicant shall provide evidence of the feasibility of locating the antenna on an existing structure in the Township or in neighboring communities. The applicant must demonstrate that no existing structures can accommodate the applicant's needs. If such a structure is in existence and contains available space for new Wireless Communications equipment, said structure shall be utilized.
 3. **Visual Impact:** The application for Special Land Use for the Wireless Communications Facility shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the Wireless Communications Facility from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
 4. **Size:**
 - a. A Wireless Support Structure shall be exempt from building height limits established by zoning district regulations, provided that the Wireless Support Structure height shall not exceed the minimum height necessary to serve its intended functions.
 - b. The Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission.
 5. **Lighting:** The applicant shall provide documentation of any lighting to be installed on the Wireless Communications Facility. If lighting is required or proposed, the Wireless Communications Facility may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
 - a. The color and intensity of Wireless Communications Facility lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as

unobtrusive as possible and must cause the least disturbance to the surrounding properties.

- b. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
 - c. Lighting may consist of a red top light that does not pulsate or blink.
 - d. Radar-activated obstruction lighting system shall be utilized, if available.
6. **Color:** The Wireless Communications Facility shall be painted so as to be as unobtrusive as possible. The painting of Wireless Communications Facilities in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
7. **Height Decrease:** If the height required for the Wireless Support Structure to serve its intended function decreases from the installed height due to technological advancement, additional installations at other locations, or other factors, the Township may order that the Wireless Support Structure be lowered to such decreased minimum height.
8. **Signs:** No signs other than signs required pursuant to federal, state or local law and ordinance shall be allowed on a Wireless Communications Facility or site.
9. **Cable and Anchor Setbacks:** Guy cables and anchors shall comply with applicable zoning district setback regulations.
10. **Setback from Dwellings:**
- a. **Wireless Support Structures – Setback from Dwellings:** The Wireless Support Structure and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one-half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.
 - b. **Wireless Support Structures – Setback from Property Line:** The Wireless Support Structure shall be set back not less than the distance equal to the height of the Wireless Support Structure measured from the base of the Wireless Support Structure to all points on each property line.
 - c. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities.** Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to each property line. The Planning Commission may

reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring property.

11. **FCC/FAA/Other Regulations:** The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, or Michigan Aeronautics Commission regulations. The Wireless Support Structure shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).
12. **Use:** The owner/operator of the Wireless Communications Facility shall agree to permit use of the Wireless Communications Facility by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the Wireless Communications Facility.
13. **Performance Guarantee:** As a condition of approval, the Planning Commission may require an owner to deposit funds a performance guarantee to assure the removal of Wireless Communications Facility as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the Wireless Communications Facility at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
14. **Cease of Operations/Abandonment:** If the Wireless Communications Facility ceases operation for its original use or is abandoned for any reason for six (6) continuous months, the Township may order its removal from the site by the owner of the Wireless Communications Facility within three (3) months of notification by the Township. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
15. **Decommissioning Plan:** A decommissioning plan is required at the time of application.
 - a. The decommissioning plan shall include:
 - (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
 - (2) The projected decommissioning costs for removal of the facility (net of salvage value in current dollars) and soil stabilization, less the amount of

the surety bond posted with the State of Michigan for decommissioning of equipment installed on PA 116 lands.

- (3) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).
 - b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A Wireless Communications Facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
16. **ZBA:** The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Land Use approval to erect and maintain a Wireless Communications Facility.
17. **Co-Location:**
- a. No antenna or similar sending/receiving devices appended to a Wireless Support Structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the Wireless Support Structure thereby jeopardizing the Wireless Support Structure's structural integrity.
 - b. The installation and/or operation of the above-mentioned Wireless Communications Facility shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

E. **Small Cell Wireless Facilities:**

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Land Use approval and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

2. **Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Zoning Administrator in accordance with the following procedures and standards:
- a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.
 - (2) The running of the time period tolled under **subsection E.2.a.1** resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.
 - b. The Planning Commission shall base their review of the request on the standards contained in **Section 7.2.E** and **Section 8.1.B** provided, however that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
 - c. In addition to the provisions set forth in **subsection E.2.b**, in the Planning Commission's review:
 - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:

- (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

¹Section 9.19 – Biofuel Production Facilities

¹Amendment adopted February 10, 2014; Effective February 24, 2014

- A. In conformance to the Michigan Zoning Enabling Act, the following regulations shall apply to biofuel production facilities:
- 1. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property and is not subject to special land use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the zoning ordinance.
 - c. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

2. Each of the following requires special land use approval under subsections (3) to (5):
 - a. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b) but that does not meet the requirements of subsection (1)(c).
 - b. A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b).
Amendment adopted February 10, 2014, Effective February 24, 2014
3. An application for special land use approval for a biofuel production facility described in subsection (2) shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (2) and (5).
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for special land use approval under subsection (2) not more than 60 days after the application is filed.
5. Special land use approval of a biofuel production facility described in subsection (2) shall be made expressly conditional on the facility's meeting all of the

following requirements before the facility begins operation and no additional requirements:

- a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
 - b. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
 - c. The biofuel production facility includes sufficient storage for both of the following:
 - (1) Raw materials and fuel.
 - (2) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.
- B. This section does not authorize biofuel production facilities that are not located on farms.

Section 9.20 – Wind Turbine Generators (Wind Energy Systems) and Anemometer Towers

The following site development standards shall apply to all wind energy system and anemometer tower (AT) installations in the Township.

A. Small On-Site Wind Energy Systems: A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right.

1. **Tower Height:** For property sizes up to one (1) acre, the tower height shall be limited to eighty (80) feet. For property sizes of one (1) acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. **Blade Clearance:** There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
3. **Guy Wires:** If the small wind energy system is supported by guy wires, such wires shall be visible to a height of at least six (6) feet above the ground.
4. **Setbacks:** Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine generator. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors, may extend closer to the property line or waterfront than the required setback for the district in which the unit is located.
5. **Noise:** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dB(A) above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
6. **Vibration:** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
7. **Reception Interference:** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
8. **Shadow Flicker:** Small wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
9. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
10. **Safety:** A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
11. **Color:** Residential wind turbines shall be painted a non-obtrusive, neutral color.
12. **Other Regulations:** On-site use wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
13. **Roof-Mounted Wind Energy Systems:** Small roof-mounted wind energy systems are exempt from the setback requirements of this Ordinance.

B. Wind Energy Facilities and Anemometer Towers: Anemometer Towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Land Use and shall adhere to the following requirements in addition to the requirements contained in **Articles 7 and 8.**

1. **Principal or Accessory Use:** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. **Sufficient Wind Resources:** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.
3. **Minimum Site Area:** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.
4. **Setbacks:** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
 - a. **Setback from Property Line:** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed fifty (55) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
 - b. **Setback from Road:** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum

distance equal to the height of the wind turbine generator total height as defined in the Ordinance.

- c. **Setback from Structures:** Each wind turbine generator shall be setback from the nearest inhabited structure a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.
 - d. **Setback from Communication and Power Lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total tower height, whichever is greater, determined from the existing power or communications lines.
 - e. **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.
5. **Maximum Height:** The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall not exceed a hub height of two hundred seventy-five (275) feet. The applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if either of the following conditions is met:

- a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
- or
- b. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township.

In subsections (1) and (2) above, the increased height shall not result in increased intensity of lighting of the tower due to FAA (Federal Aviation Administration) or MAC (Michigan Aeronautics Commission) requirements.

6. **Tower Separation:** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications tower separation.

7. **Minimum Ground Clearance:** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.
8. **Maximum Noise Levels:** The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient plus five (5) dB(A).
9. **Maximum Vibrations:** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.
10. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
11. **Signal Interference:** No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

12. Visual Impact, Lighting, Power Lines:

- a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
- b. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be the intensity required under State or federal regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting

shall be alternated with steady red lights at night if acceptable to State or federal regulations.

- (3) May be a red top light that does not pulsate or blink.
 - (4) All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
 - e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.
 - f. Wind energy power transmission lines located within Wind Energy Resource Zones for which an Expedited Siting Certificate is issued by order of the Michigan Public Service Commission under P.A. 295 of 2008 are exempt from local zoning regulations.

13. Shadow Flicker:

- a. The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
- b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

14. Safety:

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbine towers shall not be climbable on the exterior.

- c. All access doors to wind turbine towers and electrical equipment shall be lockable.
 - d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
 - e. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.
15. **State or Federal Requirements:** Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use approval is approved.
16. **Hazard Planning:** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. Location of landscaping to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
 - d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
17. **Approvals:** All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.
18. **Removal of Wind Turbine Generators:**
- a. The applicant shall submit a decommissioning plan. The plan shall include:
 - (1) The anticipated life of the project.

- (2) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
 - (3) The method of ensuring that funds will be available for decommissioning and restoration.
 - (4) The anticipated manner in which the project will be decommissioned and the site restored.
- b. Any wind turbine generator or anemometer tower that is inoperational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of abandonment. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.
 - c. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.
 - d. The Planning Commission may require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

19. **Equipment Replacement:** Major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

Section 9.21 – Planned Unit Development (PUD)

A. **Purpose:** The Planned Unit Development allows design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of establishing that a Planned Unit Development is within the

parameters and intent of this Ordinance is completely upon the applicant. The Green Township Planning Commission shall determine whether the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, and type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

B. Criteria: The criteria set forth below apply to Planned Unit Developments. Procedures set forth in this section shall be followed and the design submitted for Planning Commission review and approval. Standards contained in **Articles 7 and 8** also apply.

1. **Size:** A Planned Unit Development shall be of sufficient size to contain on the site both physically and aesthetically not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.
2. **Internal Design Standards:** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, park areas, and public services.
3. **External Effects:** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.

C. Approval Procedures: Each of the following steps in the submittal process is mandatory, and failure to complete any one will result in a suspension of the process until such time as the required information is submitted in accordance with the requirements of this ordinance.

1. **Pre-Application Meeting:** The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request or recommend that the applicant request representatives from the relevant Township or County agencies (fire department, county sheriff and other agencies) to attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan.
2. **Preliminary Plan Submission Requirements:** Following the pre-application conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development plan for the subject property. The applicant shall submit ten (10) copies of the Preliminary Planned Unit Development plan with the PUD application, at least thirty (30) days prior to the date of the Planning Commission meeting at which a Public Hearing on the Plan is to be scheduled. The Preliminary Planned Unit Development plan shall provide all the information specified under **Article 7**.
3. **Planned Unit Development Review Procedure:**
 - a. **Public Hearing:** The Planning Commission shall conduct a public hearing on the

preliminary site plan in accordance with **§10.3** of this Ordinance.

- b. **Preliminary Site Plan Approval/Action:** Following the public hearing, the Green Township Planning Commission shall recommend approval, disapproval or approval subject to specified conditions/revisions. Such recommendation shall be based on the standards listed in **Articles 7 and 8** of this ordinance and **§9.21 (B)**.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

- c. **Final Site Plan Approval:** Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval within the required time frame. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval. The Planning Commission shall conduct a public hearing in accordance with **§10.3** of this Ordinance. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the review criteria listed in **Articles 7 and 8** of this ordinance and **§9.21 (B)** and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Building Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
- d. **Performance Guarantee:** To ensure compliance with the approved final site plan, the Township may require a performance guarantee as per **§10.7**.

- 4. **Amendments to an Approved PUD:** Minor amendments to an approved PUD site plan may be approved administratively by the Zoning Administrator provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor amendments subject to administrative review are addressed in **§7.2 (H)**.

A major amendment to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Major amendments include but are not limited to increase in density or number of dwelling units, increase in land area or building size, or addition of other uses not authorized by the original PUD approval. The Zoning Administrator shall determine if other similar changes constitute a major amendment.

¹Section 9.22 – Medical Marihuana Primary Caregiver Facility

¹Amendment adopted Dec 14, 2020 Effective Dec 29, 2020

A. Purpose and Intent.

It is the purpose of this section to give effect to the intent of Initiated Act 1 of 2008, the Michigan Medical Marihuana Act (the MMMA) and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marihuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in Green Township to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marihuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

B. Findings. This Section is based on the following findings:

1. The voters of the State of Michigan approved by initiative and referendum the use of marihuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marihuana under the provisions of the MMMA.
2. Despite the provisions of the MMMA, marihuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of Green Township.
3. In other States where medical marihuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marihuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marihuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.
4. Green Township finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

C. Permitted Use.

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted land use in all zoning districts.¹

D. Review Standards.

Primary Caregiver Facilities shall be subject to the following:¹

1. **Primary Caregiver Facility.** All marihuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to paragraph “5” hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.¹
2. **Limits on Quantities.** A Primary Caregiver shall not possess more marihuana than 2.5 ounces or 12 marihuana plants for each Qualifying Patient to which he/she is connected.
3. **Combined Operations Prohibited.** No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited, provided, however, a married couple or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.¹
4. **Isolation Distance.** A Primary Caregiver facility shall be located no closer than one thousand (1,000) feet from any school, church, day care facility, or park. A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any dwelling. A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any other Primary Caregiver facility. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the building containing a school, church, day care facility, park or dwelling, in the first case; or between the front doors of two Primary Caregiver Facilities, in the second case.
5. **Dispensing Medical Marihuana.** No medical marihuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
6. **Prohibited Activities.**

- a. A Primary Caregiver Facility shall not be used as a medical marijuana dispensary or compassion club and no smoking or otherwise ingesting of any form of medical marijuana shall be permitted on site. No medical marijuana paraphernalia shall be provided to Qualifying patients at the Primary Caregiver Facility.
- b. No alcoholic beverages shall be sold, conveyed or consumed on the premises of the Primary Caregiver Facility.
- c. A Primary Caregiver Facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising a Primary Caregiver undertakes shall not disclose the location of the Primary Caregiver Facility.
- d. All commercial medical and recreational (adult-use) marijuana facilities or marijuana establishments as defined in the Medical Marijuana Facilities Licensing Act, 2016 PA 281, as amended, and Initiated Law 1 of 2018, MCL 333.27951 et seq., as amended, are prohibited.¹

E. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

¹Section 9.23 – Mines, Quarries, and Gravel Pits

¹Amendment adopted February 10, 2014; Effective February 24, 2014

- A. Conformance to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended: the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.
 - 1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
 - 2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in Silva v Ada Township, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
 - (a) The relationship of extraction and associated activities with existing land uses.
 - (b) The impact on existing land uses in the vicinity of the property.
 - (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

- (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - (e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - (f) The overall public interest in the extraction of the specific natural resources on the property.
- B. The Planning Commission may regulate of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

¹Section 9.24 – Solar Energy

1Amendment adopted December 12, 2022; Effective December 22, 2022

A. Solar Energy Facilities (Utility-Scale/Commercial).

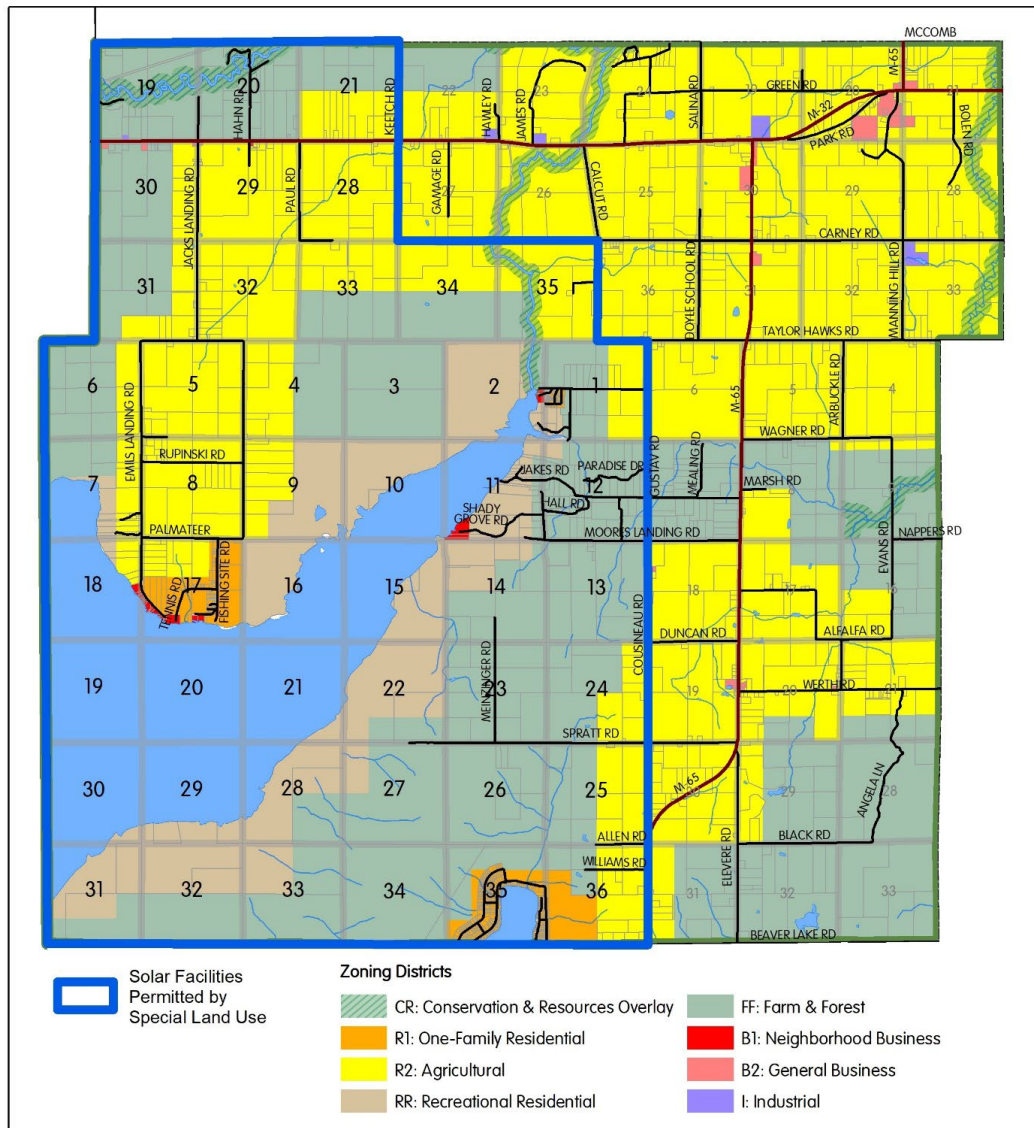
A solar energy facility (utility-scale/commercial) shall require a Special Land Use permit and shall be evaluated with the following standards in addition to the standards in Section 7.2.E and Section 8.1.B.

1. **Intent and Location**: The Green Township Master Plan states the following:
 - a. **Agriculture – Goal 1**: Recognize the importance of agricultural lands as an economic base and way of life in Green Township.
 - (1) Objective 1: Maintain and provide for the preservation of farmland and woodlands, where feasible.
 - (2) Objective 2: Discourage the conversion of farmland into other more intensive uses. Recognize farmland as contributing to the scenic and rural character of the Township.
 - (3) Objective 6: Recognize the importance and encourage the continued opportunity to purchase fresh foods produced on local agricultural land.
 - b. **Natural Environment - Goal 1**: Protect and preserve the natural environment by protecting groundwater, surface water, environmentally sensitive areas, highly erosive areas, woodlands, wetlands, open space, fish and wildlife.
 - (1) Objective 1: Encourage a land use pattern that is oriented to the natural features and water resources of the area. Evaluate type and density of proposed developments based on soil suitability, slope of land, potential for groundwater and surface water degradation and contamination, compatibility with adjacent land uses, and impacts to sensitive natural areas like wetlands, greenways, and wildlife corridors.

- c. **Community Character - Goal 1:** Maintain the desirable aspects of the community character of Green Township while working toward resolving the problematic aspects.
 - (1) Objective 1: Utilize the existing resources of Green Township in a productive manner to maintain the community character and address problems.

- d. **Planning And Community Development - Goal 1:** Guide future development in a manner that will protect existing development, preserve rural community character, and conserve natural resources and environment, yet meets the long-term needs of the community.
 - (1) Objective 2: Control the location of new development by designating appropriate areas for new residential, commercial, light industrial, and resort/recreational land uses.

In order to meet these adopted goals and objectives concerning the preservation of agricultural lands, the protection of the natural environment, and the maintenance of community character, Green Township has evaluated areas of the Township which would be suitable for the establishment of solar energy facilities. The Township has designated an area which will have the least impact to agriculture, the environment, and the community character of Green Township. The designated area consists of a lower percentage of active farms and a lower percentage of prime agricultural soils than other areas of the Township. Solar energy facilities shall be allowed in the R-2 and FF-1 Districts in the sections shown on the following map:



2. **Setbacks:** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from the road right-of-way and all property lines of non-participating lots.
3. **Height:** The total height for all solar collection devices shall not exceed twenty (20) feet when oriented at maximum tilt.
4. **Reflection/Glare.** Solar collection devices, or a combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.

5. **Impervious Surface/Stormwater**. If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
6. **Screening**. Solar devices shall be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather.
7. **Wiring**. Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar array at maximum tilt.
8. **Lighting**: Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
9. **Sound**. The sound pressure level of a solar energy facility and all ancillary solar equipment shall not exceed forty-five (45) dBA (Leq (1 hour)) at the property line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
10. **Land Clearing**: Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
11. **Access Drives**: New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed once the Solar Energy Facility is in operation.
12. **Fencing**: Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in subsection A.2.
13. **Lot Coverage**: Solar collection devices shall not count toward the maximum lot coverage standards in Section 5.10 (Schedule of Regulations).

14. **Agricultural Protection:** For sites where agriculture is a permitted use in a district, solar energy facilities shall be sited to minimize impacts to agricultural production through site design and accommodations including:
- a. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.
 - b. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.
 - c. Maintaining all drainage infrastructure on-site, including drain tile and ditches, during the operation of the solar energy facility.
 - d. Siting the solar energy facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.
 - e. Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres if the township has adopted a purchase of development rights ordinance.
15. **Repowering:** In addition to repairing or replacing solar energy components to maintain the system, a solar energy facility may at any time be repowered, without the need to apply for a new Special Land Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.

A proposal to change the project footprint of an existing solar energy facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a solar energy facility will be reimbursed to the Township by the solar energy facility owner in compliance with established escrow policy.

16. **Abandonment:** Any Solar Energy Facility which is not used for six (6) continuous months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

17. **Performance Guarantee**: As a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the Township or provide an insurance bond satisfactory to the Planning Commission to assure the removal of the solar energy facility. If required, such escrow deposit or insurance bond shall be in an amount equal to the cost of removal of the facility. The deposit or bond shall be maintained by successor owners of the facility.

18. **Decommissioning Plan**: A decommissioning plan is required at the time of application.
 - a. The decommissioning plan shall include:
 - (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
 - (2) The projected decommissioning costs for removal of the solar energy facility (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands.
 - (3) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).
 - b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A solar energy facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

B. Solar Energy Panels (Accessory):

Solar energy panels shall be allowed as a permitted accessory use in all zoning districts subject to the requirements below. A zoning permit shall be required for ground-mounted solar panels over two hundred (200) square feet (in sum). A building permit may be required. All ground-mounted and building-mounted solar panels shall meet the following standards (whether or not a zoning permit is required):

1. **Submittal Requirements**: Applicants for building-mounted accessory solar energy panels that require a zoning permit shall submit drawings that show the location of

the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Applications that meet the ordinance requirements shall be granted administrative approval by the Zoning Administrator.

2. **Height:**

- a. Ground-mounted accessory solar energy panels shall not exceed the allowable height of structures in that district when oriented at maximum tilt measured from the ground to the top of the system.
- b. Building-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.

3. **Setbacks/Location.**

- a. Ground-mounted accessory solar energy panels shall adhere to setbacks and location established for detached accessory buildings pursuant to **Section 3.9**. Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt. If no solar access is available in the location required, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.
- b. Building-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

4. **Glare.** Panels shall not result in glare onto adjoining properties or public rights of way.

5. **Lot Coverage for Residential Lots:** Ground-mounted solar panels shall not count toward the maximum lot coverage standards in Section 5.10 (Schedule of Regulations).

6. **Nonconformities.**

- a. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
- b. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

7. **Building-Integrated Solar Panels:** Building-Integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to accessory ground or building-mounted standards in subsections 1 through 5 above.

**ARTICLE 10:
ADMINISTRATION AND ENFORCEMENT OF ORDINANCE**

Section 10.0 - Zoning Administrator

- A. The provision of this Ordinance shall be administered in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine is reasonable. The Township Zoning Administrator shall have the power of a police officer in the enforcement of this Ordinance.
- C. The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. The Zoning Administrator shall not approve any plans or issue any Permits for excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.
- D. The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.
- E. The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

Section 10.1 - Zoning Permit

- A. No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.
- B. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:

1. A site plan or plot plan in duplicate, in a scale sufficient to clearly detail and which contains all of the information required in **Article 7**.
 2. Properties smaller than two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 3. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for.
 4. Such other information as may be required to determine compliance with this Ordinance.
- C. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits which are contingent upon the issuance of a zoning permit.
- D. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator's use prior to the issuance of the Zoning Permit.
- E. The zoning permit will expire after one (1) year from date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit.
- F. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
- G. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.
- H. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

Section 10.2 - Conditions

The Green Township Planning Commission and Green Township Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural

environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and 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.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 10.3 - Public Notification

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, and the other provisions of this Section with regard to public notification.

- A. **Published Notice:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Green Township and mailed or delivered as provided in this Section.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:
 - 1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - 2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - 3. When and where the request will be considered: indicate the date, time and place of the public hearing(s).

4. Written comments: include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. 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 the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property, notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within Green 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 may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to **§10.4**.
 - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved.
2. Notice Deemed Given: Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. The Planning Commission Secretary 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, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. 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 fifteen (15) days before the date the application will be considered for approval.

Section 10.4 - Registration to Receive Notice by Mail

- A. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to **§10.3(C)(1)(c)** or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
- B. **Requirements:** The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.

Section 10.5 - Rehearing Process

- A. **Final Decisions:** Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 - 2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
 - 3. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. **Rehearing Procedure:** A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
 - 1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 - 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.

3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 10.6 - Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following:
 1. Zoning permits
 2. Special Land Use permits
 3. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Requests for variances from the Zoning Board of Appeals.
 5. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 6. Site plan reviews.
 7. Requests by the applicant for a special meeting of the Green Township Planning Commission.
 8. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and per diem paid to the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- C. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision.

Section 10.7 - Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning

practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Two-thirds (2/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

Section 10.8 - Violations and Penalties

A. Nuisance per se

Any land, dwellings, buildings or structures used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

B. Inspection

The Zoning Administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to the ensure compliance with the plans and conditions of the zoning permit or approved site plan.

C. Penalties

1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than five hundred and 00/100 (\$500.00) dollars. Every day that such violation continues constitutes a

separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.

2. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this Ordinance.
3. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

D. Stop Work Order

1. If construction or land uses are being undertaken contrary to a zoning permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.
2. A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent civil prosecution for failure to obey the order.

ARTICLE 11: ZONING BOARD OF APPEALS

Section 11.0 – Zoning Board of Appeals Creation and Membership

- A. The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members, appointed by the Township Board by a vote of a majority of its membership.
- B. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
- C. The remaining members must be selected from the electors of Green Township and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
- D. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.
- E. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- F. The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- G. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 11.1 – Meetings

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The Zoning Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.
- B. The Zoning Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.
- C. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

Section 11.2 – Jurisdiction

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant dimensional variances as provided for in **§11.4**. The ZBA shall not grant use variances.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.

- F. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

Section 11.3 – Stay

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

Section 11.4 – Variances

- A. **Dimensional Variance Standards:** The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
 - 1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship;
 - 2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
 - 3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;

4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 11.5 – Zoning Board of Appeals Submittal

The applicant is required to submit six (6) copies of surveys, plans and data as required under **Article 7**, or other information deemed reasonably necessary for making any informed decision on his or her appeal.

Section 11.6 – Conditions of Approval

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **§10.2**.

Section 11.7 – Exercising Powers

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

Section 11.8 – Time Limit

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

Section 11.9 – Appeals to Circuit Court

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court of Alpena County. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

ARTICLE 12: ADOPTION AND AMENDMENTS

Section 12.0 - Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended.
1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Green Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 2. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
 3. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - a. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 - b. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
 - c. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 - d. The public notice procedure shall be the same as that contained in **§10.3**.
 - e. **Rezoning Standards:** The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
 - 1) Is the proposed rezoning consistent with the Green Township Master Plan?
 - 2) Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - 3) Will there be an adverse physical impact on surrounding properties?
 - 4) Will there be an adverse effect on property values in the adjacent area?

- 5) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - 6) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - 7) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - 8) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - 9) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - 10) Are there sites nearby already properly zoned that can be used for the intended purposes?
- f. Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
 - g. The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
 - h. The Township Board may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in **§10.3**.
 - i. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **§10.3**.
 - j. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
 - k. After any such public hearing as allowed under **§12.0(A)(3)(h-i)**, the Township Board shall consider and vote upon the adoption of a zoning ordinance amendment. A zoning ordinance amendment shall be approved by a majority vote of the members of the Township Board.

- I. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- m. No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

Section 12.1 - Conditional Rezoning

- A. Intent: It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act (MCL125. 3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions.
 - 1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 - 3. The owner's offer of conditions may not 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.

1. 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.
2. 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 have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.
3. Approval.
 - a. 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.
 - b. The Statement of Conditions shall:
 - 1) Be in a form recordable with the Register of Deeds of Alpena 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.
 - 2) Contain a legal description of the land to which it pertains.

- 3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - 4) 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.
 - 5) 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 Alpena County.
 - 6) 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.
- c. 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.
 - d. 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 Alpena 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.
 - e. 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.

Section 12.2 - Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

Section 12.3 - Severability

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 12.4 - Repeal and Savings Clause

- A. This Ordinance repeals and replaces any previous Green Township Zoning Ordinance in its entirety.
- B. The repeal of any previous Green Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 12.5 - Enactment and Effective Date

- A. This Ordinance was adopted on March 16, 2009, by the Green Township Board of Trustees and will be effective April 2, 2009. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on January 5, 2009.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Township Board after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of PA 110 of 2006, as amended.