

ZONING ORDINANCE

FREDONIA TOWNSHIP

CALHOUN COUNTY, MICHIGAN EST. 1838

Effective: 12-19-2022
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ARTICLE 1 - TITLE, PURPOSES, AND LEGAL CLAUSES

SECTION 1.1 Title

This Ordinance shall be known and may be cited as:

"The Zoning Ordinance of Fredonia Township"

SECTION 1.2 Repeal of Ordinance

The Zoning Ordinance of Fredonia Township was adopted in 1973 and has since been amended. The prior zoning ordinance adopted in July of 1966 and as amended, was repealed effective with the adoption of the new ordinance in 1973.

SECTION 1.3 Purposes

- A. Promoting and protecting the public health, safety, and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial, and other areas within the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce, and other land uses in future growth.
- F. Fixing reasonable standards to which buildings and structures shall conform.
- G. Prohibiting uses, buildings or structures which are incompatible with the character of development, or the uses, buildings or structures permitted within specified zoning districts.
- H. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise, and other nuisances and hazards in the interest of the public health, safety, and general welfare.
- J. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- K. Conserving the taxable value of land, buildings, and structure throughout the Township.
- L. Providing for the completion, extension, substitution, or elimination of nonconforming uses.
- M. Creating a Zoning Board of Appeals and defining the powers and duties thereof.
- N. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.

- O. Providing for the payment of fees for building permits.
- P. Providing penalties or the violation of this Ordinance.

SECTION 1.4 Validity and Severalty Clause

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling and for this purpose, the provisions of this Ordinance are declared to be severable.

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

SECTION 1.5 Conflict with Other Laws

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive, or which imposes a higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive, or imposes a higher standard or requirement, that such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

SECTION 1.6 Period of Effectiveness

This Ordinance shall remain in full force and affect henceforth unless repealed.

SECTION 1.7 Effective Date

This Ordinance was adopted by the Township Board of the Township of Fredonia, Calhoun County, Michigan at a meeting held on December 19, 2022. The action of adoption of this ordinance and subsequent amendments has been created pursuant to the requirements of the Michigan Zoning Enabling Act, being P.A. 110 of 2006, as amended.

Cathy Combs,

Fredonia Township Clerk

ARTICLE 2 - ADMINISTRATION AND ENFORCEMENT

SECTION 2.1 Zoning Administrator

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 reasonable.

The Zoning Administrator shall have the power to grant zoning permits and to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for the excavation or construction of buildings or structures until such plans have been inspected in detail and found to conform to this Ordinance.

The Zoning Administrator shall under no circumstance be permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out the duties of the Zoning Administrator.

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 2.2 Duties of the Zoning Administrator

The Zoning Administrator shall:

- A. Review all applications for Zoning Permits and approve or disapprove such application based on compliance with the provisions of this Ordinance and other codes and ordinances adopted by the Township Board and approve issuance of the permit if the use and the requirements of this Ordinance and other laws are fulfilled, provided however, that such application shall also be subject to the approval of the Building Inspector as hereinafter set forth. Provided, however, that such applications shall also be subject to the approval of the Building Inspector under such terms and conditions as described in the Stille-DeRossett-Hale Single State Construction Code Act, 245 PA 1999; MCL 125.1501, et seq.
- B. Receive all applications for conditional use permits: conduct field inspections, surveys, and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations: and notify the applicant in writing or any decision of the Planning Commission.
- C. Receive all applications for appeals, variance, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable and otherwise process applications to the Zoning Board of Appeals for determination.
- D. Receive all applications for amendments to this Ordinance; conduct field inspections, survey and

investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and other process applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.

- E. Coordinate the updating of changes to the official zoning map of Fredonia Township.
- F. Prepare and submit to the Township Board and Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property intended use, and the nature of any proposed construction in connection with each permit. The Zoning Administrator shall maintain and post monthly a list in the Township Hall of all zoning permits issued.
- G. Maintain written records of all actions taken by the Zoning Administrator.
- H. Be responsible for providing forms necessary for the various applications to the, Planning Commission, Township Board, and Zoning Board of Appeals as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

SECTION 2.3 Zoning Permit

- A. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any associated excavation or filling of land commence 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 permitted 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. No zoning permit shall be required for an accessory structure less than two hundred (200) square feet in size.
- B. The application shall be signed by the owner of the premises or the owner's 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-one (31) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - 1. A site plan, if required, or a sketch in duplicate, in a scale sufficient to clearly detail as determined by the Zoning Administrator, the location and dimensions of the premises, including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and the height of all buildings, structures, or other impervious surface in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements, and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure; the location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration; and, the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.

2. The properties under 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 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 may be required by statute and/or by the Zoning Administrator.
 4. Such other information as may be required to determine compliance with the Ordinance.
- C. A zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived.
 - D. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of a zoning permit.
 - E. Any zoning permit under which substantial construction has not started or if no substantial construction has been done in furtherance of the zoning permit, it shall expire twelve (12) months from the date of issuance.
 - 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 this Ordinance, or in the case of 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, except for an accessory building or structure less than two hundred (200) feet in size (which does not require a zoning permit pursuant to Section 2.03.A of this Ordinance), no separate fee shall be required for accessory buildings or structures when part of the application for the principal building or structure, and applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.
 - 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 2.4 Fees, Charges and Expenses

- A. To assist in defraying costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests, 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. Conditional use permits.
 3. Ordinance interpretation by the Zoning Board of Appeals; appeals of administrative interpretation or request for interpretation. Appeals and request 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 submitted to 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. Any other discretionary decisions by the Township Board, the Planning Commission, or the Zoning Board of Appeals.
 8. The amount of the 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, and time spent by zoning staff. 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.
- B. 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 repeal, 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 a 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 fee shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then, the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the 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 or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpected funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. 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 for the release of a final decision on an appeal.

SECTION 2.05 Compliance Bond

To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the Township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the Clerk of the Township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the permit. Any cash deposit or certified funds shall be refunded for a development or project in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the development, project or site improvements.
- B. Two-thirds (2/3) of the cash deposit after completion of two-thirds (2/3) of the development, project or site improvements.
- C. The balance at the completion of the development, project or site improvements. Any irrevocable bank letter of credit or surety bond shall return to the applicant upon completion of the development, project or site improvements.

SECTION 2.06 Violations and Penalties

SECTION 2.06.1 Nuisances Per Se

Any land, dwellings, buildings, or structures, including tents and trailer coaches used, erected, altered, raised, 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.

SECTION 2.06.2 Inspection

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

SECTION 2.06.3 Penalties

- A. 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 dollars (\$500.00). Each day that such violation continues may constitute a separate and distinct offense under the provisions under this Ordinance. Nothing in this section shall exempt the offender from compliance with the 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.
- B. 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 civil infractions on behalf of the Township in connect with alleged violations of this Ordinance.
- C. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate or enjoin the nuisance per se or any other violation of this Ordinance.

SECTION 2.06.4 Stop Work Order

If construction or land uses are being undertaken contrary to a zoning permit, the Michigan Zoning Enabling Act, with this Ordinance, the Zoning Administrator or Deputy of the Zoning Administrator or any other officials 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.

A person shall not continue, cause, or allow to be continued, construction or uses in a violation of stop work order, except with permission of the enforcing agency to abate a dangerous condition, remove the violation or except by court order. If an order to stop work is not obeyed, the enforcing 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 criminal or civil prosecution for failure to obey the law.

Section 2.7 Conflicting Regulations

In the interpretation of this ordinance this ordinance shall control unless there is a conflict with any other township ordinances in which case the more stringent regulation will rule.

ARTICLE 3 - ZONING BOARD OF APPEALS

SECTION 3.1 Zoning Board of Appeals Established

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided for under P.A. 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

SECTION 3.2 Membership, Terms of Office

- A. The Zoning Board of Appeals shall consist of three members. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission. The remaining members of the Zoning Board of Appeals shall be selected from the electors of the township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the township. One member may be a member of the Township Board. An elected officer of the township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the township board may not serve as a member or an employee of the Zoning Board of Appeals. The total amount allowed the Zoning Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which shall be appropriated annually in advance by the Township Board. Members of the Zoning Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing. 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 shall constitute misconduct in office.
- B. Terms shall be for 3 years, except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The Township Board is authorized to appoint up to two (2) alternate members to the Zoning Board of Appeals, as warranted.
- C. A Township Board of Appeals shall not conduct business unless a majority of the regular members of the board are present.

SECTION 3.3 Rules of Procedure, Majority Vote

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official,

or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

SECTION 3.4 Meetings

Meetings of the zoning board of appeals shall be held at the call of the chairperson and at other times as the zoning board of appeals in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

All meetings of the Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with vote and signature of each member and the final disposition of each case. The Grounds of every determination shall be stated in writing with reference to such determination for which the appeal is taken. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk may act as secretary to the Zoning Board of Appeals. The Township Attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board. Other knowledgeable persons may also be utilized in an advisory capacity.

SECTION 3.5 Jurisdiction

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Zoning 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, except for Zoning Administrator decisions regarding enforcement of this Ordinance.
- C. The ZBA may grant variances as provided for in Section 3.09 Variances.
- D. The ZBA may also interpret the location of Zoning District boundaries and may interpret the provisions of this Ordinance.
- E. When the proposed use of land or use of a structure is not specified in this Ordinance, the Zoning Board of Appeals 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 Zoning Board of Appeals 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 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 Zoning Board of Appeals.
- F. 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 Zoning Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.

- G. The Zoning Administrator shall transmit to the Zoning 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 either reversing, modifying, or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
- H. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- I. The Zoning Board of Appeals has no jurisdiction to hear appeals from Planning Commission decisions concerning special use permit or planned unit developments.

SECTION 3.6 Exercising Power

In exercising the above powers, the Zoning 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 3.7 Application Requirements

The applicant shall submit four (4) copies of a completed application, with associated fee, surveys, plans and data as required under Section 10.04: Site Plan Review, or other information deemed reasonably necessary for making any informed decision on his or her appeal, not less than thirty-one (31) days prior to the date of the hearing.

SECTION 3.8 Notice Requirements for Zoning Board of Appeals Public Hearings

The notices for all public hearings before the Zoning Board of Appeals concerning appeals, interpretations, and variances shall comply with all of the following applicable provisions:

- A. For an appeal or a request for an interpretation, the notice shall comply with all of the following:
 - 1. The content of the notice shall include all of the following information:
 - a) A description of the nature of the appeal or interpretation request.
 - b) If the appeal or interpretation request involves a specific parcel, then the notice shall describe the property involved. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no such street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
 - c) The time, date, and place the appeal or interpretation request will be considered.

d) The address where written comments will be received concerning the appeal or interpretation request, and the deadline by which such comments must be received.

2. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the person filing the appeal or requesting the interpretation and, if the appeal or interpretation request involves a specific parcel, to the owners of the property involved not less than 15 days before the scheduled public hearing.
4. If the appeal or interpretation request involves a specific parcel, then the notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the subject property and to the occupants of all structures within 300 feet of the subject property. Such notice shall be provided not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant or tenant is not known, the term "occupant" may be used in making notification under this subsection.

B. For a variance request, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
 - a) A description of the nature of the variance request.
 - b) A description of the property on which the requested variance will apply. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, 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 using tax parcel identification numbers or including a map showing the location of the property.
 - c) The time, date, and place the variance request will be considered.
 - d) The address where and the deadline when written comments will be received concerning the variance request.
3. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
4. The notice shall be sent by first-class mail or personal delivery to the owners of the property seeking the variance not less than 15 days before the scheduled public hearing.
5. Then notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the requested variance will apply and to the occupants of all structures within 300 feet of the property to which the requested variance will apply not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. If a single structure contains more than 4 dwelling units or other distinct spatial

areas owned or leased by different persons, 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. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Zoning Board of Appeals may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

SECTION 3.9 - Variance

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:

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
- B. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
- D. The requested variance is the smallest variance needed to grant the applicant substantial relief from the dimensional regulation of the zoning ordinance from which the variance is being requested.
- E. That the requested variance will not cause an unreasonable and/or increased adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or Zoning District.

SECTION 3.10 Voiding of and Reapplication for Variance

The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1. The construction authorized by such variance or permit has been commenced within ninety (90) days after the granting of such variance and pursued diligently to completion.
- B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 3.11 Procedure for Appealing to the Board of Appeals

The following provisions shall apply:

- A. **APPEALS, HOW TAKEN** - Appeals from the ruling of the Township Zoning Administrator may be made to the Board of Appeals in the following manner:
 - 1. The person, firm or agent thereof making the appeal, shall file in writing to the Zoning Administrator, a letter stating what the specific appeal is and the reasons for said appeal.
 - 2. The Zoning Administrator shall submit the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. **WHO MAY APPEAL** - Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County or State.
- C. **FEE FOR APPEAL** - A fee prescribed by the Township Board shall be submitted to the Zoning Administrator at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. **EFFECT OF APPEAL** - Restraining Order - An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeals shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. **HEARING BY THE BOARD OF APPEALS; Request: Hearing** - When a request for appeals has been filed in proper form with the Board of Appeals, the Secretary, or Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, and cause notice to be served in the manner described in Section 3.8.
- F. **REPRESENTATION AT HEARING** - Upon the hearing, any party or parties may appear in person or by agent or by attorney.
- G. **DECISION OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT** - The Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that and shall have all the powers of the Zoning Administrator from who the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case and the signatures of each member of the Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

ARTICLE 4 - AMENDMENT PROCEDURE

SECTION 4.1 Initiating Amendments and Fees

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise the district boundaries, or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay the fee in accordance with requirements specified in SECTION 2.07. No part of which shall be returnable to the petitioner.

SECTION 4.2 Amendment Procedure

- A. The procedure for initiating and processing an amendment to this Ordinance shall be as follows:
1. The Planning Commission may initiate proposed changes in language based upon the need to enhance the ordinance in terms of its interpretation, applicability to other legislation, and the administration and enforcement of its regulation. Recommendations for changes to the text may be received from the Township Board, the Zoning Administrator, the Zoning Board of Appeals, or by petition from one or more property owners within the Township.
 2. 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.
 3. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he or she transmits the amendment request to the Planning Commission.
 4. 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.
 5. Before ruling on any proposal, the Planning Commission shall conduct at least one (1) public hearing, notice of which shall be provided as specified in Section 4.03 of this Ordinance.
 6. The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

- a) Is the proposed rezoning consistent with the Fredonia Township Master Plan?
 - b) Is the proposed rezoning reasonably consistent with surrounding uses?
 - c) Will there be an adverse physical impact on surrounding properties?
 - d) Will there be an adverse effect on property values in the adjacent area?
 - e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - g) 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)?
 - h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - i) Is the rezoning in conflict with the planned use for the property as reflected in the Land Use Plan?
 - j) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - k) Are there sites nearby already properly zoned that can be used for the intended purposes?
 - l) The community should evaluate whether other local remedies are available.
7. 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.
 8. 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.
 9. The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be provided in accordance with Section 4.3 of this Ordinance.
 10. 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) days after publication or at a later date as may be specified by the Township Board at the time of adoption.
 11. 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 valid upon inspection by the Township Planning Commission.

SECTION 4.3 Public Hearing Notice Requirements for Zoning Ordinance Amendments

The notices for all public hearings before the Planning Commission or Township Board concerning proposed Zoning Ordinance amendments (zoning text or map amendments) shall comply with the following applicable notice provisions:

- A. For a proposed amendment to the text of the Zoning Ordinance, the notice shall comply with all of the following:
 1. The content of the notice shall include all of the following information:
 - a) A description of the nature of the proposed Zoning Ordinance amendment.
 - b) The time, date, and place the proposed Zoning Ordinance will be considered.
 - c) The places and times at which the proposed Zoning Ordinance amendment may be examined.
 - d) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.
 2. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
 3. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
- B. For a proposed Zoning Ordinance amendment rezoning an individual property or 10 or fewer adjacent properties, the notice shall comply with all of the following:
 1. The content of the notice shall include all of the following information:
 - a) A description of the nature of the proposed Zoning Ordinance amendment.
 - b) A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - c) The time, date, and place the proposed Zoning Ordinance amendment will be considered.
 - d) The places and times at which the proposed Zoning Ordinance amendment may be examined.

e) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.

2. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
4. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property or properties proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
5. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.

C. For a proposed Zoning Ordinance amendment rezoning 11 or more adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
 - a) A description of the nature of the proposed Zoning Ordinance amendment.
 - b) The time, date, and place the proposed Zoning Ordinance will be considered.
 - c) The places and times at which the proposed Zoning Ordinance amendment may be examined.
 - d) The address where and the deadline when written comments can be sent concerning the proposed Zoning Ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
4. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.

- D. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

ARTICLE 5 - ZONING DISTRICTS AND MAP

SECTION 5.1 Establishment of Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference, and declared to be part of this Ordinance:

AG	OS	LDR	MDR	MHP	MF	OB	HS	I
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AG - AGRICULTURAL DISTRICT

LDR - LOW DENSITY RESIDENTIAL DISTRICT

MDR - MEDIUM DENSITY RESIDENTIAL DISTRICT

MHP - MANUFACTURED/MOBILE HOME PARK DISTRICT

MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT

OB - OFFICE/BUSINESS DISTRICT

HS - HIGHWAY SERVICE COMMERCIAL DISTRICT

I - INDUSTRIAL DISTRICT

OS - OPEN SPACE WATERBODY CONSERVATION DISTRICT

SECTION 5.2 Provision for Official Zoning Map

These districts, so established, are bounded, and defined as shown on the map entitled:

"ZONING DISTRICT MAP OF FREDONIA TOWNSHIP"

adopted by the Township Board, and which, with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth by metes and bounds therein.

SECTION 5.3 Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and pursuant to P.A. 110 of 2006, a change is made in a zoning district boundary such change shall be made by the Zoning Administrator promptly after the ordinance authorizing such change shall have been adopted and published by the Township Board. The Zoning Board of Appeals may authorize that dimensions be indicated on the Official Zoning Map when they have been required to make an official interpretation.

SECTION 5.4 Authority of Official Zoning Map

Regardless of the existence of purported copies of the Official Zoning map which may from time to time be made or published, the Official Zoning Map which shall be located in the Township Hall shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

SECTION 5.5 Replacement of Official Zoning Map

In the event that the Official Zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new official zoning map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Fredonia Township," adopted on the _____ which replaces and supersedes the Official Zoning Map which was adopted on _____.

SECTION 5.6 Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad, or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, bounding a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village or township shall be construed as following such line.
- D. 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.

- E. 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 .
- F. A boundary indicated as parallel, or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

SECTION 5.7 Application of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings, and structures throughout each district. Where there are practical difficulties or unnecessary hardships due to the interpretation or regulation of this ordinance, the Zoning Board of Appeals shall have the power to interpret the provisions or grant variance from dimensional requirements as specified in the zoning ordinance.

ARTICLE 6 - SUPPLEMENTAL REGULATIONS

SECTION 6.1 Purpose

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

SECTION 6.2 Accessory Building

- A. Where an accessory building or structure is attached to a principal building by a shared wall or roof it shall be considered part of the principal building and shall comply with all setback requirements applicable to the principal building.
- B. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than five (5) feet to any side lot line. No accessory building shall be located closer than ten (10) feet to any other principal or accessory building.
- C. No detached accessory building shall be located nearer than five (5) feet to any rear lot line, except that when such accessory building is a garage it shall be located no nearer than ten (10) feet to said rear lot line.
- D. No accessory building shall project into any front yard setback, with corner lots requiring front yard setback for both yards facing the street.
- E. The total floor area of the accessory building shall not exceed one thousand five hundred (1500) square feet.
- F. Agricultural Accessory Structure Exemption: The requirements in this section shall not apply to accessory farm buildings (such as barns, windmills, and silos) used in the agricultural operations on a bona-fide farm, as defined in Article 18 (Definitions), except that farm buildings shall comply with the setback requirements for the districts in which they are located.

SECTION 6.3 Lot Building Relationship

Hereafter, every building erected, altered or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one principal building and its permitted accessory structures located on each lot. No detached accessory building may be constructed until such time as the principal building has received an occupancy permit, unless the following conditions apply:

- 1. Property with a principal structure is within 500 feet of subject property then an accessory structure may be established, or.
- 2. If Subject property exceeds a lot size of no less than 10 acres then an accessory building may be established, as such the accessory building shall be subject to principal building setbacks.

In either case accessory building and or structures shall meet the minimum requirements of a primary structure of the same zoning district.

SECTION 6.4 Accessory Building as Dwelling

No detached accessory building shall be used for dwelling purposes; provided, however, that the area above an attached accessory building may be utilized for dwelling purposes so long as access to such floor area can be established from the principal residence.

SECTION 6.5 Basement as a Dwelling

No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

SECTION 6.6 Required Water Supply and Sanitary Sewerage Facilities

Requirements for water supply systems and sanitary sewerage facilities shall be established by the Calhoun County Health Department. The following site development and use requirements shall apply:

- A. No structure for human occupancy or use shall hereafter be erected, altered, or moved unless it shall be provided with a safe, sanitary, and potable waste supply and a safe effective means of collection, treatment and disposal of wastes.
- B. No drain field for a septic tank system shall be located nearer than one hundred fifty (150) feet from the normal high-water line of any surface body of water nor located in an area where the ground surface is less than four (4) feet above the normal high water table level.

SECTION 6.7 Greenbelt Buffer

Prior to the commencement of construction of any structure or building in an Office, Commercial or Industrial District where such property abuts, adjoins or is adjacent to a residential zone or an existing residential use, a greenbelt buffer shall be established. However, where permitted elsewhere in this ordinance, an opaque wall or fence may be built in lieu of a greenbelt, subject to site plan review. A greenbelt shall have a minimum width of fifty (50) feet and shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained, so as not to create a nuisance, with (but not limited to) any combination of the following plant materials: grass, evergreens, deciduous trees, shrubs and bushes.

SECTION 6.8 Access to a Street

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. A single lot with the required frontage on a public road (or on an approved private road) shall be served by a single driveway.

Where the building line extends more than two hundred feet (200) from the public road or where access is provided to two adjoining lots meeting the required lot width standard, they shall be served by a private driveway, and such private driveway shall be no less than twenty (20) feet in width. Public access to commercial, industrial, or recreational uses shall not be designed so as to pass through the residential neighborhoods.

A Private Road, having a right-of-way of no less than sixty-six (66) feet in width, shall be established where three (3) or more residential lots or units or two (2) or more commercial or industrial lots are accessed. Such private road shall adhere to the standards of the Calhoun County Road Commission standards for the construction of a paved road. No private roads may dead-end without the creation of a cul-de-sac, with such meeting the Calhoun County Road Commission standards for a cul-de-sac (turnaround).

SECTION 6.9 Visibility at Intersections

No fence, berm, wall, hedge, screen, sign, structure, vegetation, or planting shall be higher than three (3) feet above street grade or any corner lot or parcel within the triangular area formed by the intersecting street right-of-way line at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. This provision shall apply in all residential, commercial, and industrial zoning districts.

SECTION 6.10 Street Closures

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

SECTION 6.11 Height Regulations

The height requirements established by this Ordinance shall be uniform in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this ordinance; spires, belfries, penthouses and domes not used for human occupancy; chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, silos, parapets; and other necessary mechanical appurtenances; and subject to a maximum exempt height of fifty feet (50): radio and television broadcasting antennae, wind energy systems and similar personal or commercial applications not specifically listed; provided their height and location shall conform where applicable to other requirements in this ordinance or of the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

SECTION 6.12 Fences, Walls, and Screens

No opaque fencing, walls or screens may be erected within the front yard between the building line and the road right-of-way. Chain-link or other non-opaque fencing (such as split rail), shall not exceed five (5) feet in height, and may be utilized in the front yard only within the AB- Agricultural Business or AA- Agricultural Districts. Decorative fencing of a height of three (3) feet or less may be utilized within the front yard of any district.

Along the side lot line, beginning with the building line, no fence may exceed six (6) feet in height within any agricultural or residential district, or eight (8) feet in height within any commercial or industrial district, with these latter districts subject to the provisions for site plan review.

Along the rear lot line, no fence may exceed eight (8) feet in height within agricultural or residential districts, or then (10) feet in height within any commercial or industrial district. (NOTE: It is strongly recommended that a boundary survey establish the location of fencing where proposed along property lines. The Township will not enter into any private party disputes with regards to the location of fencing).

SECTION 6.13 Shoreline Excavation, Dredging, and Soil Erosion

No persons shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river, or stream except in conformance with the Natural Resources and environmental Protection Act, 1994 PA 451as amended.

SECTION 6.14 Essential Services

Essential Services shall be permitted in all zoning districts pursuant to this Section of the Ordinance, it being the intent hereof to exempt such Essential Services from the application of all other Sections of this Ordinance.

The following provisions shall apply to Essential Services:

- A. The Township shall be notified of any above-ground or underground utilities to be placed in the road right-of-way or through private easement prior to installation. Such installation shall not result in the loss of these rights-of-way for utilities deemed to be essential. Conflict between public and private utility easements shall be resolved to the benefit of the public. The surface of land used for pipeline, cable or other rights-of-way shall be restored and maintained as near as possible to its original condition as prior to its construction.
- B. Eight (8) copies of a Project Plan shall be submitted by the Public Utility to Fredonia Township for review for all construction related to Essential Services in all zoning districts. Fredonia Township will issue a zoning permit to the Public Utility when its Project Plan is approved by the Township Board as provided herein.
- C. The Project Plan shall include the following:

1. A map showing the general location of the project within the Township.
 2. Information on the Public Utility including name, address, telephone number.
 3. The location of any lighting to be installed.
 4. Existing utility information, including existing lines, poles, and surface equipment located at or along the project location.
 5. A general description of any proposed utility structures, including their approximate height.
- D. Within 25 days after receiving the Project Plan, the Township shall notify the Public Utility in writing whether the Project Plan is complete. If the Project Plan is incomplete, the notice shall clearly and specifically delineate all missing elements or information. If the Project Plan is complete, the Zoning Administrator shall forward the Project Plan to the Planning Commission and schedule a public hearing and provide notice as required by MCL 125.3103.
- E. At the public hearing, if the Planning Commission determines that the Project Plan meets the above criteria in (A)-(C), the Planning Commission shall recommend approval of the Project Plan to the Township Board. If the Planning Commission finds that the Project Plan does not meet the above criteria (A)-(C), then it may elect to recommend denial, approval, or a conditional approval, to the Township Board.
- F. The Township Board shall approve the submitted Project Plan if it is in compliance with the above criteria (A)-(C). The Township Board may deny, approve, or conditionally approve the submitted Plan if the plan is found not to comply with the above criteria (A)-(C).

SECTION 6.15 Swimming Pools

All swimming pools shall conform to the requirements of Public Act 230 of 1972, The Stille-DeRossett-Hale Single State Construction Code Act, as amended.

SECTION 6.16 Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision area, parking and loading spaces, and all other requirements 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 use is located.

SECTION 6.17 Site Plan Review

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 comply with the requirements of this ordinance and that development occurs as it was planned and represented by the developer.

- A. **Circumstances Requiring a Site Plan:** Site plans are required for the following uses:
1. A site plan shall be submitted for any permitted use in the "MHP", "MF", "OB", "HS",

or "I" zoning districts.

2. Site plans shall also be required for the construction of any churches or schools, or any similar permitted uses where parking exceeds ten (10) spaces.
3. An application for a conditional use within any zoning district shall require the submission, review, and approval of a site plan, or in some instances a sketch plan before the conditional use permit is formally granted.
4. Any application for development where three (3) or more lots or units are proposed, unless part of a subdivision (plat) or a (site) condominium project not subject to planned unit development, shall require the submission of a site plan, which shall form the basis for the review by other agencies at the county and state level, prior to final approval by the Township.

B. **Planning Commission Review.** The Fredonia Township Planning Commission shall review and approve all site plans, utilizing input from the Zoning Administrator and/or any professional assistance necessary to undertake a complete review of the submission. The applicant shall submit a preliminary site plan, or possibly a sketch plan, with any application for a conditional use permit in any district. This preliminary site plan shall be reviewed by the Planning Commission as they review the request for conditional use. The Planning Commission shall then recommend approval without condition, approval subject to condition or denial of the use, with these recommendations forwarded to the Township Board with the preliminary site plan for their review and decision. Should the Township Board approve the conditional use, the applicant may then submit a formal site plan for final approval by the Planning Commission. This shall provide the Zoning Administrator and/or Building Inspector with the specific detail for approval of the necessary permits. The applicant is required to construct and develop the site in strict conformance with the approved site plan. Any requested deviation from this approved plan shall be submitted to the Zoning Administrator, with minor alterations approved administratively or substantial revisions requiring Planning Commission review and approval.

C. **Site Plan Requirements.** For permitted uses and approved conditional uses, eight (8) copies a full site plan shall be submitted which meet all of the following requirements:

- The plan shall be to a scale of no less than one-inch equals twenty feet (1" = 20') nor greater than one-inch equals one hundred feet (1" = 100') and of sufficient accuracy in order to interpret the plan.
- The plan shall show an appropriate legend, scale, north arrow, etc.
- A small vicinity map (1" = 200') shall be included, showing the general location of the site within the Township (including north arrow and adjoining streets).
- The plan shall identify the site by lot lines corresponding to the legal description for the property.
- The plan shall identify the topography and proposed site drainage plan. Spot elevations may be sufficient to show how stormwater will be retained onsite. If stormwater is proposed for discharge offsite, the applicant must provide detail of

the overall drainage plan and acceptance of the plan by any impacted properties. Soil types should also be identified in order to determine the potential for natural filtration.

- The plan shall identify existing natural features and include a proposed landscape plan for the site. This shall include open space areas and any screening, fencing or other improvements associated with minimizing the impact of development on adjacent properties.
- The plan shall show any existing man-made features both onsite as well as within one hundred feet (100') of the site boundary. These features may include buildings or other structures, utilities or easements.
- The plan should identify the proposed building grade and elevation and indicate the dimensions of the building (including height) and distance from property lines.
- The plan should identify both vehicular and pedestrian circulation, access points, drive lane widths, number of parking spaces and their size (including required handicapped), loading and unloading areas, sidewalks, etc.
- The plan should provide suitable information on both the applicant and their consultant, including name, address, telephone number, etc. Should the applicant not be the owner of the property, the name of the owner should be indicated, and the applicant should verify the owner's consent through an option, lease, sales agreement or signed affidavit.
- Should the project be proposed in phases, a phasing plan should be submitted. This may include the required detail for the first phase under review and a concept plan for the remaining phases.
- Should the site include common open space or concepts of planned unit development, the site plan shall indicate any restrictive covenants or deed restrictions inconsistent with the Township ordinance requirements.
- The plan shall show the location of lighting, location for waste disposal, any outdoor storage or display areas or other site improvements.
- The seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the plan.
- The existing Zoning District in which the site is located and the zoning of adjacent parcels.
- Any other information the applicant believes is necessary to provide sufficient detail for the review and approval by the Planning Commission.

D. **Preliminary Site Plans.** The applicant may submit a preliminary site plan with a conditional use application, or a sketch plan where appropriate. Sketch plans are most suitable for conditional uses in the agricultural and residential zones. The applicant shall submit eight (8) copies of the sketch plan, which may be on 8 1/2" x 11" paper and to an appropriate scale (1" = 50'), in order to provide sufficient clarity. The following information is required for submission of a sketch plan:

1. Information on the applicant, including name, address, telephone number and intended use of the site.
2. The address and parcel number of the site, dimensions of the property and dimensions of any proposed buildings, including setback distances.
3. Relevant information concerning adjacent properties or adjoining roads. Points of access, location of easements and utilities, general parking areas, and any natural or man-made features that define the site.
4. The applicant may also submit related documentation (boundary or mortgage survey, photographs, etc.) to assist and support the application.

E. **Notice and Fees; Approval.** The Zoning Administrator, Township Clerk, or official assigned to process the application and plans shall notify the applicant of the time and date of the next Planning Commission meeting at which the application will be reviewed. The required fee shall be paid prior to scheduling the application and/or site plan for review. The Township may also request a review of the site plan by a professional engineering, planning, surveying, or architectural firm, with that cost to be borne by the applicant as part of this fee.

The Planning Commission may approve submitted site plans or sketch plans lacking some of the required information. Should the applicant not meet the ordinance requirements and the Planning Commission not take action on the plan, the applicant may be required to reimburse any additional costs to the Township for such extended review. The Township may also require a compliance bond or withhold an occupancy permit until all improvements shown on the site plan have been met.

When the applicant receives site plan review approval, the development of the subject property must be in complete conformity with the approved plan. If a building permit has not been obtained and development begun within one (1) year of the date of approval, such approval shall become void, and the applicant must submit a new application and proceed as if prior approval had not been granted.

F. **Standards for Granting Site Plan Approval:** 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.

1. 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 designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall

- be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. 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. No prohibited plant species (per the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended) and no noxious weeds seeds (as identified in the Michigan Seed Law, Act 329 of 1965 and Regulations 715, Seed Law Implementation) shall be intentionally planted.
 3. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. Site drainage during and after construction shall not result in erosion due to an increase in velocity and/or volume of stormwater runoff entering neighboring properties.
 4. 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.
 5. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
 6. Every structure or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.
 7. 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.
 8. 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 and shall have a dedicated right-of-way equal to that specified in the Master Plan.
 9. All public streets shall be developed in accordance with County Road Commission specifications for public roads.
 10. All site plans shall comply with the terms of the Calhoun County Soil Erosion and Sedimentation Control Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of this County Ordinance.
 11. Site plans shall conform to all applicable requirements of state and federal statutes, applicable county regulations and the Fredonia Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.

In the process of reviewing the site plan, the Planning Commission shall also consider the following:

- A. The location and design of driveways providing vehicular ingress and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic. The Planning Commission may require a traffic impact analysis for any use or development projected to generate more than fifty (50) vehicle trips per day.
- B. The location and design of internal drives and parking areas and the relationship of these two adjoining properties.
- C. The Planning Commission may require landscaping, fencing, or other screening improvements in order to minimize the impact on adjoining properties and to enhance the appearance of the property.

SECTION 6.18 Home Occupations: Class A

Class A Home Occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, instruction in a craft or fine art within the residence, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:

1. The non-residential use shall be only incidental to the primary residential use of the property.
2. The home occupation shall be limited to the principal structure only and utilize no more than thirty percent (30%) of the total floor area or 400 square feet, whichever is less.
3. There shall be no more than one (1) employee other than members of the immediate family residing on the premises.
4. All activities shall be conducted indoors.
5. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
6. No home occupation shall be permitted, which is injurious to the general character of the agricultural district, and which creates a hazardous or unhealthy condition.
7. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
8. No structural alterations or additions, either interior or exterior, shall be permitted in order to accommodate a home occupation.
9. No patrons or customers shall visit the site.

ARTICLE 7 - NONCONFORMING BUILDINGS AND USES

SECTION 7.1 Continuation of Nonconforming Building and Uses

Building and structures and uses of buildings and structures and uses of land which were lawful under the Fredonia Township Zoning Ordinance of 1973, as amended, may be continued, although such structure, building or use does not conform to the provisions and regulations of this Ordinance, subject to the limitations, conditions and the requirements set forth in the following sections of this Article 7.

SECTION 7.2 Structural Changes

The building structure or land or the use thereof shall not be structurally changed, altered, enlarged or increased or moved in whole or in part unless the building structure or land or use thereof in its entirety conforms to the provisions of this ordinance applicable to the district in which it is located.

SECTION 7.3 Extensions

A nonconforming use of a building or structure or land shall not be extended in any manner unless such use in its entirety complies with the provisions of this Ordinance applicable to the district in which it is located.

SECTION 7.4 Abandonment of Nonconforming Use or Structure

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

- A. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- B. Whether the property, buildings, and grounds have fallen into disrepair.
- C. Whether signs or other indications of the existence of the nonconforming use have been removed.
- D. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
- E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

SECTION 7.5 Reversion of Nonconforming Use Building or Structure

If a nonconforming building or structure, a nonconforming use of a building or structure or land is changed

or altered in any manner so as to bring it into compliance with the provisions of this Ordinance applicable to the district in which it is located, such building or structure, use of building or structure, or use of land shall not thereafter be changed back to a nonconforming use, building or structure.

SECTION 7.6 Improvements

Nothing in this Ordinance shall prohibit the improvement or modernizing of a lawful nonconforming building or structure, provided that such improvement or modernizing does not increase the height, area, bulk or use of such building or structure.

SECTION 7.7 Repairs

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 7.8 Restoration of Damage

Any lawful nonconforming use damaged by fire, explosion, flood, or other act of God, may be restored, or rebuilt provided that such restoration or rebuilding meets applicable building codes, is commenced within ninety (90) days after the date the damage occurs. Such restoration must be completed within one (1) year after the date the damage occurs and cannot add to the nonconformity of the structure.

SECTION 7.9 Prior Construction Approval

When on the effective date of this Ordinance or any amendment thereto, a building permit has been issued for the construction or erection of a nonconforming building or structure, such building or structure may be completed in accordance with the building permit and shall thereafter become a conforming building or structure. Such construction shall be commenced within ninety (90) days after the issuance of the building permit and that construction is carried on diligently and in accordance with the building permit and completed within two (2) years after the issuance of the building permit.

SECTION 7.10 District Changes

Whenever the boundaries of a district shall be changed by amendment to this Ordinance so as to transfer land from one district to another of a different classification or having different regulations, a lawful building and structure and lawful uses of buildings, structures, and lands existing on the effective date of such amendment shall become nonconforming buildings or structures or uses of buildings or structures or uses of land as a result of the boundary change.

SECTION 7.11 Elimination of Illegal Buildings, Structures and Uses

In accordance with, Section 208 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended, the

Township Board may acquire by condemnation or other means, properties on which illegal buildings or structures or uses are located and may remove such uses, buildings or structures or may be used by the Township for a public use. The cost and expenses of such acquisition may be assessed against a benefit district or may be paid from other sources of revenue.

ARTICLE 8 - SIGN REGULATIONS

SECTION 8.1 General Sign Regulations

No sign shall be erected at any location, whereby reason of the position, size, shape, color, movement or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal or device so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as not to change the essential character of such area. When determined necessary upon recommendation from the Planning Commission, the Township Board shall require the applicant to post a bond for compliance with the Township Clerk: the amount of said bond to be determined by the Township Board to ensure that all provisions of this Ordinance are complied with.

SECTION 8.2 Permitted Signs in "AA," and "OC" District

In the "AA" - Agricultural and "OC" - Open Space and Waterbody Conservation District, only one (1) sign on each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed no nearer to the street line "than one-half the required front yard depth.
- B. Non-illuminated trespassing, safety directional, caution or announcement sign each not exceeding two (2) square feet in area. More than one sign shall be permitted in these districts provided that said signs shall be placed no closer than fifty (50) feet between signs.
- C. In the "AB" District, a non-illuminated sign announcing a home occupation or an agri-business provided that such a sign shall not exceed two (2) square feet in area; and shall be attached flat against a building wall.
- D. A sign or bulletin board identifying a church, park or other authorized use not to exceed twelve (12) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.

SECTION 8.3 Permitted Signs in Residential Districts

In any residential district only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or property not exceeding six (6) square feet in area and placed no nearer to the street line than one-half (1/2) of the required front yard depth.

- B. A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that such sign shall not exceed two (2) square feet in area and shall be attached flat against a building wall.
- C. One sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-third (1/3) the minimum authorized front yard depth, such sign shall be removed within one year after the sale of ninety (90) percent of all lots or units within said subdivision or development.
- D. One sign identifying a multiple family building, subdivision or development, not having commercial connotations, not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way line than one-third (1/3) the minimum authorized front year depth.
- E. A sign or bulletin board identifying a church, school, or other authorized use not to exceed twelve (12) square feet and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.

SECTION 8.4 Permitted Signs in the Office/Business, Commercial, and Industrial Districts

A sign in any Office/Business, Commercial or Industrial District is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building set-back and height requirements, except for, and in addition to, the requirements provided below:

- A. In any Commercial or Industrial District, a sign may be affixed flat against the wall of the building or may project therefrom not more than forty-eight (48) inches, provided that such signs are suspended at least 12 feet above any sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building to which is affixed.
- B. One free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however, it shall not exceed two hundred (200) square feet in area, not be closer to the front, side or rear property line than one-third (1/3) the distance of the required building set back. The maximum height shall be limited to one-half (1/2) the area of the sign, with the maximum height established at one hundred (100) feet.
- C. One free-standing identification sign may be erected in the OB - Office/Business District, providing such sign shall not exceed twelve (12) square feet, nor be closer to the front, side or rear property line, than one-third (1/3) the distance of the required building setback line.
- D. All signs may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. Message center signs, utilizing LED (light emitting diode) electronic messages, shall be permitted provided such illumination does not exceed .5 foot-candles at any adjoining property line, except the road right-of-way. The message shall not change more than once within any 3 second period and no scrolling messages or graphics are permitted. No other illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

SECTION 8.5 Outdoor Advertising Signs/Billboards

Outdoor advertising signs or billboards shall only be located along an Interstate or State Primary Highway shall be regulated by the provisions specified in Act 106, Public Acts of 1972 (The Highway Advertising Act) as amended by Public Act 153 of 1990, which provides general law and charter townships the authority to regulate such signs and billboards.

For purposes of definition, a billboard is defined as any outdoor advertising of a business, product or service that is not located on the same parcel as the business, product, or service. Such off-premises advertising shall be limited to areas of the Township zoned HS-Highway Service Commercial or LI-Light Industrial. Further, outdoor advertising signs (billboards) are not allowed to front onto any County roads within the Township.

Billboards are prohibited from locating within two hundred (200) feet of any residence, church or school, with this setback increased to three hundred (300) feet where the billboard is illuminated. The minimum distance between billboards shall be one thousand (1000) feet and the maximum height of a billboard shall be limited to thirty (30) feet above the grade of the ground on which the billboard sits. The maximum surface display area shall be two hundred (200) square feet.

Double-faced (back-to-back) billboards shall be considered one billboard for determining separation distance and total sign area (200 square foot maximum area on each side). V-type structures or other configurations where the visible display area exceeds the maximum display area shall be considered two billboards and not be allowed based upon separation distance.

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.

Signs containing flashing, intermittent or moving lights are prohibited, except for no more than two lines electronic message sign provided the message is static or streams (moves across the sign) at a rate no faster than two (2) seconds per message.

Signs such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics are prohibited, except when used temporarily for a period not to exceed thirty (30) days to announce the opening of a new type of business or new owner.

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).

The applicant shall be required to obtain a building permit/sign permit and pay any required fees prior to construction. The applicant shall be required to maintain the sign and not allow the message, advertising or display to deteriorate to where a blight or nuisance situation is created. Where common signage (travel information for an individual exit) is provided and approved within the public right-of-way, this option

shall be considered prior to making application for a billboard.

SECTION 8.6 Elimination of Nonconforming Signs

All signs and billboards erected after the effective date of this Ordinance shall conform to the regulations as set forth in this Ordinance and its amendments. Any existing sign or billboard not conforming to the terms of this ordinance may be maintained and repaired yet may not be replaced unless conforming to the terms of this ordinance.

ARTICLE 9 - PARKING AND LOADING REQUIREMENTS

SECTION 9.1 General Off-Street Parking Requirements

- A. In all districts, except Agricultural, there shall be provided at the time any building is erected, or uses established, enlarged, or increased in capacity, off-street parking space for automobiles with the requirements as specified.
- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of the Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance and the distance requirements as specified in Section 9.0(d).
- C. Plans and specifications showing required off-street parking spaces including the means of access and interior circulation, shall be submitted to the Building Inspector for review at the time of application for a building permit.
- D. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single family and two-family dwellings. This distance specified shall be measured from the nearest point of the lot occupied by the building or use that such facility is required to serve.

SECTION 9.2 Off-Street Parking Requirements in the "AA" Districts

- A. Off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of material which have a dust-free surface resistant to erosion.
- B. Off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip not less than four (4) feet in height exists as a parking barrier along the property line.
- C. Parking spaces for all types of vehicles and equipment may be provided either in garages or parking areas entirely within the rear or side yard.
- D. Outdoor storage or overnight parking of a commercial vehicle over one (1) ~~one~~ ton capacity shall be permitted if such vehicle is necessary to the function of the premises and provided that such vehicle(s) be parked entirely within a side or rear yard or enclosed within a structure.

SECTION 9.3 Off-Street Parking Requirements in Residential Districts

- A. Parking of motor vehicles shall be limited to passenger vehicles, one (1) non-residential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourth (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, or bus, except for those parked on

school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas entirely within the rear of side yard.

- B. Off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip not less than four (4) feet in height exists as a parking barrier along the property line.
- C. Off-street parking area shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have dust free surface resistant to erosions.

SECTION 9.4 Off-Street Parking Requirements in the MF and OB Districts

- A. All private drives and parking areas shall be paved. Minimum paved width of such street shall be twenty-two (22) feet. Paved area for each parking space shall not be less than nine (9) feet in width nor less than eighteen (18) feet in length.
- B. There shall be two (2) parking spaces provided for each dwelling unit and for other uses as specified in Section 9.06.d.
- C. No dwelling unit in a development shall be located farther than one hundred twenty-five (125) feet from a street or private access drive.

SECTION 9.5 Design Requirements of Off-Street Parking Areas in Commercial and Industrial Districts

- A. Each off-street parking space for automobile shall not be less than two hundred (200) square feet in area, exclusive of access drives and aisles and shall be of usable shape and condition. There shall be provided a minimum access drive of twenty (20) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:
 - 1. For ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
 - 2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
 - 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- B. Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in nonresidential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not less than ten (10) feet in width and sixty-five (65) feet in length.
- C. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
 - 1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting not less than four (4) feet in height exists as a parking barrier along the property line.

2. Off-street parking areas shall be paved or blacktopped and drained so as to prevent drainage onto abutting properties.
 3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.
 4. Any off-street parking area providing spaces for five (5) or more vehicles shall be effectively lighted and screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.
 6. Combined parking facilities are allowed where two or more uses occur on one property or when a building(s) on one property contain two or more uses provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- D. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulation specified in Article 8.
- E. A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.

SECTION 9.6 Off-Street Parking Space Requirements

For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

- A. FLOOR AREA: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service storage installations of mechanical equipment, housing ventilators and heating systems and similar uses.
- B. PLACES OF ASSEMBLY: In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type of added together.
- C. FRACTIONS: When units of measurement determining the number of required parking spaces result in requirement of a fractional space. Any fraction shall require one (1) parking space.
- D. The minimum required off-street parking spaces shall be set forth as follows:

USE	REQUIREMENTS
Automobile or Machinery Sales and Service Garages	One (1) space for each two hundred (200) square feet of showroom floor area plus six (6) spaces for each service bay plus one (1) space for each two (2) employees on the maximum shift and one (1) space for each used car display area.
Banks, Business, and Professional Offices	Two (2) parking spaces for Professional Offices each 200 square feet of floor area plus one (1) parking space for each employee working within the building.
Barber Shops and Beauty s	Two (2) spaces for each chair plus one (1) space for each employee.
Boarding and Lodging Houses	Two (2) parking spaces for fraternities each (3) three beds.
Bowling Alleys	Five (5) spaces for each alley plus one (1) space for each employee per shift.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools	One (1) space for each four (4) persons permitted in such edifice as stated by the fire marshal.
Clinics	Four (4) spaces for each doctor plus one (1) space for each employee per shift.
Convalescent Home, Orphanage, or similar use	One (1) parking space for each orphanage or similar use, housing four (4) beds plus one (1) space for each two (2) employees, including nurses per shift and one (1) for staff doctor.
Drive-in Eating Establishments	Ten (10) parking spaces, plus establish one (1) parking space for each twenty (20) square feet of floor area.
Dwellings (Single Family and Two-Family)	Two (2) parking spaces for each dwelling unit.

USE	REQUIREMENTS
Dwellings (Multiple Family)	Two (2) parking spaces for each dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each room or one (1) space for each fifty (50) square feet of floor area, whichever is greater, plus one (1) space for each fleet vehicle.
Drive-in Banks, Cleaners, and Similar Uses	Parking space for five (5) cars between the sidewalk area and the service window and one (1) parking space for each two (2) employees and one (1) space for each 200 square feet.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Gasoline Filling and Service Stations	One (1) parking space for each repair and service stall, plus one (1) space for each employee per shift.
General Office Building	One (1) parking space for each 400 square feet of gross floor area excluding auto parking within or on the building, plus one (1) parking space for two (2) employees per shift.
Hospitals	One (1) parking space for each bed plus one (1) space for each two (2) employees and one (1) space for staff M.D.
Hotels, Motels, Lodging	One (1) space for each unit plus one (1) space for each two (2) employees per shift.
Libraries, Museums, and Post Offices	One (1) parking space for each eight hundred (800) square feet of floor area plus one (1) parking space for each two (2) employees per shift.
Livestock Auction	Two (2) square feet of parking area for each one (1) square foot of buildings, pens, and all enclosed area on the premises of the auction facility.

USE	REQUIREMENTS
Manufacturing, Fabricating, Processing, and Bottling Plants, Research and Testing Laboratories	One (1) space for each employee per shift plus two (2) spaces for each purchasing agent and ten (10) visitor spaces.
Restaurants, Beer Parlors, Taverns, Night Clubs, and Private Clubs	One (1) parking space for each four (4) patron seats plus one (1) parking space for each two (2) employees per shift.
Retail Stores, Except as Otherwise specified herein	One (1) parking space for each 150 square feet of floor area excluding auto parking space within or on the building.
Roadside Stands	Five (5) parking spaces for each twenty- five (25) square feet of floor area.
Schools, Private, or Public Elementary and Junior High Schools	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions	One (1) parking space for each employee (including teachers and administrators) plus one (1) for each ten (10) students in addition to requirements of the auditorium.
Self Service Laundry or Dry-Cleaning Stores	One (1) space for each two (2) washing and/or dry-cleaning machines.
Supermarket, Self Service Food and Discount Stores	Two (2) spaces for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees per shift.
Wholesale Establishments and Warehouses(?)	One (1) space for each four hundred (400) square feet floor area plus one (1) space for each two (2) employees.

- A. **Parking Lot Deferment:** Where the property owner can demonstrate that the required amount of parking is excessive, 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 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 dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.

- B. 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 (10%) percent shall not be allowed for commercial or industrial uses, 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.
- C. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with the use which the Planning Commission considers to be similar in type.

SECTION 9.7 Loading - Unloading Requirements

In connection with every building or part thereof hereafter erected, except single and two-family dwellings, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- A. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a zoning permit for the erection or enlargement of a use or a building or structure.
- B. Each off-street loading - unloading space shall not be less than the following:
 - 1. In a Residential District, a loading - unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and if a roofed space, not less than fourteen (14) feet in height.
 - 2. In any Commercial or Industrial District, a loading - unloading space shall not be less than ten (10) feet in width and sixty-five (65) feet in length and if a roofed space, not less than fifteen (15) feet in height.
- C. Subject to the limitations of the next paragraph, a loading - unloading space may occupy all or any part of any required side or rear yard, except the side yard along a side street in the case of corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- D. Any loading - unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly with a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
- E. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading - unloading facilities shall be the sum of the various uses computed separately.
- F. All off-street loading - unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained in accordance with County Drain Commission standards, lighted and shall have appropriate bumper and wheel guards where needed and any light used for illumination shall be so arranged as to reflect the light away from the adjoining

premises and streets.

- H. Off-street loading - unloading requirements for residential uses (excluding single family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial, or other uses similarly involving the receipt or distribution by vehicle: Such uses having over five thousand (5000) square feet of gross floor area shall provide at least one (1) off-street loading - unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading - unloading space, the size of such loading - unloading space subject to the provisions of this Ordinance.
- I. Where a use is not specifically mentioned, the requirements or a similar or related use shall apply.

ARTICLE 10 - CONDITIONAL USES

SECTION 10.1 Purpose

The formulation and enactment of this zoning ordinance is based upon the division of the Township into districts, each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar location need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use. For purposes of this ordinance, special uses and conditional uses shall be deemed as one and directed into specific district(s) as defined in the ordinance.

SECTION 10.2 Authority to Grant Permits

The Township Board, with recommendations from the Township Planning Commission, shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards, and time limitations as it may determine for all conditional uses specified in the various district provisions of this Ordinance.

SECTION 10.3 Application and Fee

Application for any conditional use permit permissible under the provisions of this ordinance shall be made to the Township Board by filling in the official conditional use permit form, submitting site plans as described in Section 10.04, and depositing a fee in accordance with the requirements of Section 2.07. An application for a conditional use permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, and the address of the property involved.

SECTION 10.4 Site Plan Review

An application for a conditional use permit shall be accompanied by a detailed site plan, or in some instances a preliminary site plan or sketch plan, to be reviewed by the Township in conjunction with the granting of the permit. The requirements for site plan review have been listed under Section 6.17.

SECTION 10.5 Notice of Request

Upon receipt of an application for a conditional use permit, which requires a decision of discretionary grounds, a notice of the request shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and

to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date of application will be considered. 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 1 occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial area shall receive a notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial area 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. The notice shall:

- A. Describe the nature of the application for the conditional use permit.
- B. Indicate the property which is the subject of the application for the conditional use permit.
- C. State when and where the application for the conditional use permit will be considered.
- D. Indicate when and where written comments will be received concerning the application.
- E. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the zoning jurisdiction.

SECTION 10.5A Public Hearing

At the initiative of the Township Board or upon the request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, the Planning Commission shall hold a public hearing before a discretionary decision is made on the special land use request.

SECTION 10.6 Findings by the Township Planning Commission

The Township Planning Commission, following the public hearing called for above, shall review the particular circumstances and facts of each application, shall record adequate data, information and evidence, based upon the data, exhibits and information supplied by the applicant, with respect to each item set forth in the general standards, outlined in Section 10.06, and the specific standards for those uses outlined in Section 10.07(B), The Planning Commission shall submit its report thereof to the Township Board together with its recommendation for the issuance or denial of a Conditional Use Permit and if a recommendation of the issuance of a Conditional Use Permit is made, the specific terms and conditions which must be complied with by the owner of the property. The Township Board may deny, approve, or approve with conditions a request for conditional use approval. The decision on a conditional use shall be incorporated in a statement of findings and conclusions relative to the conditional use which specifies the basis for the decision and any conditions imposed.

No Conditional Use Permit shall be issued unless based upon the report supplied by the Planning Commission, the Township Board shall determine that:

1. **Standards of Approval.** The Planning Commission shall review the particular circumstances and facts applicable to each proposed Conditional Land Use with respect to the following standards:
 - a. The use is designed and constructed and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed.
 - b. The use is, or as a result of the Conditional Land Use approval, will be served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.
 - c. The use will not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 - d. The Conditional Land Use will be consistent with the intent and purposes of this ordinance and the most recent updates to the Fredonia Township Master Plan.
 - e. It will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 - f. It will not create excessive additional requirements at public cost for infrastructure and will not be detrimental to the economic welfare of the community.
 - g. It will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.
 - h. It shall conform with all specific requirements applicable to the proposed use.
2. **Conditions of Approval.** If the Planning Commission and the Township Board finds that all standards have been met, in addition to confirming compliance with all other zoning requirements, the permit shall be issued
 1. Intent. Reasonable conditions may be required with the approval of a Conditional Land Use permit. These may include conditions 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
 2. Requirements. Conditions imposed shall meet all of the following requirements:
 - a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 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 requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration and be necessary to insure compliance with those standards.
- d. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

SECTION 10.7 Compliance with Conditions, Limitations, and Requirements - Grounds for Revocation

In issuing a Conditional Use Permit, the Township Board may require a cash deposit, certified check, irrevocable letter of credit, or surety bond to be furnished by the responsible party(ies) to ensure compliance with the provisions of this Ordinance applicable thereto and with the specific terms, conditions or limitations of the conditional use permit issued by the Township Board. The responsible parties will At least two (2) cost estimate from qualified contractors for full removal of equipment, foundations and structures associate with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval.

The owner and responsible party shall agree to the decommissioning plan, and the Township's requirements for decommissioning, in the form of a written agreement with the Township that shall be filed with the Calhoun County Register of Deeds office.

SECTION 10.7A Conditions, Limitations, Requirements, and Safeguards

The Township Planning Commission may recommend, and the Township Board may impose such additional conditions, limitations, requirements and safeguards deemed necessary for the protection of the general welfare of the Township and for the protection of the individual property owners in the vicinity and to insure that the intent and objectives of this Ordinance will be observed. Conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic wellbeing, 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.
- 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 requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

The issuance of a Conditional Use Permit by the Township Board shall entitle the owner to continue to

operate the conditional use so long as the owner remains in compliance with the terms and conditions of this Ordinance and the terms, conditions, limitations, requirements, and safeguards set forth in the Conditional Use Permit. Such Conditional Use Permit, if granted, shall also expressly grant to the Township zoning administrator or any other authorized township personal the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this Ordinance or of the terms of the Conditional Use Permit. In the event the owner or occupant of the property for which a Conditional Use Permit has been issued, shall violate any provision of this Ordinance or any term, condition, limitation, regulation or safeguard contained in the Conditional Use Permit, the Conditional Use Permit shall be and become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance and the Township may proceed to enforce the provisions of this Ordinance and the terms, conditions, limitations, and safeguards of the Conditional Use Permit as provided in this Ordinance, in addition to all other remedies provided herein. In the event that such Conditional Use Permit shall be and become null and void, the compliance bond, if any, given by the owner under the provisions of this Ordinance shall be forfeited.

SECTION 10.7B Specific Standards for Conditional Uses

In addition to the general standards outlined in Section 10.06, each conditional use shall comply with the sign regulations established within Article 8 and the parking regulations established in Article 9. For each conditional use identified below, there shall be additional specific standards as required in the Section pertaining to that use.

Table 10-7A

CONDITIONAL USE	DISTRICT	SECTION
Junk Yards	I	10.08
Commercial Kennel	AG	10.09
Drive-In Theaters	HS	10.10
Gasoline Service Station	HS	10.11
Community Facilities (Public/Non-profit)	AG, LDR, MDR	10.12
Extraction and Mining	AG	10.13
Campgrounds	OC	10.14
Planned Unit Resid.	LDR,MDR,MHP, MF	10.15
Planned Shopping Center	HS, OB	10.16
Planned Community and Regional Shopping Centers	HS	10.17
Residential Care Facilities	MDR, MF, OB, HS	
Essential Service Buildings	All Districts	10.18
Agri-Business	AG	10.19
Home Occupations: Class B	AG,LDR,MDR,OB	10.20
Wholesale Service Center	HS	10.21
Telecommunication Towers	AG, HS, I	10.22
Adult Entertainment	I	10.23
Concrete Processing and Storage	AG, I	10.24
Wind Energy Conversion	All Districts	10.25
Solar Energy Systems	All Districts	10.26
Short-Term Rentals	AG, LDR, MDR	10.27
Event Centers	AG, HS	10.28
Primary Caregiver	I,HS	10.29

SECTION 10.8 Junk Yard

This section shall apply to the following zoning districts:

I

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with applicable State of Michigan Statutes.
- B. it is recognized by this Ordinance that the location in the open of such materials included in the Ordinance's definition of "Junk Yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained, and property values conserved, an opaque fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot.
 - 1. In addition to the foregoing requirements, the Planning Commission may require a greenbelt in accordance with the provisions of Article 6.
- C. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved, or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.

SECTION 10.9 Commercial Kennel

This section shall apply to the following zoning districts:

AG

An application to construct a commercial kennel for the purpose of boarding ten (10) or more domesticated animals shall, in addition to the conditional use permit, require any necessary permits and approvals from Calhoun County and the State of Michigan. In addition:

- A. There shall exist a one hundred (100) foot setback from any adjacent property line for any exterior area used for animal exercise area (such as a dog run).
- B. Any buildings constructed for interior boarding shall be soundproofed and located no closer than fifty (50) feet to any adjoining property line.
- C. Perimeter landscaping and/or fencing shall be utilized to screen those areas from such adjacent property.

SECTION 10.10 Drive-In Theaters and Temporary Transient Amusement Enterprises

This section shall apply to the following zoning districts:

HS

In addition to and as an integral part of development, the following provisions shall apply:

- A. Drive-in theaters shall be enclosed for their full periphery with an opaque fence at least seven (7) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
- B. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. In addition, the Planning Commission may require a greenbelt in accordance with the provisions of Article 6.
- C. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

SECTION 10.11 Gasoline Service Stations

This section shall apply to the following zoning districts:

HS

Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations, or filling stations shall conform to the more restrictive dimensional requirements.

- A. **Frontage and Area:** Every gasoline service station shall have a minimum frontage of one hundred and twenty (120) feet and a minimum of twelve thousand (12,000) square feet.
- B. **Setback:** Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of-way of thirty-five (35) feet and a minimum setback from all property lines of twenty-five (25) feet. A greenbelt area in accordance with the regulations specified in Section 6.07 may be required by the Township Board. No part of the setback or greenbelt area shall be used for the storage of dismantled vehicles or junk.
- C. **Construction Standards:** All vehicle service areas shall be constructed to conform to the following standards:
 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used or vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.]
 2. the entire area used for vehicle service shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
 3. Hydraulic hoist, lubricating, greasing, automobile body repair and painting, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repairs may be carried on outside of the building.
 4. The maximum widths of all driveways at the sidewalk shall be no more than thirty (30) feet.
 5. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (~~50~~ 60) degrees.
 6. The minimum distance between curb cuts shall be no less than forty (40) feet.
- D. **Lighting:** All lighting shall be accomplished in a manner such that no illumination source causes nuisance to adjacent properties.

SECTION 10.12 Community Facilities (Public and Non-Profit)

This section shall apply to the following zoning districts:

AG	LDR	MDR
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Such facilities include community and governmental buildings, libraries or similar facilities. Uses are deemed compatible within residential districts provided they meet the following conditions:

- A. Parking areas shall be screened from any adjacent residence through the installation of an opaque fence of at least six (6) feet in height or a natural landscape screen of equal density and height.
- B. Lighting shall be directed away from adjacent residences and clearly shown on a required site plan.
- C. The approval may be conditioned on the use of such facilities and the hours of operation. Changes or alterations in the use of such facilities may require a rehearing on the permit and the assignment of additional conditions.

SECTION 10.13 Extraction and Mining

This section shall apply to the following zoning districts:

AG

Including extraction of sand, gravel, fill dirt, and topsoil; provided that such activity shall be permitted as a conditional use only in the Agricultural District and shall comply with the following provisions:

- A. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural grounds. All slopes and banks shall be reasonably graded to prevent excessive erosion.
- B. The Planning Commission, upon recommendation from the County Road Commission, shall establish routes of ingress and egress or truck movement in order to minimize the wear on public roads and to prevent hazards to traffic, all interior roadways shall be chemically treated to reduce dust.
- C. Extraction operations shall conform to all applicable federal, state, and county laws and regulations, and to the requirements of any Fredonia Township mineral extraction ordinance.
 1. In determining under this section 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.

SECTION 10.14 Specific Conditions and Requirements – Campgrounds

This section shall apply to the following zoning districts:

AG	OS
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Requirement for license: Private and semi-private campgrounds for active and passive recreational uses may be constructed provided that such activities shall be permitted as a conditional use only in the Agricultural district and the OC-Open Space and Water Conservation district and shall comply with the following provisions and Act 363 of the Public Acts of 1978, as amended.

A. Development Standards:

1. A campground shall not be located where it will be detrimental to public health, safety, and welfare.
2. A campground shall not be located on top of an abandoned landfill which has been used within the past five (5) years for disposal of garbage and refuse.
3. Development of campgrounds require a construction permit.
4. Criteria required for the issuance of a construction permit shall include but not be limited to the following: (a) Health permit from the Calhoun County Health Department: (b) A sketch drawn to scale showing the plot plan and general layout of facilities: (c) Where it is proposed to extend water and sewer lines to site or where the sewage disposal system includes a treatment process other than a septic tank with a soil absorption system, the plans for the sanitary facilities shall be prepared by an engineer registered in Michigan: (d) A plan for the proposed method of garbage and refuse storage and disposal must be submitted: (e) Upon receipt of their State of Michigan Campground License, the owner shall apply to the Township for the annual Township permit: (f) The organization owning or operating the camping and recreation areas shall be subject to revocation of license if restriction herein stated shall be violated.

B. Types of:

Campground facilities shall be one of 3 types of any combination thereof: Modern, Primitive and Temporary, or Rally.

A Modern Campground means a tract of land where Recreational units are accommodated and water flush toilets and water under pressure are available at a service building or a water outlet. Sewer connections are available at each site.

A Primitive Campground means a tract of land where recreational units are accommodated and water if furnished from a hand pump well and sewage is disposed of by means of a sanitary privy.

A Temporary or Rally Campground means a tract of land where recreational units are accommodated on a temporary or short time bases, two (2) weeks maximum, and sewage is disposed of by means of a portable sanitary privy.

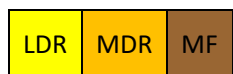
C. Site Use and Arrangement:

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

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

SECTION 10.15 Planned Unit Residential Developments

This section shall apply to the following zoning districts:



The owner or owners of any tract of land in the LDR, MDR, and MF Districts comprising an area of not less than five (5) acres may submit to the Township Planning Commission a site plan for the use and development of the tract as a Planned Unit Residential Development (PURD). The purposes of a PURD are:

- A. To permit flexibility in the regulation of land development.
- B. To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- C. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- D. To encourage usable open space and provide better housing opportunities particularly suited to the needs of the residents of the Township.

Required Standards for Approval:

- A. Open Space. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the PURD site is located. Net development area is determined by subtracting water, muck and peat areas, and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area. A PURD project shall have open space of no less than twenty-five (25%) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PURD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of twenty-five (25%) percent of the required open space and landscape area devoted to perimeter setbacks.

The area of land set aside for common land, open space, or recreation, except as above indicated, shall be included as a part of the net development area.

- B. Height Regulations. The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying Zoning District.
- C. Other Dimensional Regulations. To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, reduce the other dimensional regulations, as required by the underlying Zoning District, including but not limited to minimum lot size, density, and setbacks within the PURD project, upon a finding that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PURD, the surrounding neighborhood, or the Township as a whole.

Any reductions by the Planning Commission shall be limited as follows:

- A. Setbacks shall not be reduced by more than fifty (50%) percent of the underlying Zoning District requirements. Perimeter setbacks as required by the PURD regulations may not be reduced.

- B. Required parking shall not be reduced by more than sixty (60%) percent of the parking normally required of the proposed use. In no case shall a single-family home, mobile or modular home, or other such detached single-family dwelling have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PURD site for future parking.

Prior to approving a reduction in dimensional regulations, the Planning Commission may require the applicant to demonstrate through bona fide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments, and infrastructure impact studies, that the reduction will not result in significant impacts to the PURD project and PURD occupants, the surrounding area, and the Township as a whole.

- A. The proposed development will be served adequately by essential public facilities and service, such as highways, streets, police and fire protection, drainage structures, refuse disposal: or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. Public water and sewer systems shall serve the development whenever deemed feasible by the Township.
- B. The proposed unit is of such size, composition and arrangement that its construction and marketing operation is a complete unit, without dependence on any subsequent unit of development.
- C. The common open space, any other common properties, individual properties and all other elements of the planned unit residential development are so planned that they will achieve a unified environmental scheme, with open spaces, and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
- D. In view of the "conditional use" nature of the PURD amendment procedure, deed restrictions and covenants entered into or proposed to be contracted for, by the developer become an appropriate consideration of the Township Planning Commission.
- E. The Planning Commission shall consider the manner in which the lawful contractual techniques in attaining the objectives of the PURD amendment and may make its recommendations conditional upon the contractual relations between private parties or may recommend procedures whereby the Township becomes a party to such contractual relations.

Required Provisions in Site Plan:

- A. The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of residential units, accessory uses, thereto, and public facilities as may be necessary for the welfare of the Planned Unit Residential Development and not inconsistent with the best interest of the entire Township.
- B. The applicant may be required to dedicate land for street or parking purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the PURD) as open space for common use. The development as authorized shall be subject to all conditions of this ordinance only to the extent specified in the authorization.
- C. Tentative Township Board Approval: The Township Board, upon the receipt of the Planning

Commission's report on the proposed plan, may then give tentative approval to such plans, incorporating with the approval such conditions as the Board deems appropriate and in harmony with the general spirit of this ordinance to promote the public health, safety, morals, convenience and general welfare. Prior to tentative approval, the Township Board shall hold at least 1 public hearing on the request. Notice of the hearing shall be given in the same manner as provided by section 3 of the Michigan Zoning Enabling Act (MCL 125.3503). Within a reasonable time following the public hearing, the Township Board shall meet for final consideration of the request and deny, approve, or approve with conditions the request. The Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

D. PURD Application Requirements. An applicant seeking approval of a PURD shall submit a complete application to the Zoning Administrator. The Zoning Administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all the following:

1. A completed application form supplied by the Zoning Administrator.
2. Payment of a fee as established by resolution of the Township Board.
3. A narrative statement describing:
 - a. The objectives of the proposed PURD and how they relate to the intent of the Zoning Ordinance as described in subsection 1), above.
 - b. The relationship of the proposed PURD to the Fredonia Township Master Plan.
 - c. Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - d. Proposed master deed, deed restrictions, covenants, or similar legal instruments to be used within the PURD.
 - e. Anticipated dates for the start and completion of the PURD construction.
 - f. The location, type, and size of areas to be dedicated for common open space.

E. The PURD application shall include all information required by Sections 6.17 and Section 10.3, and the following:

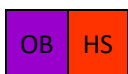
1. Required setbacks of the Zoning Districts.
2. Area of subject property to be covered by buildings.
3. Percentage of the total site devoted to open space and the proposed uses of that open space.
4. Such other information regarding the development area that may be required to determine conformance with this Ordinance.

The applicant shall then review his application and plan in final approved form and sign a statement that the planned unit residential development plan in its final form shall be binding on the applicant, his heirs, successors, and assignees.

When the Township Board gives final approval, conditional use permit shall be issued for the PURD even though the size of lots, the depth of yards and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

SECTION 10.16 Planned Neighborhood Shopping Centers

This section shall apply to the following zoning districts:



Such centers shall be permitted as a conditional use in the OB and HS Districts and shall comply with the following provisions:

- A. Planned Neighborhood Shopping Centers shall contain a grouping of those uses allowed as permitted uses within the OB and HS Districts in addition to the following:
- B. Site Development:
 - 1. Such development shall occupy a site of not less than three (3) acres with not less than three hundred (300) feet of street frontage.
 - 2. No building shall be located nearer to the neighborhood center than a distance equal to twice the height of said building.
 - 3. No building shall exceed the height limitation specified in the zoning district in which it is located.
- C. Screening: When such development is located in or adjacent to a Residential District or when located adjacent to a public institution or open space, a greenbelt shall be required in accordance with the regulations specified in Section 6.07.
- D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- E. Vehicular Approach: Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways shall be located as far from street intersections as practicable, but in no case less than fifty (50) feet.
- F. Parking and Circulation: There shall be provided no less than four (4) square feet of parking and circulation space for everyone (1) square foot of leasable floor area within the center. On site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets. All areas accessible to traffic shall be paved and maintained so as to provide a smooth, dustless, and well drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

SECTION 10.17 Planned Community and Regional Shopping Centers

This section shall apply to the following zoning districts:

HS

Such centers shall be permitted as a conditional use in the HS District only and shall comply with the following provisions:

- A. Planned Community and Regional Shopping Centers shall contain a grouping of those uses allowed as permitted uses within the HS District in addition to the following:
 - 1. Temporary exhibitions and special civic events, provided that they shall be conducted in spaces designed for such purposes, and that they shall not be operated for profit.
 - 2. Recreational facilities incidental to the principal operation of the center and operation of the center and of nature normally out-of-doors, provided that there shall be no admission charge for such activities.
- B. Site Development:
 - 1. Such development shall occupy a site of not less than (10) acres with a minimum street frontage of one thousand (1000) feet.
 - 2. No building shall be located nearer to any property line of the center than a distance equal to twice the height of said building, provided that no building shall be located nearer to any street or highway right-of-way line than fifty (50) feet.
- C. Screening and Transition: When such development is located in or adjacent to a Residential District, or when located adjacent to a school, hospital, church or other public institution, or open space, a landscaped strip of land not less than two hundred (200) feet in width shall be provided and maintained on all sides of the site. This strip shall serve as a transition between the shopping center and adjacent properties, and no part of which shall be utilized for any functions of the shopping center, except that no more than one hundred (100) feet of said strip width on the interior side of the shopping center property may be used for parking. Such strip shall be occupied by plant materials and/or approved fences or masonry wall not exceeding six (6) feet in height. The plans and specifications for the development shall include the proposed design of said transition strip.
- D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- E. Sign: All signs shall conform to the provisions of Article 8 with the addition of one (1) sign located on each street frontage and not exceeding one hundred (100) square feet in area identifying the shopping center. Such sign may be illuminated but not be an intermittent source.
- F. Vehicular Approach: Driveways and approaches shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways each not to exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property. Such access shall be provided from major streets and highways

which are fully capable of accommodating the maximum traffic anticipated to be generated by the center without undue interference with through traffic on such streets or highways. Driveways shall be located as far from street intersections as practicable, but in no case less than one hundred (100) feet.

G. Parking and Circulation.

1. There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center.
2. Any individual parking space in the center shall be accessible by clearly demarcated pedestrian walks from the shopping area, which shall not intersect a vehicular way more than once.
3. Automobile and truck service traffic shall be separate from one another to the fullest possible extent.
4. On-site circulation facilities shall be designed so that there shall be no backing of traffic into public streets.
5. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless and well drained surface.
6. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

SECTION 10.18 Essential Service Buildings

This section shall apply to the following zoning districts:

AG	OS	LDR	MDR	MHP	MF	OB	HS	I
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1. In every zoning district, except commercial and industrial, Essential Service Buildings shall be required to have a conditional use permit prior to their construction.
 2. No Essential Service Building shall be used for residential purposes. An opaque fence or greenbelt may be required by the Township Board when deemed necessary.
 3. In addition to conditional use criteria and zoning district regulations within this Ordinance, Essential Service Buildings shall comply with at a minimum the following:
 - A. Setbacks. Essential Service Buildings shall be set back a minimum of 20 feet from all lot lines.
 - B. Screening. Screening requirements are subject to Planning Commission approval based on analysis of potential effect on surrounding properties. Any permitted Essential Service Building shall be screened from adjacent residential districts and/or uses.
- C. Use Requirements. Essential Service Buildings shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties.

SECTION 10.19 Agri-Business

This section shall apply to the following zoning districts:

AG

- A. Provided that such use be permitted as a conditional use only in the Agricultural District.
- B. An Agri-Business and buildings, structures, lots, parcels or parts thereof which provided services, goods, storage, transportation or other activities directly related to the production of agricultural commodities.
An Agri-Business may include but is not limited to:

1. Farm machinery, sales, service, rental, and repair.
2. Grain elevators for storage, drying, and sales.
3. Bulk feed and fertilizer outlets and distribution centers.
4. Seed dealership outlets and distribution centers.
5. Grain and livestock trucking and cartage facilities.
6. Auctions for livestock.
7. Dairy products production and processing operations.

SECTION 10.20 Home Occupations: Class B

This section shall apply to the following zoning districts:

AG	LDR	MDR	OB
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A. General Requirements

1. A home occupation shall only be permitted as an accessory use to a residential use of a property.
2. Home occupation operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings.
3. There shall be no physical evidence of the home-based business from the exterior of the dwelling, other than the presence of a permitted sign, parking of one (1) commercial vehicle and trailer, and a screened outdoor storage area.
4. All equipment and vehicles, aside from one (1) commercial vehicle and trailer, shall be stored indoors or stored outdoors and surrounded by a solid 6-foot-tall fence or wall, or a landscaping screen of at least six (6) feet at installation.

B. Uses. The following list of use shall not be permitted as a Home Occupation:

1. Retail Sales
2. Independent trucking operations shall not involve more than one (1) semi-truck and trailer.
3. Waste hauling and sanitary services.
4. Junk yards or scrapping operations.
5. Automotive, Truck, or heavy equipment repair over two (2) axels; provided repair of personal automobiles or minor automotive or truck repair may be permitted.
6. Other similar uses, in the opinion of the zoning administrator and the Planning Commission, have similar characteristics or potential impact.

C. Operation

1. Class B home occupations shall be owned and operated by a full-time resident of the dwelling.
2. Any resident of the dwelling may be an employee of the home occupation.
3. A maximum of two (2) persons who are not residents of the dwelling may be employed at the home occupation.

D. Minimum Lot Area. The minimum lot area for a Class B home occupation is two (2) acres. However, a minimum of five (5) acres is required for the following businesses:

1. Any business that requires outdoor storage.
2. Any business requiring a gross floor area of 1000 square feet or greater.

E. Parking and Visitation.

1. Visitation to the site by clients, patrons, or students shall be by appointment only.
2. No more than two (2) appointments shall be scheduled at anyone (1) time.
3. One (1) off-street parking space shall be provided for each employee not residing at the residence.

SECTION 10.21 Wholesale Service Center

This section shall apply to the following zoning districts:

HS

The following conditions shall apply for the granting of a conditional use permit for development of a wholesale service center:

- A. No assembly of products shall occur on the premises.
- B. The use shall be limited to distribution and redistribution of goods of a wholesale nature, with transportation of such goods along state highways and/or county primary roads.
- C. Hours of operation shall be limited from 7:00 a.m. to 7:00 p.m.

SECTION 10.22 Telecommunication Towers

This section shall apply to the following zoning districts:

AG	HS	I
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Purpose: Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. The intent of the section is to minimize adverse visual effects of towers, avoid damage to adjacent properties while adequately serving the community.

Towers Permitted in Zoning Districts: Towers and alternative design mounting structures that support antennas are conditional uses in the commercial and industrial districts (HS and LI) and within the (AA) Agricultural District where the site is no further than 1,320 feet from a commercial or industrial district. All towers shall be subject to the following conditions:

- A. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of a freestanding (lattice or monopole) or guy-wired (lattice) tower shall be set back one hundred ten percent (110%) of the height of the tower from any property line or road right-of-way as measured from the tower base. Guy wire anchors shall be setback seventy-five (75) feet from all property lines.
- B. For leased sites, a legally described parcel shall be established which provides suitable location and size to meet the requirements of this ordinance.
- C. The maximum tower height shall be 300 feet as measured from the ground elevation.
- D. The tower base shall be enclosed by a security fence, consisting of a six-foot-tall chain link fence topped with three (3) strands of barbed wire or an eight-foot-tall chain link fence. All towers shall be equipped with an anti-climbing device.
- E. A six (6) foot tall landscape screen is required to screen around the exterior perimeter of the fenced area.

Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. If lighting is required, a dual lighting system shall be employed to minimize the impact at night.

Signs: The use of any portion of a tower for signs other than warning or equipment information is prohibited.

Application Requirements: Application must be made for a building permit, and the following information must be submitted:

1. A site plan of the proposed tower location showing all existing and proposed features of the site. This shall identify all buildings which are on the subject property as well as any buildings and residences on adjacent properties within 330 feet of the tower base.

The site plan shall also identify the location of the maintenance buildings, which are to be

located within the secured fence area, including the pads needed to support such facilities for any future carrier needs. The site plan shall also indicate the height of the proposed tower above grade, and any other improvements.

2. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer 's certification of structural and electrical safety. The township may request that any information that is submitted be certified by a licensed professional engineer.
3. A description of the appearance and color of the tower, with the intent to camouflage the tower to an extent possible to reduce the visual impacts of the tower.

Location/Separation Requirements: All commercial wireless telecommunications towers erected, constructed or located within Fredonia Township shall comply with the following requirements:

1. A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or similar building within the Township. The applicant must provide information related to their investigation of the potential for co-location on all other towers within the township and within a one-mile area surrounding the township. This provision may be waived should the applicant produce and justify data related to the tower's or building's structural inadequacy, negative impact from other communications devices or services, insufficient height or other verifiable reason.
2. Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least three (3) other users. Any developer of a tower site must have a firm commitment (lease agreement) from the property owner and from at least one carrier to locate on the tower at the time of the application.

Abandonment or Unused Towers or Portions of Towers: Abandoned or unused towers or portions of towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Fredonia Township Zoning Board of Appeals. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within twelve months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the real property. To ensure compliance with this provision the township may require a cash deposit, certified check, irrevocable letter of credit, or surety bond covering the estimated cost of removal as permitted by Section 10.07 of this ordinance. The Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on that tower.

SECTION 10.23 Adult Entertainment

This section shall apply to the following zoning districts:

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- A. Purpose: Regulation of adult entertainment uses is directed at protection of the health, safety and welfare of Township residents through the establishment of conditions by which such use may be approved. The intent is to minimize the negative impacts of such use, including potential blight and possible criminal activity associated with such adult uses. It is not the intent of this ordinance to regulate the content of materials associated with the use, rather the separation of incompatible uses that may result in loss of property value.
- B. District: Adult entertainment uses are conditional uses within the LI-Light Industrial District. Such use is deemed to be incompatible with uses permitted within the agricultural, residential, and commercial districts and the site development regulations provide for increased setback and lot area to further reduce such incompatibility.
- C. Definitions: Such uses defined are not intended to be an exclusive list of adult entertainment. Any such use required to be licensed or inspected shall be included within this definition of adult entertainment even if not specifically listed under this subsection:

Adult booth, arcade, motion picture, or mini-motion picture theater or similar use that presents material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such uses shall be within an enclosed building or enclosed room within the building and shall not be viewed or displayed immediately upon entering said building or room.

Adult bookstore, adult novelty store or adult video store or similar use which offers for rent or sale material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such stores that limit the concentration of such material to an "adult only" section, encompassing less than twenty-five percent (25%) of the usable floor area and less than twenty-five percent (25%) of the gross receipts from sales or rentals, shall not be considered under this definition or regulated as "adult entertainment."

Adult cabaret, nightclub, theater, or similar establishment which features live performances by dancers (topless, go-go or exotic as examples), strippers, or similar entertainers, where the performers feature live display of "Specified Anatomical Areas" or describe "Specified Sexual Activities."

Adult motel or adult lodging establishment or similar use that provides materials for sale or rent, including in-room videos, which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas." Such facilities shall clearly advertise the availability of such adult entertainment.

Adult personal service or physical culture business or similar uses including massage parlors, health spas, saunas or steam baths where the person providing the service is nude or partially nude as

defined as having attire which reveals "Specified Anatomical Areas".

Specified Anatomical Areas are areas of the body, less than completely or opaquely covered, including human genitals, the pubic region, buttock or female breast area below a point immediately above the top of the areola. This definition shall also include human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, the pubic region, buttock or female breast.

D. Conditions: In order to reduce or mitigate the incompatibility of such uses with surrounding uses, the following conditions shall apply for adult entertainment:

1. All such facilities shall meet any State licensing requirements, fire regulations, or other state or local requirements for operation.
2. All such facilities shall provide for separate male and female restrooms and such restrooms shall be free to the public.
3. The entrance to such facilities shall be clearly posted "For Adults Only" and anyone entering the facility shall be asked for permanent identification to determine that no person under the age of 18 is allowed.
4. Signage shall adhere to the Township sign regulations and no advertisement shall be visible from the exterior of the facility related to the display or description of materials defined as "Specified Sexual Activities" or Specified Anatomical Areas" or any language considered slang providing for the same description.
5. A site plan shall be submitted which meets the Township's standards for site plan review, including landscaping and lighting that will decrease the incompatibility with surrounding uses. The site plan shall also indicate any existing uses, buildings or structures within 500 feet of the property.
6. The site for such adult entertainment use shall not be located within 500 feet of any community facilities, including churches, schools or other public buildings.
7. The site for such adult entertainment use shall not be located within 300 feet of any residence or from a residential zoning district.
8. The site for such adult entertainment use shall not be located within 1,000 feet of any other adult entertainment use as defined in this ordinance.
9. Parking areas shall be well lit and no loitering or congregation of patrons outside of the facility shall be allowed by the proprietor of the business.

E. Exempt Uses: Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, massage or physical therapists, athletic trainers, or other professions where bodily contact is anticipated as part of the service, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section.

SECTION 10.24 Concrete Storage and Processing Facility

This section shall apply to the following zoning districts:

AG	I
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Such facilities are intended to store used concrete material that has been removed and which will then be processed into a crushed form that can be utilized as base material for other construction purposes. Such facilities shall be subject to the following conditions:

- A. The concrete shall be stored in a pyramidal manner that does not allow for the material to shift or create a hazard during storage or removal for processing.
- B. Steel, iron, or other scrap material removed from the concrete shall be stored separately and effectively screened by opaque fencing or landscaping. No such material is permitted that has not been associated with the concrete removal.
- C. Processing of the material, either by crushing or grinding, shall be limited to hours of operation of 8:00 a.m. to 6:00 p.m. and no processing shall occur on Sundays. The crusher or grinder shall be located on the site to minimize noise, dust or other negative impacts to adjoining properties or the traveling public.
- D. The Planning Commission, upon recommendation from the County Road Commission, shall establish routes of ingress or egress or truck movement in order to minimize wear on public roads and to prevent hazards to traffic. All interior roadways shall be chemically treated to reduce dust.
- E. Upon termination or abandonment of the concrete storage and processing operation, the site shall be returned to a condition free of debris or other material. The Planning Commission may conduct an annual review of the operation and impose additional conditions when appropriate.

SECTION 10.25 Wind Energy Conversion Systems

This section shall apply to the following zoning districts:

AG	OS	LDR	MDR	MHP	MF	OB	HS	I
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A. The regulation of wind energy conversion systems (WECS), including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents.

1. Definition of Wind Energy Conversion Systems: A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment. A "small turbine/on-site" system is intended to primarily serve the needs of the customer, with a single tower that that may, or may not, be connected to the utility grid. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities or larger cooperatives.
2. Conditional Use: Due to the concerns related to health, safety, and welfare, such systems shall be regulated as a conditional use within all zoning districts, provided such land area is sufficient to support their development and operation. Systems of fifty (50) feet or less are exempt from such conditional use regulation but shall be subject to building, electrical and/or mechanical permit requirements. The following requirements shall be met, and the Planning Commission may impose additional conditions where appropriate:
3. In addition to the requirements of Section 10.04, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within five hundred (500) feet of the WECS.
4. Each conditional use application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following: A standard foundation and anchor design or specifications for normal soil conditions; detailed instructions for operation and maintenance of the WECS on site; a copy of all warnings and/or documents provided by the manufacturer of the WECS; grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and proof of insurance. In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator, and the following information shall be included : The name, address, and telephone number of the owner of the tower/subsystem; manufacturer's name and address; model number; serial number; emergency and normal shutdown procedures; the survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator; name of installer; name of person responsible for maintenance; emergency telephone number in force for the installer and the person responsible for

maintenance.

5. Electromagnetic Interference: The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub parts A, D and H).
6. Noise: The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.

B. Site Development:

1. Lot Area/Setbacks: No small turbine/on-site WECS shall be erected on any lot or parcel less than one (1) acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to utility lines and/or property lines than 150% of the height of the tower as defined in (2) below. No large turbine/utility grid WECS shall be erected on any parcel less than forty (40) acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to utility lines and/or property lines than 200% of the height of any towers as defined in (2) below.
2. Height: The maximum allowable height for any small turbine/on-site WECS, based upon the combined tower and rotor blade length, shall be eighty (80) feet for parcels of one (1) to less than five (5) acres, one hundred and twenty (120) feet for parcels of five (5) to less than ten (10) acres and up to one hundred and sixty (160) feet for parcels of ten (10) acres or more. The maximum allowable height for any large turbine/utility grid WECS, based upon the combined tower and rotor blade length, shall be three hundred (300) feet. The Planning Commission, in consideration of such request, may waive this height requirement where such proposed location does not negatively impact adjoining properties and where such adjoining property owner has indicated through formal letter that such waiver is acceptable. Ground Clearance: For both horizontal and vertical axis turbines, and WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.
3. Accessibility: Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.
4. Connection to power grid: In the case of the WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sell back) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
5. Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible

beyond lot boundaries.

6. **Additional Studies:** The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.
- C. **Decommission Plan/Site Reclamation:** The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost and method to ensure the availability of such funds, and the manner in which the site will be reclaimed.

SECTION 10.26 Solar Energy Systems

This section shall apply to the following zoning districts:

AG	OS	LDR	MDR	MHP	MF	OB	HS	I
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A. DEFINITIONS: For purposes of this article the following terms shall have the meanings as indicated:

1. **BUILDING INTEGRATED PHOTOVOLTAICS (BIPVs):** A Private or Commercial Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
2. **COMMERCIAL SOLAR ENERGY SYSTEM:** A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
3. **GROUND MOUNTED SOLAR ENERGY SYSTEM:** A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
4. **PRIVATE SOLAR ENERGY SYSTEM:** A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
5. **ROOF OR BUILDING MOUNTED SOLAR ENERGY SYSTEM:** A Private or Commercial Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIPVs.
6. **SOLAR ENERGY SYSTEM:** Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any means.

B. SOLAR ENERGY SYSTEMS.

1. **GENERAL REQUIREMENTS.** All Solar Energy Systems are subject to the following general requirements:
 - a. All Solar Energy Systems must conform to the provisions of this article and all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
 - b. Solar Energy Systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.
2. **PRIVATE SOLAR ENERGY SYSTEMS.**
 - a. Private Solar Energy System BIPVs. Private Solar Energy System BIPVs shall be permitted in all zoning districts, provided such BIPVs conform to applicable County, State and Federal regulations and safety requirements, including the Michigan

Building Code. A building permit shall be required for the installation of any BIVPs.

- b. Roof or Building Mounted Private Solar Energy Systems. Roof or building mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - i. No part of the Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond the wall on which it is mounted.
 - ii. No part of a Solar Energy System mounted on a roof shall be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
 - iii. No part of a Solar Energy System mounted on a roof shall extend more than two (2) feet above the surface of the roof.
 - iv. In the event that a roof or building mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months from the date of abandonment.
 - v. A building permit shall be required for installation of roof or building mounted Private Solar Energy Systems.
- c. Ground Mounted Private Solar Energy Systems. Ground mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - i. Prior to the installation of a ground mounted Solar Energy System, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
 - ii. A ground mounted Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground mounted Solar Energy System exceed fifteen (15) feet above the ground when oriented at maximum tilt.
 - iii. A ground mounted Solar Energy System shall be located in the rear yard and shall meet the rear yard setback requirements applicable in the zoning district in which the Solar Energy System will be located.
 - iv. All power transmission or other lines, wires or conduits from a ground mounted Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Solar

Energy System, they must be placed in a secured container or enclosure.

- v. There shall be greenbelt screening around any ground mounted Solar Energy Systems and equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence (meeting the requirements of this Ordinance applicable to fences) may be used.
- vi. No more than 20% of the total lot area may be covered by a ground mounted Solar Energy System.
- vii. In the event that a ground mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), the property owner shall notify the Township and shall remove the system within six (6) months from the date of abandonment.
- viii. A building permit shall be required for installation of a ground mounted Solar Energy System.

3. COMMERCIAL SOLAR ENERGY SYSTEMS. Commercial Solar Energy Systems shall only be allowed in the AA—Agricultural or the LI—Light Industrial Districts as a conditional use approved by the Planning Commission. In addition to any other requirements for conditional use approval, Commercial Solar Energy Systems shall be ground mounted and are subject to the following requirements:

- a. The property owner or applicant for a Commercial Solar Energy System shall provide the Planning Commission with proof of ownership of the subject property, a copy of any lease agreement for a commercial solar energy system, together with an operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.
- b. Commercial Solar Energy Systems shall be located on parcels of land no less than twenty (20) acres in size.
- c. The Commercial Solar Energy System shall meet the minimum front, side and rear yard setbacks of the zoning district.
- d. The height of the Commercial Solar Energy System and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
- e. Landscaping shall be provided to screen the system from view on all sides to the greatest extent possible.
- f. Prior to installation, the applicant shall submit a descriptive site plan to the Planning Commission which includes where and how the Commercial Solar Energy System will

connect to the power grid.

- g. No Commercial Solar Energy System shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. Any such agreement shall be furnished to the Planning Commission.
- h. A condition of every approval of a Commercial Solar Energy System shall be adequate provision for the removal of the system whenever it ceases to be used for one (1) year or more. In the event that a system has been abandoned (meaning not having been in operation for a period of one (1) year), the property owner and developer/applicant shall notify the Township and shall remove the system within six (6) months from the date of abandonment. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. The site shall then be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation.
- i. To ensure proper removal of a Commercial Solar Energy System upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a construction permit is issued for the facility. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.
- j. If the owner of the facility or the property owner fails to remove or repair the defective or abandoned Commercial Solar Energy System, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the Solar Energy System and recover any and all costs, including attorney fees.

SECTION 10.27 Short-Term Rentals

This section shall apply to the following zoning districts:

AG	LDR	MDR
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- 1) Registration required.
 - a) Registration required. All dwelling units on mixed-use property or residential property used for short-term rentals shall be registered with the Township. The short-term rental of an unregistered dwelling unit is prohibited.
 - b) Application. To register a dwelling unit used for short-term rentals, the property owner or agent of the owner shall:
 - c) Provide and certify as true the following on a form provided by the Township:
 - i) Name, address, and telephone number of the local agent for the dwelling unit.
 - ii) The street address of the dwelling unit, along with other identification if more than 1 dwelling unit has the same street address.
 - iii) The number of dwelling units in the building, if more than one.
 - iv) The number of bedrooms in each dwelling unit, and in the dwelling as a whole.
 - v) The number of off-street parking spaces provided for the dwelling unit.
 - vi) The maximum number of occupants to which the applicant intends to rent the dwelling unit in any given rental period.
 - vii) The length of the typical rental period for which the applicant intends to rent the property.
 - viii) A statement certifying that each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and that the owner or local agent will check those devices at least every 90 days.
 - ix) A statement certifying that the property owner consents to inspections by the Township and will make the dwelling unit available to inspections upon request within 24 hours.
 - x) A statement certifying whether or not the dwelling unit was used as a short-term rental for at least 15 days during the 2022 calendar year or a previous calendar year.
 - xi) Such other information as the Township deems appropriate.
 - d) Pay an administrative fee, as set by resolution of the Township Board. Any owner of a dwelling unit or a local or other agent for that owner who rents a dwelling unit on a short-term rental after **(DATE OF ADOPTION)**, without having registered it pursuant to this ordinance shall pay an increased fee in the amount also set by resolution of the Township Board.
- 2) Short-term rental regulations.

- a) Local agent required. All dwelling units used for short-term rentals shall have a designated local agent.
- b) Contact information posted in window. A notice shall be posted in a prominent first-floor window of any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number with which the agent can be reached, and the maximum occupancy of the dwelling unit as permitted by this ordinance.
- c) Street address posted within dwelling unit. The street address of the property shall be posted in at least two prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.
- d) Maximum occupancy. Beginning **(DATE OF ADOPTION)**, the maximum occupancy of any dwelling unit used for short-term rentals shall be calculated as follows:
 - i) Maximum occupancy established. Except as otherwise provided in this ordinance the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - (1) 16 total occupants.
 - (2) 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.
 - ii) Newly constructed, newly enlarged, and newly rented dwelling units. For newly constructed, newly enlarged, or newly rented dwelling units on residential property, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - (1) 12 total occupants; or
 - (2) 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.
 - iii) Smoke detectors and carbon monoxide devices. The owner or local agent of a dwelling unit used for short-term rentals shall:
 - (1) Install and maintain an operational smoke detector in each bedroom and test such smoke detectors at least every 90 days to ensure that they are properly functioning.
 - (2) Install and maintain at least 1 operational approved carbon monoxide device of the type described in MCL 125.1504 on each floor and test such devices at least every 90 days to ensure that they are operational.
 - iv) Fireworks. No fireworks shall be used on the premises of a dwelling unit registered under this ordinance when it is occupied by anyone other than the owner.
 - v) Attics and basements. No attic or basement can be counted for the purpose of determining the maximum number of occupants in a dwelling unit during a short-term rental, unless the property owner or local agent has given the Township, in writing, consent for the Township to inspect the premises to verify whether that attic or basement meets the applicable egress requirements for

occupancy in the Michigan Construction Code, the Michigan Residential Code and the applicable fire codes.

3) Violations; revocation of registration.

a) Violations as municipal civil infractions. Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision of this Code of Ordinances, violations of this article are subject to the following fines:

i) Short-term rental of unregistered dwellings. The fine for leasing an unregistered dwelling unit in violation of subsection 10.27(1) is \$250 for a first violation and \$500 for each subsequent violation.

ii) Maximum occupancy. The fine for exceeding the maximum occupancy in violation of subsection 10.27(2)(d) is 250 for a first offense and \$500 for each subsequent offense.

b) Other provisions. Fines for other violations of this article are as follows: \$100 for a first offense, \$250 for a second offense, and \$500 for each subsequent offense.

c) Revocation of registration.

i) Offenses warranting revocation. The Township may revoke the rental registration for any dwelling unit which is the site of at least 3 separate incidents (occurring on 3 separate days) within a calendar year.

ii) Revocation Procedure. Upon a determination by the zoning administrator that the registration of a dwelling unit is subject to revocation pursuant to subsection (c)(i), the zoning administrator shall issue a notice to the property owner and the local agent stating that the Township intends to revoke the rental registration. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the registration should not be revoked if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Township shall schedule the hearing before the Township Board and notify the owner and local agent in writing of a time and place for that hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in subsection (c)(i) are not satisfied, or that the property owner and local agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as:

(1) the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation.

(2) the violation resulted from an act of God; or (iii) other circumstances that the owner or the owner's agent could not reasonably anticipate and prevent and could not reasonably control.

iii) Revocation Period and Effect. Upon revocation of registration, a dwelling unit cannot be re-registered for a period of 1 year and cannot be used for short-term rentals until re-registered.

4) Review after implementation; public hearing required before amendment or repeal.

- a) Review after implementation. Not later than December 29, 2022, the Planning Commission shall begin a review of this article to determine whether its implementation has achieved its intent and what, if any, amendments should be made to this article.
- b) Public hearing required. The Township Board shall hold a public hearing before amending or repealing any provision of this article, publishing notice in a newspaper of general circulation in the Township and posting notice at Township Hall and on the Township's website at least 15 days prior to such meeting.

SECTION 10.28 Event Centers

This section shall apply to the following zoning districts:

AG	HS
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- A. Accessory Use. The use shall remain accessory and incidental to a principal dwelling or farm use.
- B. Minimum Acreage. The lot or parcel shall be a minimum of five (5) acres.
- C. Setbacks. Parking and buildings associated with the use shall be 100 feet from all lot lines. The use of existing buildings within 100 feet of lot lines may be approved if it is determined that the proposed use will have no harmful effects on adjacent residential uses.
- D. Parking and Driveway Surface. Parking areas and driveways shall be paved with asphalt or concrete or an approved pervious surface of equal durability. Gravel, crushed rock, and other alternative surfaces may also permit if properly drained and maintained in a durable state that minimizes dust generation. Approval of pervious surfaces shall be to the discretion of the approval authority. No parking shall take place in any county right of ways or established easements.
- E. Hours of Operation and Annual Events. The hours of operation and allowable number of events per year shall be set by the Township during review and approval of the special land use application. The intent of these restrictions is to ensure the use remains accessory and incidental to the principal residential or farm use of the property. Hours of operation: 12 PM – 1130 PM
- F. Sanitation. Permanent or temporary restroom facilities shall be provided for all events.
- G. Noise. No amplified music after 1030.
- H. Building and Fire Code Compliance. Any buildings or structure used for banquets and events shall have permits obtained and inspections completed to ensure building and fire code compliance for the use group specified.

SECTION 10.29 Primary Caregiver

This section shall apply to the following zoning districts:



Use standards. The following regulations shall apply to all primary caregivers:

1. The medical use of cannabis and the amount of cannabis and cannabis plants in the possession of the primary caregiver on the premises shall comply at all times and in all circumstances with the MMMA and the Administrative Rules of the Michigan Cannabis Regulatory Agency, as they may be amended from time to time, and the requirements of this ordinance;
2. A registered primary caregiver shall not be located on lot that adjoins or is adjacent to any property used for a nursery school, day nursery, day care center, state licensed day care home, house of worship or a public, parochial or private elementary, intermediate, or secondary school offering courses in general education;
3. Not more than five (5) qualifying patients shall be assisted per primary caregiver with the medical use of cannabis;
4. Not more than five (5) primary caregivers shall be permitted to service qualifying patients on a lot;
5. All medical cannabis shall be contained within the main building in an enclosed, locked facility inaccessible on all sides, including top and bottom, and equipped with locks or other security devices that permit access only by the registered primary caregiver.
6. If more than one primary caregiver is located within a single building, each enclosed locked facility for cannabis must be identified on a floor plan that is approved by the Township as part of a site plan
7. Each individual enclosed locked facility shall receive a valid certificate of occupancy from the Building Official before the presence of cannabis is allowed;
8. Each enclosed locked facility must be separate from any other enclosed locked facility and shall be maintained enclosed and locked;
9. All required building, electrical, plumbing and mechanical permits shall be obtained, inspected, and approved by the Building Official or his/her designee for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of cannabis are located, and for any improvements to the structure relating to the use:
10. The structure shall be designed and maintained in a manner consistent with other permitted uses in the zoning district within which it is located. Grow lights, plants, growing and processing areas and related products and operational areas shall not be visible from any property line. If exterior windows are located in these areas, they shall be frosted, screened or otherwise modified to the satisfaction of the approving body so that the use, as described above, is not visible from any property line;
11. All primary caregivers shall include odor control methods that follow industry best practices for removal of odor so that odor from the operation is not discernable beyond the property line of the zoning lot. Such methods shall be subject to approval of the approving body, including but not limited to activated carbon filters/scrubbers, internal exhaust fans, odor neutralizers, and air purifiers, to be

included as part the approval process. Ozone generators shall not be permitted as an odor neutralization method;

12. The on-site delivery or sale of cannabis from a primary caregiver to a qualified patient on the lot upon which the primary caregiver is operating is prohibited;
13. Use or consumption in any manner of cannabis or any illegal controlled substance is not permitted by any person on the premises of any primary caregiver; and
14. No alcoholic beverage shall be sold, conveyed, or consumed on the premises of any primary caregiver, nor shall any person be present on the premises of a primary caregiver while intoxicated and/or under the influence of alcohol or any controlled substance.
15. Any approval granted hereunder shall be for a period one year at which time a new application for approval shall be heard and determined anew based upon circumstances then existing.

ARTICLE 11 AG - AGRICULTURAL DISTRICT

SECTION 11.1 Purpose

The purpose of this district is to protect and stabilize the essential character of agricultural areas within the Township. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment, and economy, including the tax base. The intent is to allow for some additional residential development to occur through land division of larger parcels while directing more traditional subdivision and site condominium projects into low and medium density residential districts.

SECTION 11.2 Permitted Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted in this district:

- A. Single family dwellings.
- B. A parcel may be used for general and specialized farming and agricultural activities, including, but not limited to, the raising or growing of crops, livestock, poultry, and other farm animals, products, and foodstuffs, and any building or structure may be located thereon and used for the day to day operation of such activities for the quartering, storage and preservation of said crops, livestock, poultry, or other animals, products, and foodstuffs raised on said lot or in said structure. Such use shall be subject to the State of Michigan's Generally Accepted Agricultural Management Practices (GAAMP's). Roadside stands selling only products produced on the land shall be permitted.
- C. Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- D. A parcel may be used for growing, stripping and removal there from of sod provided that said lot or portion thereof shall be seeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion by water or wind.
- E. Storage of not more than two (2) non-residential type recreational vehicles provided that such units shall be completely within the side and rear yards.
- F. A sign only in accordance with the regulations specified in Article 8.
- G. An accessory use, building, or structure including Roof or Building Mounted Private Solar Energy Systems pursuant to Section 10.26.B.2.
- H. Family childcare homes.
- I. Churches and/or schools, subject to the following conditions:
 - 1. The minimum lot area shall be five (5) acres and the minimum side yard setback shall be no less than fifty (50) feet.
 - 2. No parking or drive aisles shall be located within the side or rear yard setback areas and screening shall be provided between any parking lot or drive aisle and any adjoining

residence within one hundred (100) feet.

3. Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Sunday.

- J. Private Solar Energy System BIVPs pursuant to Section 10.26.B.2
- K. Commercial Kennel
- L. Home Occupations, Class A: Section 6.18

SECTION 11.3 Conditional Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10.

- A. Community Facilities
- B. Home Occupations, Class B: Section 10.20
- C. Telecommunication Towers provided the site is located within 1,320 feet of a commercial or industrial zoning district.
- D. Temporary Building.
- E. A single-family mobile home, with a minimum floor area of at least 720 square feet, may be used as a temporary dwelling during the construction of a house or as a trailer office during the construction of any other building or structure permitted within this district.
 1. Such mobile home must be connected to an adequate water supply and sewage disposal system meeting the requirements of the Calhoun County Health Department.
 2. All conditional use permits for such mobile homes will be issued by the Township Board for a period not to exceed one (1) year. To ensure compliance with this section a performance guarantee bond as described in Section 2.5 of this ordinance shall be **required** for conditional use permits for temporary buildings under this section. Request for renewals must be made through the Township Zoning Administrator at least thirty (30) days prior to the expiration date of the permit in force. Should the mobile home no longer be used for the intended temporary purposes, the conditional use permit shall be revoked, and the mobile home shall be removed.
- F. Essential Service Buildings
- G. The removal, extraction, or mining of materials or other natural deposits including sand soil or gravel.
- H. Concrete Processing and Storage.
- I. Commercial Solar Energy Systems pursuant to 10.26.B.3.
- J. Event Centers

SECTION 11.4 Regulations

- A. **LOT AREA:** the minimum lot area requirement shall be three (3) acres.
- B. **LOT WIDTH:** The minimum lot width, measured at the road frontage shall be not less than three hundred thirty (330) feet.
- C. **LOT COVERAGE:** The maximum lot coverage shall not exceed twenty percent (20%).

- D. **MINIMUM FLOOR AREA:** The minimum first floor area for a one (1) story dwelling is seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.
- E. **YARD AND SETBACK REQUIREMENTS:**
1. Front Yard: Not less than fifty (50) feet from the right-of-way line as verified by the Calhoun County Road Commission, if necessary.
 2. Side Yards: Least width of either yard shall not be less than thirty (30) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than thirty (30) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
 3. Rear Yard: Not less than fifty (50) feet.
 4. The above requirements shall apply to every lot, building, or structure.
- F. **HEIGHT:** The following height requirements shall apply in this district:
1. For dwellings and non-farm buildings and structures: No dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.
- G. **REQUIRED OFF-STREET PARKING:** As required in Article 9.

ARTICLE 12 LDR - LOW DENSITY RESIDENTIAL DISTRICT

SECTION 12.1 Purpose

The purpose of this district is to provide for outlying residential development on lots of sufficient size to accommodate the safe and healthful on-site water supply and liquid wastewater disposal, since these areas will likely remain unserved by public water-sewer services for an extended period of time. It is also the purpose of this district to protect and stabilize the essential characteristics of the areas, in order to promote and encourage suitable environments for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

SECTION 12.2 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Single family dwellings and any use, building, or structure accessory, thereto including Roof or Building Mounted Private Solar Energy Systems pursuant to Section 10A.02.
- B. A lot may be used for the raising or growing of plants, trees, shrubs, and nursery stock.
- C. A sign, only in accordance with the regulations specified in Article 8.
- D. Family childcare home.
- E. State licensed residential facility.
- F. A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703 (provided, however, that this is not intended to permit adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions).
- G. Churches and/or schools, subject to the following conditions:
 - 1. The minimum lot area shall be two (2) acres, the minimum lot width shall be three hundred (300) feet and the minimum side yard setback shall be no less than fifty (50) feet.
 - 2. No parking or drive aisles shall be located within the side or rear yard setback areas and screening shall be provided between any parking lot or drive aisle and any adjoining residence within one hundred (100) feet.
 - 3. Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Sunday.
- H. Private Solar Energy System BIVPs pursuant to Section 10.26.B.2.
- I. Home Occupations, Class A: Section 6.18

SECTION 12.3 Conditional Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10:

- A. Golf course, which may include a golf driving range: country club, public swimming pool, swimming and recreation club, public and private parks, and playground. Such use shall be integrated within an overall residential development plan
- B. Community facilities.
- C. Home occupation, Class B: Section 10.20
- D. A planned unit residential development (PURD) only in accordance with the procedures and regulations specified in Article 10.
- E. Essential Service Buildings
- F. A group childcare home if the group childcare home meets all of the following standards:
 - 1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group childcare home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.
 - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
 - 2. Has appropriate fencing for the safety of the children in the group childcare home as determined by the township board.
 - 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 - 4. Does not exceed 16 hours of operation during a 24-hour period. The township board may limit but not prohibit the operation of a group childcare home between the hours of 10 p.m. and 6 a.m.
 - 5. Meets regulations, if any, governing signs used by a group childcare home to identify itself.
 - 6. Meets regulations, if any, requiring a group childcare home operator to provide off-street parking accommodations for his or her employees.

SECTION 12.4 Regulations

- A. LOT AREA: No lot shall be established less than thirty thousand (30,000) square feet.
- B. LOT WIDTH: The minimum lot width shall be one hundred fifty (150) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed twenty percent (20%).
- D. MINIMUM FLOOR AREA: The minimum first floor area shall not be less than seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.
- E. YARD AND SETBACK REQUIREMENTS:
 - 1. Front yard: Not less than fifty (50) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
 - 2. Side yards: Least width of either yard shall not be less than thirty (30) feet.
 - 3. Rear yards: Not less than fifty (50) feet, except when the rear yard abuts a waterbody, then

not less than one hundred fifty (150) feet.

4. The above requirements shall apply to every lot, building, or structure.

F. HEIGHT:

1. For buildings and structures: No building and no structure shall exceed a height of two and one half (2 1/2) stories or thirty-five (35) feet.
2. For detached accessory buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.

- G. Required off-street parking: As required in Article 9.

ARTICLE 13 MDR - MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 13.1 Purpose

The purpose of this district is to provide environment for medium to high density residential areas with suitable open space. This district shall generally be located on the fringe of urban-type development. The district allows flexibility of lot size dependent upon the availability of public sewer and water services.

SECTION 13.2 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. Single family dwelling and any use, building, or structure accessory thereto including Roof or Building Mounted Private Solar Energy Systems pursuant to Section 10.26.B.2.
- B. Two-family dwelling and any use, building, or structure accessory thereto.
- C. A sign, only in accordance with the regulations specified in Article 8.
- D. Churches and/or schools, subject to the conditions listed under Section 12.02.G.
- E. Private Solar Energy System BIVPs pursuant to Section 10.26.B.2.
- F. Family childcare home.
- G. State licensed residential facility.
- H. Home Occupations, Class A: Section 6.18

A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703 (provided, however, that this is not intended to permit adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions).

SECTION 13.3 Conditional Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article 10:

- A. Country club, public swimming pool, and recreation club, private and public parks, and playground.
- B. Community facilities
- C. Home occupation, Class B: Section 10.20
- D. A planned unit residential development, only in accordance with the procedures and regulations specified in Article 10.
- E. Essential Service Buildings
- F. Group childcare home (See definition) if the group childcare home meets all of the following standards:
- G. Is located not closer than 1,500 feet to any of the following:
- H. Another licensed group childcare home.
- I. An adult foster care small group home or large group home licensed under the adult foster care facility

licensing act, 1979 PA 218, MCL 400.701 to 400.737.

- J. A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.
- K. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
 - 1. Has appropriate fencing for the safety of the children in the group childcare home as determined by the township board.
 - 2. Maintains the property consistent with the visible characteristics of the neighborhood.
 - 3. Does not exceed 16 hours of operation during a 24-hour period. The township board may limit but not prohibit the operation of a group childcare home between the hours of 10 p.m. and 6 a.m.
 - 4. Meets regulations, if any, governing signs used by a group childcare home to identify itself.
 - 5. Meets regulations, if any, requiring a group childcare home operator to provide off-street parking accommodations for his or her employees.

SECTION 13.4 Regulations

- A. LOT AREA: Where a lot is served with a public sanitary sewerage system, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area. Where a lot is not so served, there shall be provided a minimum of thirty thousand (30,000) square feet of lot area.
- B. LOT WIDTH: The minimum lot width for lots served with a public sanitary sewerage system shall be seventy-five (75) feet. Where a lot is not so served, the minimum lot width shall be one hundred fifty (150) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed thirty (30) per cent.
- D. MINIMUM FIRST FLOOR AREA: The minimum first floor area for a one (1) story dwelling shall be seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.
- E. YARD REQUIREMENTS:
 - 1. Front Yard: Not less than twenty-five (25) feet from the right-of-way line as verified by the Calhoun County Road Commission, if necessary.
 - 2. Side Yards: Least width of either yard shall not be less than eight (8) feet, but the sum of the two side yards shall not be less than twenty (20) feet: except in the case where the side yard on the road or street side shall not be less than twenty-five (25) feet.
 - 3. Rear Yards: Not less than thirty (30) feet.
 - 4. The above requirements shall apply to every lot, building, or structure.

- F. HEIGHT: The following height requirements shall apply in this district:
1. For Buildings and Structures: No building and no structure shall exceed a height of two and one half (2 1/2) stories, but not exceeding thirty-five (35) feet.
 2. For Detached Accessory Buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.
- G. REQUIRED OFF-STREET PARKING: As required in Article 9.

ARTICLE 13A MHP - MANUFACTURED/MOBILE HOME PARK DISTRICT

SECTION 13A.1 Purpose

The purpose of this district is to provide an area or areas within the Township where manufactured housing and mobile home park development can occur consistent with the standards established by the State of Michigan Mobile Home Commission/Manufactured Housing Division. Such areas shall be consistent with areas in the Fredonia Township Master Plan designated for Medium Density Residential development. Access to a public sanitary sewerage system would be required unless a private centralized wastewater system can be developed with the approval of the Calhoun County Health Department and can be connected to a public system at some future date.

SECTION 13A.2 Permitted Uses

The following uses of parcels, lots, buildings, and structures are permitted in this district:

- A. Mobile home park.
- B. Manufactured housing community.
- C. Accessory buildings and uses, including clubhouse facilities including Roof or Building Mounted Private Solar Energy Systems pursuant to Section 10.26.B.2.
- D. Private Solar Energy System BIVPs pursuant to Section 10.26.B.2.

SECTION 13A.3 Conditional Uses

The following uses of parcels are permitted in this district subject to obtaining a conditional use permit as provided for in Article 10:

- A. Planned unit residential development.
- B. A public or private park, playground, golf course, or other recreational facility compatible and secondary to the primary residential use within the development.
- C. Essential Service Buildings

SECTION 13A.4 Regulations

The following regulations are intended to define the overall parcel size and maintenance of the perimeter of the site in order to protect and preserve the intended use and buffer such use from surrounding land use:

- A. PARCEL AREA: The minimum parcel area shall be twenty (20) acres.
- B. PARCEL WIDTH: The minimum width of the parcel fronting on a public street or road shall be three hundred thirty (330) feet.
- C. SETBACK OF BUILDINGS: No buildings or structures shall be located within fifty (50) feet of an adjoining property line, with such area landscaped or screened to preserve the integrity of both uses.

ARTICLE 14 MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 14.1 Purpose

The purpose of this District is to provide for various types of multiple family residential dwellings and group developments at a high density, but under specific density controls. The requirements of this District are intended to recognize that various forms of site development are desirable in order to provide a wide range of choices of living environments, but at the same time to regulate such development in order to prevent congestion of the public street, reduce hazards to life and property, provide desirable light and air, and to provide for adequate open spaces and basic amenities. These districts will generally be located in areas of concentrated urban development on or near major streets and should be served by public sewerage systems and other appropriate urban facilities and services, particularly fire protection systems. Provisions are made to accommodate multiple dwellings in areas of transitional development on larger lots than is required when public sewer facilities are not presently available. It would be anticipated that these transitional areas would be provided with the public facilities in the near futures. There is no intent to promote by these regulations a district of lower quality or desirability than any other residential district, although a higher density of population and a greater variety of dwelling types are permitted herein.

SECTION 14.2 Specific Uses

The specific uses permitted in the MF - Multiple Family Residential District shall be the erection, construction, alteration, conversion, and use of buildings and/or lands for:

- A. Multiple dwellings,
- B. Group Housing and Garden Apartment developments: Two or multiple dwelling structures may be constructed upon a single lot when the final site plan thereof is submitted to and approved by the Planning Commission, subject to the following conditions:
 - 1. Buildings shall be for residential purposes and customary accessory use only.
 - 2. Only public sewerage systems shall be utilized.
 - 3. Any site development for group housing shall be not less than five (5) acres in gross area: shall be developed and maintained as one (1) unified design: and shall remain under the ownership on one legal person.
- C. Two-Family Dwellings.
- D. Private Solar Energy System BIVPs pursuant to Section 10A.02.
- E. Accessory buildings including Roof or Building Mounted Private Solar Energy Systems pursuant to Section 10.26.B.2.
- F. Family childcare home.
- G. State licensed residential facility.
- H. A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703 (provided, however, that this is not intended to permit adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions).
- I. Home Occupations, Class A: Section 6.18

SECTION 14.3 Conditional Uses

The following buildings and structures and use of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10.

- A. Planned unit residential development.
- B. Offices.
- C. Limited residential care facilities.
- D. Group childcare home if the group childcare home meets all of the following standards:
 - 1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group childcare home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.
 - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
 - 2. Has appropriate fencing for the safety of the children in the group childcare home as determined by the township board.
 - 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 - 4. Does not exceed 16 hours of operation during a 24-hour period. The township board may limit but not prohibit the operation of a group childcare home between the hours of 10 p.m. and 6 a.m.
 - 5. Meets regulations, if any, governing signs used by a group childcare home to identify itself.
 - 6. Meets regulations, if any, requiring a group childcare home operator to provide off-street parking accommodations for his or her employees.
- E. Essential Service Buildings

SECTION 14.4 Regulations

In the MF-Multiple Family Residential District, every multiple dwelling or group of buildings within a group housing development hereafter constructed or structurally altered shall be located on lots of no less area than specified in the following table, unless otherwise provided herein.

- A. LOT AREA:
 - 1. One (1) acre for the first dwelling unit of each multiple dwelling structure.
 - 2. Three thousand (3,000) square feet for each additional dwelling unit containing two (2) or more bedrooms.
 - 3. Two thousand (2,000) square feet for each additional dwelling unit containing less than two (2) bedrooms.
- B. LOT WIDTH: The minimum lot width shall be three hundred (300) feet.

- C. LOT COVERAGE: The maximum lot coverage shall be thirty-five (35) percent.
- D. MINIMUM FLOOR AREA: The minimum floor area for any unit within a multiple family development shall be six hundred (600) square feet.
- E. YARD REQUIREMENTS:
1. Front Yard: There shall be a front yard having a depth of no less than thirty-five (35) feet from the road right-of-way line as verified by the Calhoun County Road Commission, if necessary, provided that where established buildings on adjacent lots vary from the minimum, a new building shall be constructed with a front yard of no less depth than the average front yards for those buildings located on each side of the proposed building: provided further that this provision shall not be interpreted to require a front yard of more than forty (40) feet nor less than twenty-five (25) feet.
 2. Side Yard: There shall be a minimum side yard of fifty (50) feet, provided that no building shall be located less than one hundred (100) feet from the boundary of a single-family residential district, except in the case of a corner lot where the street side yard shall be no less than the minimum residential front yard requirement along such street.
 3. Rear Yard: There shall be a rear yard of no less than fifty (50) feet provided that no building shall be located less than one hundred (100) feet from the boundary of a single-family residential district.
 4. The following requirements shall apply to group housing projects when two or more garden apartment buildings or mixture of housing types are located on the same lot.
 - a. The minimum horizontal distance between buildings (that is, front to front, rear to rear, or front to rear, as the case may be) shall be fifty (50) feet or buildings on (1) story in height and shall be increased by no less than five (5) feet for each additional story in height.
 - b. The horizontal distance between ends of buildings shall be no less than twenty-five (25) feet. Where the end of one (1) building is opposite the face or rear of another building, the minimum horizontal distance between them shall be increased by no less than five (5) feet for each additional story in height of each building.
 - c. The horizontal distance between corners or adjacent buildings that do not face one another or overlap in any way shall be no less than thirty (30) feet.
 - d. Courts completely enclosed by building walls shall not be permitted, provided that screens or fences not exceeding eight (8) feet in height shall not be deemed enclosing features.

- e. Distance between wings of a building forming an open court shall not be less than the projection of such wings or less than the height of the highest wall of such wings, whichever is the greater. The depth of an open court formed by walls on three sides shall be not greater than one and one half (1 1/2) times the width of such court.
- f. No building shall be closer than twenty-five (25) feet to any street or private access drive, neither shall any entrance to a dwelling unit be closer than twenty-five (25) feet to any street, private access road, driveway, or parking area.

F. HEIGHT: No building or structure shall exceed thirty-five (35) feet in height. Accessory buildings shall not exceed fifteen (15) feet in height.

G. Required off-street parking: as required in Article 9.

ARTICLE 14A OB-OFFICE BUSINESS DISTRICT

SECTION 14A.1 Purpose

The purpose of this district is to provide for a transition in use between existing residential uses and commercial or industrial development. This district is designed to establish a buffer in order to reduce conflicts associated with the incompatibility of residential and more intensive commercial and industrial uses. Such conflicts include traffic congestion, noise, lighting, and possibly environmental concerns. This district shall allow for the conversion of residences into office and business uses based upon the provision of suitable ingress, egress and parking considerations. Residential and business use may co-exist on one parcel subject to special conditions for their operation. Connection to a public sewer system shall be required unless a private system is determined more feasible and meets all of the requirements of the Calhoun County Health Department.

SECTION 14A.2 Permitted Uses

- A. The following uses of parcels, lots, buildings, and structures are permitted in this district:
- B. One and two-family dwellings.
- C. BNon-retail office and business services.
- D. Churches and/or schools.
- E. Financial establishments such as banks, credit unions, insurance, accounting, and real estate.
- F. Accessory buildings including Roof or Building Mounted Private Solar Energy Systems pursuant to Section 10.26.B.2.
- G. Private Solar Energy System BIVPs pursuant to Section 10.26.B.2.
- H. Home Occupation, Class A: Section 6.18

SECTION 14A.3 Conditional Uses

The following uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10:

- A. Medical and dental offices including chiropractic, optical, and veterinary practices.
- B. Home Occupation, Class B: Section 10.20
- C. Bed and Breakfast.
- D. Accessory uses defined as follows:
 - 1. Office use accessory to the principal residential use or residential use accessory to the principal office use. In this instance, the principal use is defined as that use occupying the majority of the floor area of the principal building.
 - a. Must provide for private entrances, separate bathroom facilities and meet parking requirements for both uses.
 - b. Office use must be located on ground floor or provide for handicapped accessibility.
- E. Limited residential care facilities.

- F. Planned neighborhood shopping centers (see Section 10.16).
- G. Essential Service Buildings

SECTION 14A.4 Regulations

The following regulations shall apply in all OB - Office/Business Districts:

- A. LOT AREA: No building or structure shall be established on any lot less than twenty thousand (20,000) square feet in area.
- B. LOT WIDTH: The minimum lot width shall be one hundred (100) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed twenty-five percent (25%).
- D. YARD AND SETBACK REQUIREMENTS:
 - 1. Front Yard: Not less than thirty (30) feet from the road right-of-way.
 - 2. Side Yards: Least width of either side yard shall not be less than fifteen (15) feet, except in the case of a corner lot where the street side yard shall be no less than the minimum front yard requirement along such street.
 - 3. Rear Yard: Not less than thirty (30) feet.
- E. HEIGHT: No building or structure shall exceed a height of thirty-five (35) feet.
- F. REQUIRED OFF-STREET PARKING: As required in Article 9.

ARTICLE 15 HS - HIGHWAY SERVICE COMMERCIAL DISTRICT

SECTION 15.1 Purpose

This District is established for the accommodation of those various retail, service and terminal activities which cater primarily to the traveling public. The provisions of this District are designed to permit and encourage the development of service centers which are typically located along major highways, near the intersections of major routes, and adjacent to highway interchanges, and which provide the necessary goods and services for the private and commercial traffic along such routes; and at the same time to discourage the dispersion of such activities on individual sites throughout the Township. These areas will typically not be served by public water service utilities; thus large lot areas and yard will be required in order to provide for on-site water and sewerage facilities, to maintain the open character of such areas, to keep interference with through traffic at a minimum, and to allow for increased future traffic volumes and possible future expansion of such routes. Connection to a public sewer system shall be required unless a private system is determined more feasible and meets all of the requirements of the Calhoun County Health Department.

SECTION 15.2 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. Retail establishments selling principally new merchandise or foodstuffs.
- B. Personal and business services.
- C. Banks.
- D. Drive-in and automobile-oriented establishments similar in character to drive-in restaurants, cafes and banks, but not including auto-washes and drive-in theaters.
- E. Souvenir and gift shops.
- F. Tourist information centers.
- G. Food and garden stores, nursery stock sales, and greenhouses.
- H. Essential Service Buildings
- I. Churches and/or schools, subject to a waiver being provided by the applicant related to the 500-foot separation distance from any business with alcohol sales.
- J. Roof or Building Mounted Private Solar Energy Systems.
- K. Private Solar Energy System BIVPs pursuant to Section 10.26.B.2.

SECTION 15.3 Uses Specifically Prohibited in this District

- A. Any type of manufacturing activity.
- B. No building shall be erected in this District unless prior approval of the proposed water supply and waste disposal systems have been approved in writing by the County Health Department. A

favorable report from the County Health Department shall be forwarded to the building inspector prior to the issuance of a building permit.

SECTION 15.4 Conditional Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article 10.

- A. Commercial recreation facilities: Bowling alleys, theaters, dance halls, skating rinks, miniature golf courses, trampoline, or similar public amusement facilities, includes taverns, bars, and liquor establishments.
- B. Planned neighborhood shopping centers. (See Section 10.16)
- C. Mini storage-warehouse facility.
- D. Gasoline Service Stations.
- E. Wholesale Service Center.
- F. Full residential care facilities.
- G. Telecommunication Towers.
- H. Planned Community and Regional Shopping Centers (See Section 10.17).
- I. Primary Caregiver
- J. Event Centers

SECTION 15.5 Regulations

The following regulations shall apply in all HS - Highway Service Commercial District:

- A. LOT AREA: In this district every building hereafter constructed or structurally altered shall be located on a lot of not less than thirty thousand (30,000) square feet in area.
- B. LOT WIDTH: All interior and comer lots shall have a minimum width of one hundred fifty (150) feet along the street upon which such lot principally fronts.
- C. LOT COVERAGE: All buildings, including accessory buildings, shall not cover more than twenty-five (25) per cent of the total lot area, except as otherwise specified herein.
- D. YARD AND AREA REQUIREMENTS:
 - 1. Front yard: Not less than forty (40) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
 - 2. Side yards: The minimum side yard on each side of a building shall be twenty-five (25) feet. Street side yards shall comply with the minimum front yard dimensions.
 - 3. Rear yard: Not less than thirty (30) feet.
 - 4. Side and rear yards may be used for parking, provided that a fence of masonry wall of not

less than four (4) feet nor greater than eight (8) feet shall be constructed on the perimeter of such parking area.

- E. HEIGHT: No building or structure shall exceed twenty-five (25) feet in height, unless each required yard (front, sides and rear) is increased one (1) foot for each additional one (1) foot in height above twenty-five (25) feet.
- F. LIGHTING: All lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which it may be located.
- G. VEHICULAR APPROACH: No establishment in the HS - Highway Service Commercial District shall have more than two (2) driveways, each of which shall not exceed twenty-five (25) feet in width, except as otherwise provided herein. No driveway shall be located closer than fifty (50) feet from an intersection and no closer than one hundred fifty (150) feet from the point that the edge of an interstate highway ramp merges with the outer edge of the outer pavement of the intersecting highway.
- H. OFF-STREET PARKING: As required in Article 9.

ARTICLE 16 I - INDUSTRIAL DISTRICT

SECTION 16.1 Purpose

This District is composed of those areas of the Township whose principal use is or sought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded. Connection to a public sewer system shall be required unless a private system is determined more feasible and meets all requirements of the Calhoun County Health Department.

SECTION 16.2 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. Research oriented and light industrial park use.
- B. Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.
- C. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood lumber, glass, paper, rags, cloth, or other similar materials.
- D. Printing, lithographic, blueprinting, and similar uses.
- E. Wholesale warehousing and material distribution centers provided all products and materials are enclosed within a building.
- F. Light manufacturing industrial use which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from objectionable or dangerous nuisance or hazard including any of the following good and materials: Drugs, jewelry, musical instruments, sporting goods, glass products , small household appliances, electronic products, baked and dairy products, frozen food lockers, advertising displays, tents and awnings, brushes and brooms, cameras and photographic equipment and supplies, wearing apparel, leather products, and luggage but not including tanning products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass hair, horn, rubber, shell, or yarn.
- G. An accessory use, building or structure including Roof or Building Mounted Private Solar Energy Systems pursuant to Section 10.26.B.2.
- H. A sign only in accordance with the regulations in Article 8.
- I. Essential service buildings.
- J. Mini storage warehouse facility as defined in 18.02-57A.
- K. Private Solar Energy System BIVPs pursuant to Section 10.26.B.2.

SECTION 16.3 Conditional Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article 10.

- A. Restaurants and cafeteria facilities for employees.
- B. Bus, truck, taxi, and rail terminals.
- C. Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic tired two- and four-wheeled utility trailers, such as household equipment, pneumatic transit cement mixers, wheelbarrows, rollers, and similar products or equipment.
- D. Airport.
- E. Gasoline service station.
- F. Banks.
- G. Temporary building or trailer office.
- H. Junk Yards.
- I. Telecommunication Towers.
- J. Adult Entertainment
- K. Commercial Solar Energy Systems pursuant to 10.26.B.3.
- L. Primary Caregiver

SECTION 16.4 Regulations

The following regulations shall apply in al I - Industrial Districts.

- A. LOT AREA: No building or structure shall be established on any lot less than one (1) acre in area.
- B. LOT WIDTH: The minimum lot width shall be two hundred (200) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed twenty-five (25) per cent.
- D. YARD REQUIREMENTS:
 - 1. Front Yard: Not less than seventy (70) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
 - 2. Side Yard: Least width of either yard shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than thirty-five (35) feet.
 - 3. Rear Yard: Not less than thirty-five (35) feet.

4. The above requirements shall apply to every lot, building or structure.
- E. HEIGHT: Except as is otherwise provided in this Ordinance, no building or structure should exceed a height of forty-five (45) feet.
- F. REQUIRED OFF-STREET PARKING: As required in Article 9.

ARTICLE 17 OC - OPEN SPACE AND WATERBODY CONSERVATION DISTRICT

SECTION 17.1 Purpose

It is recognized by this Ordinance that the principal use of certain open areas within the Township is and ought to be the development, management and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well-considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels, and lots in order to protect the natural resources, natural habitats of wildlife, waterways and waterbodies, agricultural capabilities, public and private recreation areas, and the public health, safety and welfare by reducing the hardships and burdens imposed upon the people of the Township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas and the periodic flooding and overflow of creeks and streams. In addition, this district will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, such areas being shown as floodplain by soil types as compiled by the U.S. Soil Conservation Service.

SECTION 17.2 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district:

- A. Public and private conservation areas for the development, protection, and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- B. A lot may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry, and other farm animals, products, and foodstuffs, and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water.
- C. A lot may be used for the raising or growing of plants, trees, shrubs, and nursery stock.
- D. Drives and parking areas.
- E. A sign, only in accordance with the regulations specified in Article 8.

SECTION 17.3 Conditional Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district, subject to obtaining a conditional use permit as provided in Article 10.

- A. Public or private forest preserve, game refuge, golf course, park, camping grounds, playgrounds, or other recreation purpose.
- B. The growing, stripping, and removal of sod, provided that said lot or portion thereof shall be seeded

after stripping by fall of the same year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.

- C. Country clubhouse, swimming pool, bath house, and the sale of food, beverage, and recreation equipment which is incidental and accessory to a recreation use.
- D. Single family dwelling.
- E. All buildings and structures accessory and incidental to permitted uses in this district.
- F. Essential Service Buildings

SECTION 17.4 Regulations

The following regulations shall apply in all OC - Open Space and Waterbody Conservation Districts:

- A. LOT AREA: No building or structure shall be established on any lot less than five (5) acres in area.
- B. LOT WIDTH: The minimum lot width shall be three hundred (300) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed ten percent (10%).
- D. YARD AND SETBACK REQUIREMENTS:
 - 1. Front Yard: Not less than sixty (60) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
 - 2. Side Yards: Lease width of either yards shall not be less than thirty (30) feet; except in the case of a comer lot where the side yard on the road or street side shall not be less than sixty (60) feet.
 - 3. Rear Yard: Not less than fifty (50) feet.
 - 4. The above requirements shall apply to every lot, building, or structure.
- E. HEIGHT: The following height requirements shall apply in this district.
- F. For all buildings and structures: No building or structure shall exceed three (3) stories or forty (40) feet.
- G. REQUIRED OFF-STREET PARKING: As required in Article 9.
- H. PRESERVATION OF ENVIRONMENTAL QUALITY: As required in Article 6 and in a flood plain as indicated by soil types, the construction or location of bridges, outdoor equipment, bleachers, and similar outdoor equipment or appurtenances, storage of materials and equipment are prohibited unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the flood plain.

ARTICLE 18 - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 18.1 Rules Applying to Text

The following rules of construction apply to the text of this Ordinance:

- A. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- B. Words used in the present tense shall include the future: and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicate the contrary.
- C. The word "building" includes the word "structure."
- D. A "building" or "structure" includes any part thereof.
- E. The word "person" includes an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- G. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

SECTION 18.2 Construction of Language (Definitions)

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

- 1. **ACCESS:** An area established through a driveway serving a single lot or unit or a private driveway of no less than twenty (20) feet in width serving two (2) single family units or lots from a public road or street. Each lot or unit must meet the site development regulations for the district in which it is located. (See Definitions for Private Driveway and Private Road).
- 2. **ACCESS LOT BENEFICIARY:** The owner/occupant of a waterfront lot and any other person with a right of access to, or use of, a waterway through some legal conveyance.
- 3. **ACCESSORY BUILDING:** A subordinate building, the use of which is clearly incidental to that of the principle building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings. An accessory building may not be constructed prior to the construction of the principal building and use.
- 4. **ACCESSORY USE:** A use subordinate to the principle use on a lot and used for the purpose clearly incidental to those of the main use.
- 5. **AGRICULTURAL:** Includes purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- 6. **ALLEY:** A public or legally established private thoroughfare, other than a street, which affords a secondary means of access to abutting property.
- 7. **ALTERATIONS:** Any change, addition or modification in construction, 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."
- 8. **ANIMAL:** An organism, other than a human or plant, that is characterized into one of the following three categories:
- 9. **Domestic:** This category includes those animals that have adapted well to human interaction, primarily excluding those utilized for production of food products. These would include those animals residing within the dwelling as pets, such as dogs, house cats, and certain types of other

small, domesticated animals (such as birds and reptiles), but generally excluding those listed in either the livestock or exotic categories. Such animals are deemed not to be a threat to humans, are nonpoisonous or not carriers of disease, are not likely to bite without provocation (or appropriately caged) and are in good health.

- 10. Livestock:** This category includes those other domesticated animals that are primarily utilized for the production of food or are in the large animal category. These would include, but are not limited to, those animals that are presently listed under the classification of animal units associated with livestock operations. This includes cattle, swine, horses, sheep, goats, turkeys, chickens and ducks,
- 11. Exotic:** This category includes all other animals but can be further differentiated as either being native or non-native. In Michigan, native animals may include those found in the wild throughout the State or within some small areas. Some of these animals may be endangered or on a protected list (cannot be hunted), while others may be subject to game laws with duration of the hunting season limited by the State of Michigan Department of Natural Resources. Non-native would include those not found in Michigan. This category of animal may be regulated through a general ordinance of the Township (NOTE: The State of Michigan has specific regulation for the importation of animals and may require an official interstate health certificate or a certificate of veterinary inspection issued by an accredited veterinarian from the state of origin).
- 12. ANIMATED SIGNS:** Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.
- 13. APARTMENT:** (See dwelling, Multiple Family).
- 14. AREA, NET SITE:** The total area within the property lines of a project excluding external streets.
- 15. AUTOMOTIVE OR TRAILER SALES AREA:** Any space used for display, sale, or rental of motor vehicles or trailers, in new or used and operable condition.
- 16. AUTOMOTIVE REPAIR:** General repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles, collision service such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.
- 17. BASEMENT:** That portion of a building which is below the first story, the ceiling of which is less than five (5) feet above the surrounding ground elevation at all points and where more than one-half of the height of the story is below the ground line.
- 18. BED AND BREAKFAST:** A building, other than a hotel, where lodgings and light breakfasts are served regularly for compensation.
- 19. BILLBOARD:** Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. This definition does not include any bulletin boards used to display official court or public office notices.
- 20. BUILDING:** Any structure, either temporary or permanent, erected on site, a mobile home or mobile structure, above or below ground, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.
- 21. BUILDING COVERAGE:** That percentage of the plot or lot area covered by the building area.
- 22. BUILDING HEIGHT:** The vertical distance measured from the established sidewalk grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roof. Where a building is set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one (1) inch for each front foot that building sets back from the front lie.
- 23. BUILDING PERMIT:** A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

- 24. BUILDING, PRINCIPAL:** One building in which is conducted the principal use of the lot in which it is situated.
- 25. CHURCH:** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
- 26. CLUB OR LODGE, PRIVATE:** A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or portion therein, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members at a meeting. It shall be permissible to serve food and meats on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization and further provided that such sale of the alcoholic beverage is in compliance with the applicable Federal, State, and Municipal laws.
- 27. COMMON ELEMENT:** An unoccupied area within a site condominium project which is reserved for the enjoyment of all residents (general common element) or by some residents (limited common element) and maintained by those residents through associations.
- 28. CONDITIONAL USE:** A use which is subject to conditional approval by the Township Board. A conditional use may be granted when specified by this Ordinance and for those uses not specifically mentioned. A permitted conditional use is not considered to be a non-conforming use.
- 29. CONDOMINIUM UNIT:** That portion of a condominium project or site condominium development which is designed and intended for separate ownership and use, as described in the Master deed, regardless of intended use. The terms "condominium unit" and "site condominium" shall be considered the equivalent of the terms "dwelling unit" and "lot" for purposes of determining density within a specific zoning district.
- 30. COURT:** An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two (2) or more sides by the walls of such buildings.
- 31. COURT, OUTER:** A court enclosed on not more than three (3) sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley, or yard.
- 32. DISTRICT:** A portion of the incorporated part of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- 33. DRIVE-IN OR DRIVE-THRU:** An establishment that provides for services to be offered in a manner which accommodates the patron while remaining in their automobile within the off-street parking area accessory to the business or through a designated lane adjacent to the building. The use of any drive-in or drive-thru approach shall be subject to site plan review and approval.
- 34. DWELLING UNIT:** A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- 35. DWELLING - SINGLE-FAMILY:** A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:
- a. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
 - b. It has a minimum width across any front, side or rear elevation of twenty (20) feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, including minimum heights for habitable room. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such

standards or regulations for construction are different than those imposed by the Michigan Stille-Derossett-Hale Single State Construction Code, then and in that event such federal or state standards or regulations shall apply.

- c. It is firmly attached to a permanent foundation constructed on the site in accordance with the Stille-Derossett-Hale Single State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or devise complying with the rules and regulations of the Michigan Mobile Home Commission.
- d. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
- e. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- f. The dwelling contains a storage capacity area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- g. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors with second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
 - i. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty percent (20%) of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy view, unique land contour, or relief from the common or standard designed home.
- h. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- i. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home,

all construction and all plumbing, electrical apparatus, and insulation within the connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- j. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.
- k. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

- 36. DWELLING, TWO-FAMILY:** A building containing not more than two (2) separate dwelling units designed for residential use.
- 37. DWELLING, MULTI-FAMILY:** A building containing three (3) or more dwelling units designed for residential use.
- 38. ESSENTIAL SERVICES:** The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal department or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith but not including Essential Service Buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.
- 39. ESSENTIAL SERVICE BUILDINGS:** building principal to an Essential Service, including an electric or transformer substation, pumping stations, communications relay stations. gas and steam regulating valves or apparatus and stations, and buildings of similar function.
- 40. FAMILY:** One person, or group of two (2) or more persons living together who may or may not be related by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children, gratuitous guests, and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.
- 41. FAMILY CHILD CARE HOME:** A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family childcare home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family childcare home does not include an individual providing babysitting services for another individual.
- 42. FARM:** All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees-
- 43. FLOOD PLAIN:** That portion of land adjacent to a water body or water course which is subject to periodic inundation.
- 44. FLOOR AREA:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include the area of any floor when more than one-half (1/2) of

the room height is above the established curb level, or above the finished lot grade level where curb levels have not been established. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed located on the roof), penthouses, attic space having headroom of seven (7) feet, six (6) inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area".

- 45. FRONTAGE:** All the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.
- 46. GARAGE, COMMERCIAL:** Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobiles or other motor vehicles.
- 47. GARAGE, PRIVATE:** An accessory building not over one (1) story or fifteen (15) feet in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
- 48. GASOLINE SERVICE STATION:** Any building, or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils or lubricants. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
- 49. GRADE:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- 50. GREENBELT BUFFER:** A strip or parcel of land privately restricted or publicly dedicated as open space, located between land uses or the purpose of protecting the character of adjacent residential or other uses. Said greenbelt buffer shall include, but not be limited to the following materials: open space with maintained grass cover, evergreens, deciduous trees, shrubs, and bushes.
- 51. GROUP HOUSING:** Two (2) or more multiple dwellings on a parcel of land under single ownership.
- 52. GROUP CHILD CARE HOME:** A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group childcare home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
- 53. HIGH WATER LINE:** The line between upland and bottomland that 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 that has a level established by law, it means the high established lake level. Where water returns to its natural level as the result of a permanent removal or abandonment of a dam, it means the ordinary high-water mark.
- 54. HIGHWAY:** (See "Street Major").
- 55. HOME OCCUPATION:** An occupation that is secondary to the principal residential use.
 - a. **Class A:** Work is conducted entirely within the principal dwelling, but some professions will involve off-site services and operations.
 - b. **Class B:** means a business operated on a residential parcel that because of its nature, intensity, and characteristics, is not customary for a residential property and does not qualify as a Class A Home Occupation.

- 56. HOSPITAL:** An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities, central services facilities, and staff offices.
- 57. HOTEL - MOTEL:** A building containing primarily rooming units with the number of dwelling units being not greater than ten percent (10%) of the total number of rooming units, and with the exception of the unit occupied by the management staff, used only for the accommodation of transients.
- 58. 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.
- 59. JUNK YARD:** Any land or buildings where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, parked, disassembled, or handled including, but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automotive wrecking yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
- 60. KEYHOLE (RIPARIAN) ACCESS:** An approved access on a waterfront lot granting riparian (beneficiary) rights to one or more persons occupying a separate dwelling unit that may or may not be contiguous to the access lot. Use of any waterfront lot for such access shall be subject to review and approval by the Planning Commission under site plan review or by the Township Board following advisory recommendation by the Planning Commission. The following conditions shall be met:
- a. The keyhole access shall not be used for commercial purposes unless such access lot is zoned commercial. No buildings may be constructed on the access lot other than those associated with the rights of beneficiaries as outlined in the development agreement or legal conveyance of such rights.
 - b. The width of the access lot shall not be less than the minimum lot width for the district in which it is located multiplied by the number of access lot beneficiaries being served by the riparian access lot. The total number of beneficiaries shall be limited to family members residing within the dwelling units permitted such riparian rights.
 - c. Frontage calculation shall be a straight-line method, with measurement from each sideline of the access lot at the points where the sidelines intersect the high-water line. No excavation or channeling is allowed in order to increase the lot width of the access lot. Areas determined by the Zoning Administrator to be non-buildable based upon the presence of a swamp, bog or marsh, shall not be counted toward this frontage calculation but may be included in calculating required lot area or side yard setback areas.
 - d. The required lot area shall not be less than the minimum lot area for the district in which it is located multiplied by the number of access lot beneficiaries being served by the riparian access lot.
 - e. The minimum side yard setbacks for any structure constructed on the access lot shall be twice (2x) the minimum side yard setback for the district in which the lot is located. Any dock extending from or along the waterfront shall be setback no less than fifty (50) feet from any adjoining property line.
- 61. LIVING SPACE:** That area within a structure intended, designed, erected or used for human occupancy; that is, the sum of the gross horizontal area of the floor in question of the building used for occupancy, measured from the exterior faces of the exterior walls, from the center line of walls separating two buildings, from the center lines of interior walls, and excluding porches, garages, breezeways not usable the year round.
- 62. LOADING SPACE:** An off-street space on the same lot with a building, or group of buildings, for the

temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

- 63. LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building together with its accessory buildings, and providing the open spaces, parking and loading spaces required by this Ordinance. Said parcel of land may consist of one or more lots of record according to any recorded plat, but for the purpose of this Ordinance shall be deemed one (1) parcel or lot if title to the property is held under one (1) deed.
- 64. 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.
- 65. LOT, INTERIOR:** Any lot, other than a corner lot.
- 66. LOT LINES:** The property lines bounding the lot.
- a. **Front Lot Line:** In the case of an interior lot, the line separating said lot from the street, in the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plot and the request for zoning compliance permit. In the case of lots bordering on a lake, river, or canal; the established water or shoreline shall be designated as the rear of such lots.
 - b. **Rear Lot Line:** The lot line 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 ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - c. **Side Lot Line:** Any lot lines other than the front lot lines or the rear lot lines.
- 67. LOT AREA:** The total horizontal area within the lot lines of a lot.
- 68. LOT COVERAGE:** That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
- 69. LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
- 70. LOT OF RECORD:** A lot or parcel existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purposes of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds Office but dated and executed prior to the effective date of this Ordinance shall also constitute a lot of record.
- 71. LOT WIDTH:** The horizontal distance between the side lot lines, measured at the frontage of the lot at the road right-of-way.
- 72. MASTER PLAN:** The statement of policy by the Township Planning Commission relative to the agreed upon desirable physical pattern of future community development. Consists of a series of maps, charts and written material representing in summary form the soundest conception to the community as to how it should grow in order to bring about the very best community living conditions.
- 73. MINI STORAGE WAREHOUSE FACILITY:** A building or a group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of customers goods or wares with provision that all such goods and wares are enclosed within a building.
- 74. MOBILE HOME:** A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be attached to the ground, or another structure, or to a utility system on the same premises for more than thirty (30) consecutive days. Mobile homes which do not conform to the standards of Section (Section defining "Mobile Home") of this Ordinance shall not be used for dwelling purposes within the township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless for temporary residence purposes as hereinafter provided.

- 75. MOBILE HOME PARK:** Any subdivision of land for purposes of locating three (3) or more mobile homes, pursuant to the requirements of meeting the State of Michigan Mobile Home Commission Rules.
- 76. NON-CONFORMING BUILDING:** A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance nor to the use regulations of the district which it is located.
- 77. MODULAR HOUSING UNIT:** A unit constructed solely within the factory in various sized modules, which are then transported by flatbed, or other means, to the site where they are assembled on permanent foundations, to form single family dwellings which are either attached (in rows or clusters) stacked or detached.
- 78. NON-CONFORMING 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.
- 79. NURSING OR CONVALESCENT HOME:** A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
- 80. OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
- 81. OPEN SPACE:** Any space suitable for recreation, gardens or household service activities such as clothes drying. Such space must be at least seventy-five (75) percent open to the sky, free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is required.
- 82. PARKING SPACE:** A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.
- 83. PLANNED UNIT DEVELOPMENT:** This is a tract of land which includes two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding area, and where the specific requirements of a given district may be modified and where the minimum area is fixed. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements.
- 84. PRIMARY CAREGIVERS:** A person who is at least 21 years old, registered with the State of Michigan as a Medical Marijuana Caregiver, and who has agreed to assist with a qualifying patient's medical use of cannabis and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, Public Act 175 of 1927.
- 85. PRINCIPAL USE:** The main use to which the premises are devoted and the main purpose for which the premises exist.
- 86. PUBLIC PARK:** Any park, playground, beach, outdoor swimming pool, or parkway within the jurisdiction and control of a governmental agency authorized by State statutes to own and maintain parks.
- 87. PUBLIC SEWER SYSTEM:** A public sewer system shall be defined as 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 collection, conveying, transporting, treating, or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely

affecting the public health; operated and maintained by the general public, including a neighboring municipality under an agreement with the Township.

- 88. 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.
- 89. RECREATION AREA, PRIVATE:** All lands and structures which are owned and operated by private individuals, a businesses or corporations which are predominately intended to accommodate recreational vehicles and provide for outdoor recreational activities.
- 90. RECREATION VEHICLE:** Small mobile units principally designed for recreation pastime such as motor homes, camper trailers, pick-up campers, pop-up campers, pop-up tent trailers, and similar camping type vehicles or trailers.
- 91. RESIDENTIAL CARE FACILITIES:** Homes or care facilities providing care services on a part-time or full-time basis. Such uses are established as permitted or conditional uses based upon their compatibility with uses in those individual zoning districts and state licensing requirements as follows:
- a. Limited Residential Care Facilities: Includes all other adult foster care and child day care and child foster care for between thirteen and twenty-five (25) individuals, subject to state licensing requirements. This would include nursing homes, assisted living facilities and senior housing for between thirteen and twenty-five (25) people. It is anticipated that these facilities would operate twenty-four (24) hours per day and would include non-resident employees. Such facilities should be located within high density residential or office/business settings.
 - b. Full Residential Care Facilities: Includes commercial day care centers, nursing homes, assisted living facilities or other congregate care and/or senior housing facilities. Such use shall be considered a commercial use and include part-time and full-time staff and/or access to medical staff.
 - c. This definition shall include and regulate unlicensed residential facilities and those licensed by the State of Michigan. It does not include facilities providing treatment, such as substance abuse, or rehabilitation, such as halfway houses, or other uses regulated by the Department of Corrections.
- 92. RETAIL & RENTAL STORE:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
- 93. RIGHT-OF-WAY:** A road, street, or other public easement permanently established for passage of persons or vehicles.
- 94. RIPARIAN ACCESS LOT:** A type of waterfront lot providing for private or common (semi-private) access to a waterway for one (1) or more access lot beneficiaries.
- 95. ROAD:** A public right-of-way of sixty-six (66) feet or more which has been dedicated for the purposes of providing access to abutting private lots of land including space for pavement and sidewalks.
- 96. ROADSIDE STAND:** A permanent structure which is used seasonally for the sale of produce. The use of a roadside stand shall not constitute a commercial district.
- 97. ROOMING HOUSE:** A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.
- 98. ROOMING UNIT:** Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.
- 99. ROWHOUSE (TOWN HOUSE):** An attached house in a row or group, each house containing not more than two dwelling units and each house separate from adjoining houses in the same row or group by common fire walls or fire separations.

100. **SETBACK:** The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear, or side lines of the building. When two (2) or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.
101. **SCHOOL:** A building used for the purpose of elementary or secondary education which meets all requirements of compulsory education laws of the State of Michigan, and not providing residential accommodations.
102. **SHOPPING CENTER:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.
103. **SIGNS:** Any words, numbers, figures, devices, or trademarks by which anything is made known, other than billboards, such as are used to show an individual firm, professional business and are visible from the exterior of the structure.
104. **STATE LICENSED RESIDENTIAL FACILITY:** A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.
105. **STORY:** That part of a building, including 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.
106. **STREET:** A thoroughfare which affords the principal means of access to abutting properties.
107. **STREET, MAJOR:** A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.
108. **STREET, MINOR:** A public way, the principal use of which is to give access to abutting properties.
109. **STRUCTURE:** (See Building).
110. **STRUCTURAL ALTERATION:** The erection, strengthening, removal, or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.
111. **SWIMMING POOL:** Any artificially constructed, portable or non-portable pool capable of being used for swimming or bathing, having a depth of three (3) feet or more at any point.
112. **TEMPORARY BUILDING OR TRAILER OFFICE:** A building which is temporarily located on a lot for seasonal, immediate or emergency purposes, with such use existing no longer than one (1) year from date of location.
113. **TRAILER COACH:** Same as Mobile Home.
114. **TRAILER COACH PARK:** Same as Mobile Home Park.
115. **UNDEVELOPABLE LAND:** Land which has soil types or a high-water condition which presents severe limitations on septic tank and tile fields.
116. **USABLE FLOOR AREA:** The area for the purpose of computing parking and off-street loading and unloading space, is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or utilities shall be excluded from this computation of "usable floor area." Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
117. **USE:** The purpose for which land or premises of a buildings thereon is designed, arranged, or intended, or for which it is occupied or maintained, let, or leased.
118. **VARIANCE:** A modification of the literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant if there are practical difficulties in the way of carrying out the strict letter of this ordinance.
119. **YARD:** An open space on the same lot with the main building, unoccupied, and unobstructed from

the ground upward except as otherwise provided in the Ordinance.

- a. **Front Yard:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- b. **Rear Yard:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- c. **Side Yard:** A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

120. ZONING DISTRICT: (See District).

Appendix A: Amendment Log

Ordinance No:	PC Public Hearing	Board Approval	Sections Affected	Description	Date Codified
2024-03	4-10-24	5-20-24	6.18, 10.20, 11.3., 11.2., 12.3, 12.2, 13.2, 13.3, 14A.3, 14A.2	Home Occupations	6-12-24
	7-17-24	8-19-24	6.2	Increase of the minimum accessory building size from 1200 Square Feet to 1500 Square Feet.	8-20-24