

CONVIS TOWNSHIP

ZONING ORDINANCE

Updated: June 24, 2019

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ARTICLE 1

TITLE, PURPOSES AND LEGAL CLAUSES

SECTION 1.01 Title

This Ordinance shall be known and may be cited as:
“THE CONVIS TOWNSHIP ZONING ORDINANCE”

SECTION 1.02 Repeal of Ordinance

The Convis Township Zoning Ordinance adopted on July 23, 1956, as amended, is hereby repealed. This new zoning ordinance, which became effective with adoption in 1971, shall remain in effect, subject to any future amendments as indicated or as incorporated into the official ordinance text or displayed on the zoning districts map.

SECTION 1.03 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 of 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 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 structures throughout the Township.
- (l) Providing for the completion, extension, substitution or elimination of non-conforming uses.
- (m) Creating a Board of Appeals and defining the powers and duties thereof.

- (n) Designating and defining the powers and duties of the officials in charge of the administration and enforcement of this ordinance.
- (o) Providing for the payment of fees for building permits.
- (p) Providing penalties for the violation of this Ordinance.

SECTION 1.04 Validity and Severalty Clause

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

SECTION 1.05 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 an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

SECTION 1.06 Period of Effectiveness

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 1.07 Effective Date

This Ordinance was adopted by the Township Board of Trustees of CONVIS, Calhoun County, Michigan, at a meeting held on the 25th day of May, 1971, and ordered published in the Enquirer and News, a newspaper having general circulation in said Township, as required by Act 191 of the Public Acts of 1939, as amended.

ARTICLE 2

ADMINISTRATION AND ENFORCEMENT

SECTION 2.01 Purpose

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of the Ordinance and amendments thereto.

SECTION 2.02 Administration

The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the State of Michigan Planning Enabling Act, Public Act 33 of 2008, as may be amended, and the State of Michigan Township Rural Zoning Act, Act 184 of the Public Acts of 1943, as amended.

The Township Board shall employ a Building Inspector to act as its Zoning Administrator and code Enforcement Officer to effect proper administration of this Ordinance. The individual or firm selected, the terms of employment, and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Building Inspector shall be the Zoning Administrator and, for code enforcement purposes, shall have the powers of a police officer.

In the absence of the Building Inspector, the Township Clerk or other Township officer, as designated by the Township Board, shall assume all the powers and duties of the Building Inspector or specific responsibilities as outlined in Section 2.03 below:

SECTION 2.03 Duties of a Building Inspector

- (a) Review all applications for building permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the use and the requirements of this Ordinance are met.
- (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, of any decision of the Planning Commission.
- (c) Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this ordinance, conduct field inspections, surveys and investigation, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.

- (d) Receive all applications for amendments to this ordinance, conduct field inspections, survey and investigation, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.
- (e) The Building Inspector shall be responsible to update the Township Zoning Map and keep it current.
- (f) The Building Inspector shall prepare and submit to the Township Board and Planning Commission a written record of all building permits issued during each month. The record shall state the owner's name, location of property, intended use and estimated cost of construction for each permit. The Building Inspector shall maintain and post monthly a list in the Township Hall of all building permits issued.
- (g) Maintain written records of all actions taken by the Building Inspector.
- (h) Be responsible for providing forms necessary for the various applications to the Building Inspector, Planning Commission, Township Board, or Zoning Board of Appeals as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commissions, and Zoning Board of Appeals.

SECTION 2.04 Building Permit

- (a) Building Permit Requirements: A building permit is required for and shall be obtained from the office of the Building Inspector or his agent, by the property owner or his agent, for the following:
 - 1. The construction, enlargement, alteration or moving of any dwelling, building, or structure or any part thereof, being used or to be used for residential, commercial, or industrial purposes.
 - 2. Agricultural buildings and structures subject to approval of a conditional use permit.
 - 3. Accessory buildings valued at less than \$500 and portable structures necessary to an agricultural operation, shall not require a building permit as long as the placement of said building conform to the setback and height requirements of the district in which they are located.
 - 4. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation or a building shall not require a building permit.
- (b) Application for a Building Permit: Application for a Building Permit shall be made in writing upon a blank form furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered, or moved. There shall be submitted with all applications for building permits two (2) copies of a site layout or plot plan, showing:

1. The location, shape, area and dimensions for the lot, lots or acreage.
2. The location of the proposed construction, upon the lot, lots or acreage affected.
3. The dimensions, height and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard (open) area and parking space dimensions, if applicable.
8. The proposed design and construction standards of parking spaces, if applicable.
9. The number of loading and unloading spaces provided, if applicable.
10. A certified permit from the County Road or State Highway Commission showing conformance with the road cut and/or culvert requirements.
11. Any other information deemed necessary by the Building Inspector to determine and provide for the enforcement of this Ordinance.

If the information shown on the site layout is in compliance with the above requirements and all other provisions of this Ordinance, the Building Inspector shall issue a permit upon payment of the require building permit fee.

- (c) Voiding a Permit: Any building permit granted under this Section shall be null and void unless the development proposed shall have its first inspection within ninety (90) days from the date of the granting of the permit. The Building Inspector shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Building Inspector may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the Ordinances or regulations of the township.
- (d) Fee, Charges, and Expenses: The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, appeals and other matters pertaining to the ordinance. The schedule of fees shall be posted in the Office of the Building Inspector, and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, until preliminary charges and fees have been paid in full.
- (e) Inspection: The construction or usage affected by any building permit shall be subject to the following inspections:
1. At time of staking out of building foundation.
 2. Upon completion of the work authorized by the permit.

It shall be the duty of the holder of every permit to notify the Building Inspector when construction is ready for inspection. Upon receipt of such notification, the Building

Inspector shall determine whether the location of the proposed building as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Building Inspector shall issue his written approval at the time if the inspection if the building or proposed construction meets the requirements of this Ordinance. Should the Building Inspector determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall so notify the holder of the permit, or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the Building Inspector upon notice and request for re-inspection duly made.

Should a building permit holder fail to comply with the requirements of the Building Inspector at any inspection stage, the Building Inspector shall make report in writing such failure to the Township Clerk. The Building Inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements as service upon and notice to the permit holder, of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

SECTION 2.05 Violations

Any building or structure including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premise which is begun, maintained, or changed in violation or any provision of this Ordinance, are hereby declared to be a nuisance per se.

SECTION 2.06 Penalties

Violations of this Ordinance are hereby designated as Class C municipal civil infractions punishable by a civil fine of not less than \$50.00 nor more than \$500.00 plus costs and other sanctions for each infraction as provided in Section 10 of the Convis Township Municipal Civil Infraction Ordinance. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. In addition thereto or in lieu of a civil infraction action, the Township Board, the Township Planning Commission, Township Building Inspector, the Board of Appeals, the attorney of the Township, or any owners or owner of real estate within the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove any said unlawful erection, construction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

ARTICLE 3

ZONING BOARD OF APPEALS

SECTION 3.01 Board of Appeals Established

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

SECTION 3.02 Membership, Terms of Office

The Board of Appeals shall consist of three (3) regular members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, for the terms of his office; the second member shall be a member of the Township Board, appointed by the Township Board for the term of his office and shall not serve as the chairperson of the ZBA; and the third member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years provided that no elected officer of the township, nor any employee of the township Board, may serve simultaneously as the third member of or as an employee of the Township Board of Appeals. The Zoning Board of Appeals shall not conduct business unless at least two (2) regular members of the ZBA are present. The Township Board may appoint up to two (2) alternate members from among the electors residing in the township for a three (3) year term. The alternate member may be called to serve as a regular member in the absence of a regular member or if a regular member abstains for reason of conflict of interest. The alternate member shall serve in the case until a final decision is made and have the same voting rights as a regular member of the Board of Appeals.

SECTION 3.03 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 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 3.04 Meetings

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its' rules of procedure may specify.

SECTION 3.05 Public Meetings and Minutes

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 and such determination from 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 3.06 Powers and Duties

The Board of Appeals shall have powers to hear appeals of a decision or determination made by the zoning administrator, building inspector or other administrative official with regards to the zoning ordinance, interpret the provisions of this Ordinance and to grant variances from any dimensional or numerical provisions of this Ordinance.

SECTION 3.07 Variance Standards for Approval

A Variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- (a) A written application for a Variance is submitted, demonstrating:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance and that only practical difficulties exist in carrying out this intent.
 - 3. That granting the Variance requested will not confer on the applicant, any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - 4. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a Variance.
- (b) The Board of Appeals shall make findings that the standards of the Ordinance have been met by the applicant for approval of the Variance. Such standards shall include, but not be limited to, the determination that the hardship asserted by the applicant is not self-created and is simply due to the unique characteristics of the property.

- (c) The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the Variance, and the Variance is the minimum Variance that will make possible the reasonable use of the land, building, or structure.
- (d) The Board of Appeals shall further make a finding that the granting of the Variance will be in harmony with the general purpose and intent of the Ordinance, and will not be injurious to neighboring lands or otherwise detrimental to the public welfare.
- (e) In granting any Variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the Variance is granted, shall be deemed a violation of this Ordinance, and punishable under SECTION 2.06 of this Ordinance.
- (f) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in said district.

SECTION 3.08 Voiding of and Reapplication for Variance

The following provisions shall apply:

- (a) Each Variance granted under the provision of this Ordinance shall become null and void unless 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 of proof of changed conditions found by the Board of Appeals to be valid.

SECTION 3.09 Procedure for Appealing to the Board of Appeals

The following provisions shall apply:

- (a) **APPEALS, HOW TAKEN** – Appeals from the ruling of the Township Building Inspector 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 Building Inspector a letter stating what the specific Appeal is and the reasons for said Appeal.
 - 2. The Building Inspector submits 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 Building Inspector at the time of the filing of 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 Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause immediate 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) **HEARINGS BY THE BOARD OF APPEALS; REQUEST; NOTICE; 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, stating the time, date and place of the Hearing, which shall be published in a paper of general circulation within the Township and sent to the person requesting the appeal, interpretation or variance not less than 15 days before the date of the hearing. In the case of an appeal relating to a specific property or for a variance, 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 boundary of the property in question and to the occupants of all structures within 300 feet of said boundary. If the tenants name is not known, the term “occupant” may be used.
- (f) **REPRESENTATION AT HEARING** – Upon the Hearing, any party or parties may appear in person or by agent or by attorney.
- (g) **DECISIONS 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 Appealed from and shall make such order, requirement, decision or determination as in its’ opinion ought to be made in the premises and to that end shall have all powers of the Building Inspector from whom 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 4.01 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 required fee and no part of which shall be returned to the petitioner.

SECTION 4.02 Amendment Procedure

The Procedure for making Amendments to this Ordinance shall be as follows:

- (a) Each petition for Amendment initiated by one or more owners of property shall be submitted to the Township Board who shall refer it for recommended action to the Planning Commission.
- (b) The Township Planning Commission shall conduct a public hearing pursuant to the requirements established under Sec. 103 of P.A. 110 of 2006, as may be amended. The notices shall include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.
- (c) Upon completion of the public hearings provided above, the proposed amendment shall be submitted to the Calhoun County Metropolitan Planning Commission for review and recommendation. The petition shall then be returned to the Township Board by the Calhoun County Metropolitan Planning Commission for action in accordance with P.A. 110 of 2006, as may be amended.
- (d) After receiving the proposed Amendment, the Township Board may adopt the Amendment with or without changes in accordance with the provisions and procedures of the Act.
- (e) All provisions of this Article shall be subject to the provisions of the Michigan Zoning Enabling Act, as the same may be from time to time amended, which Act is incorporated herein by reference.

SECTION 4.03 Conformance to Court Decree

Any Amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the Amendments published without referring the same to any other Board or Agency.

ARTICLE 5

GENERAL PROVISION

SECTION 5.01 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 a part of this Ordinance.

- AA - AGRICULTURAL DISTRICT (Article 11)
- AB - AGRICULTURAL BUSINESS DISTRICT (Article 11A)
- RA - LOW DENSITY RESIDENTIAL DISTRICT (Article 12)
- RB - MEDIUM DENSITY RESIDENTIAL DISTRICT (Article 13)
- MHP - MANUFACTURED HOME PARK DISTRICT (Article 13A)
- MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT (Article 14)
- LS - LOCAL SERVICE COMMERCIAL DISTRICT (Article 14A)
- HS - HIGHWAY SERVICE COMMERCIAL DISTRICT (Article 15)
- LI - LIGHT INDUSTRIAL DISTRICT (Article 16)
- CP - CORRIDOR PRESERVATION OVERLAY DIS. (Article 17A)
- OC - OPEN SPACE AND WATERBODY CONS. DISTRICT (Article 18)

NOTE: A TABLE OF SITE DEVELOPMENT REGULATIONS FOR ALL DISTRICTS IS PRESENTED AS ARTICLE 17.

SECTION 5.02 Provision for Official Zoning Map

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

“ZONING DISTRICT MAP OF CONVIS 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 herein.

SECTION 5.03 Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Act 110 of 2006, a change is made in a Zoning District boundary, such change shall be made by the Building Inspector promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. No change of any other nature shall be made unless authorized by the Zoning Board of Appeals.

SECTION 5.04 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 office of the Building Inspector 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 5.05 Replacement of Official Zoning Map

In the event that the Official 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 supercede 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 Ordinance of Convis Township”, adopted on the 25th day of May, 1971 which replaces and supercedes the Official Zoning Map which was adopted on the 23rd day of July, 1956.

SECTION 5.06 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, a 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 center-line of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- (f) A boundary indicated as parallel to 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.
- (h) Where a boundary bisects a parcel of land, that parcel shall be considered in two districts and each portion shall adhere to the regulations for that district.

SECTION 5.07 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 in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance, provided that no use is established that is otherwise not permissible, so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

ARTICLE 6

SUPPLEMENTAL REGULATIONS

SECTION 6.01 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 6.02 Accessory Building

- (a) Where an Accessory Building is attached to the side or front of a principal building, such Accessory Building shall be considered part of the principal building for purposes of determining required yard dimensions, but if such Accessory Building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building, it may be considered a detached Accessory Building for purposes of determining required rear yard dimensions.
- (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.
- (c) No detached Accessory Building shall be located nearer than five (5) feet to any rear lot line, except that when such Accessory Building shall be a garage which is entered at right angles to any alley, it shall be located no nearer than twelve (12) feet to said rear lot line.
- (d) No accessory building shall project into any front yard setback.
- (e) The total square footage of all detached accessory buildings shall occupy no more than thirty (30) percent of the area of the rear yard, regardless of location on the lot.
- (f) Where a corner lot adjoins a side boundary of a lot in any Residential District, no Accessory Building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.

SECTION 6.03 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 a approved multiple dwelling development, there shall be no more than one (1) principal building and its' permitted accessory structures located on each lot in a Residential District.

SECTION 6.04 Accessory Building as Dwelling

No building on the same lot as a principal building shall be used for dwelling purposes.

SECTION 6.05 Basement as Dwellings

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 6.06 Required Water Supply and Sanitary Sewerage Facilities

In addition to the requirements established by the Calhoun County Health Department, the following site development and use requirement 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 water 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 6.07 Green Belt Buffer

Prior to the commencement of construction of any structure or building in a Commercial District or Industrial District where such property abuts, adjoins, or is adjacent to a residential zone, a green belt shall be established. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt shall have a minimum width of twenty (20) feet and shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained with permanent plant materials.

SECTION 6.08 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. Public access to commercial, industrial, or recreational uses shall not be designed so as to pass through the residential neighborhoods. A private road which serves more than one single family or two-family dwelling or more than one commercial or industrial activity shall be constructed to Calhoun County Road Commission Standards provided, that while such road remains private, hard surfacing will not be required. All required front yard setbacks shall be calculated from the public or private street right-of-way on which the lot has frontage.

SECTION 6.09 Visibility at Intersections

No fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be higher than three (3) feet above street grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-ways lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point on intersection measured along the street right-of-way lines.

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 apply uniformly 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; radio towers and antennae (provided they do not exceed a height of 50 feet), silos; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

SECTION 6.12 Fences, Walls and Screens

Within the AA, AB and OC Districts, the maximum height of any fence within the front yard shall be five (5) feet and such fence shall not be more than 50% solid. The maximum height of any fence within the side or rear yard shall be eight (8) feet. Where such fence is placed within fifty (50) feet of an existing dwelling on an adjoining property, it shall adhere to the front yard requirements for that adjoining dwelling.

Within the RA, RB, MHP and MF Districts, the maximum height of any fence within the front yard shall be four (4) feet and such fence shall not be more than 50% solid. The maximum height of any fence within the side or rear yard shall be six (6) feet. Where such fence is placed within fifty (50) feet of an existing dwelling on an adjoining property, it shall adhere to the front yard requirements for that adjoining dwelling.

Within the LS, HS and LI Districts, the maximum height of any fence in the front yard shall be six (6) feet and shall not be more than 50% solid. The maximum height of any fence within the side or rear yard shall be eight (8) feet and may include three strands of barbed wire for security purposes.

In all instances where such parcel or lot is abutting a lake, river or stream, the rear yard shall be considered a front yard for purposes of fence regulation.

SECTION 6.13 Shoreline Excavation and Dredging

No person shall alter, change, transform, or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the following:

- (a) As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, as amended, and in accordance with the requirements of the State of Michigan.
- (b) If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit a site plan for approval to the Planning Commission with all data, exhibits and information as required by the State of Michigan.

SECTION 6.14 Essential Services

For purposes of this Ordinance the following provision shall apply:

- (a) The surface of land used for pipe line right-of-ways shall be restored and maintained as near as possible to its' original condition prior to the construction of the pipe line.
- (b) Essential services shall be exempt from lot area requirements in the Agricultural, Industrial, and Open-Space Water Body Conservation Districts.

SECTION 6.15 Swimming Pools

All Swimming Pools shall conform to the requirements of Public Act 230 of 1972. Swimming Pools to be constructed or which are already constructed shall be enclosed by a fence, wall or other structure which shall be at least four (4) feet in height as measured from the outside. Any opening under the bottom of the fence shall not be more than four (4) inches in height. A fence or wall enclosure shall be of a type that impedes climbing by small children and shall be equipped with a gate that is a self-closing and latching type with the latch on the poolside of the gate. Said entrance way shall lead to the shallow end of the pool. If the entire premises is enclosed by a fence or wall, this requirement may be waived.

SECTION 6.16 Continued Conformance with Regulations

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

- (a) Prior to a Building Permit being issued, a Site Plan shall be submitted to the Planning

Commission for approval of:

1. Any use or development for which the submission of a Site Plan is required by any provision of this Ordinance.
 2. Any principal building, except for a one-family dwelling, a two-family dwelling, or agricultural buildings on a single lot.
 3. Any principal building or parking lot for five (5) or more vehicles constructed in the MH, MF, LS, HS, LI, or OC Districts.
 4. All residentially related conditional uses permitted in the agricultural or residential districts such as, but not limited to: churches, schools and golf courses.
 5. All building additions, which require off-street parking in addition to that already provided on the Site.
 6. All Site condominiums.
 7. Amendments to approved Site Plans, may be approved by the Zoning Administrator (Building Inspector) provided that such amendments do not include any change in use or expansion of an existing nonconforming use. Site plans or sketch plans that have been approved related to a conditional use by the Township Board may also be amended administratively provided such amendment does not alter the conditions imposed on such approval. Plans that were submitted for approval of a dimensional variance may also be amended administratively provided such amendment is in conformance with the approved variance.
- (b) Every Site Plan submitted to the Planning Commission shall be in accordance with the requirements of this Chapter and shall be reviewed by the Zoning Administrator prior to submission to the Planning Commission for compliance with the minimum Zoning standards of this Chapter. The Zoning Administrator may, at that person's discretion, refer the Site Plan to other officials for their review and comment. Fees for the review of Site Plans shall be established by resolution of the Township Board.
- (c) The following "checklist" information shall be included on the Site Plan:
1. A scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more.
 2. Date, north arrow, scale, vicinity map, existing zoning, zoning adjacent properties, legal description of the property, easements and name of the person preparing the Site Plan.
 3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties, and a boundary survey of the parcel.
 4. The location, height, and dimensions of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
 5. A finished floor elevation and exterior building elevation drawing shall be submitted with the Site Plan.
 6. The location of all existing and proposed drives, walks and parking areas.
 7. The location and right-of-way widths of all abutting streets and alleys.
 8. The location and size of all existing and proposed sanitary sewer lines, water lines, and storm drainage facilities must be shown. All stormwater generated from the new development shall be retained on-site.

9. The location and size of all existing and proposed electric, natural gas, telephone, cable TV, and solid waste disposal facilities must be shown.
 10. The location, height, area of illumination (photometric) and fixture details of all existing and proposed outdoor lighting shall be provided. All outdoor lighting shall be located and oriented to have minimal impact on adjacent properties. In no instance shall illumination levels exceed .5 footcandles at the property line unless specifically waived by the Planning Commission under #13 below.
 11. The size, height, location and illumination of all existing and proposed signs shall be provided to ensure ordinance compliance.
 12. The location of existing natural features such as wooded areas, flood plains, wetlands, drainage courses, and a topographic survey of spot elevations of the Site. A landscape plan shall be submitted showing the preservation of existing natural features and new landscape improvements.
 13. The Planning Commission may waive one or more of these “checklist” information requirements, if in their sole reasonable discretion they believe such requirements are not necessary for approval based upon the scope of use or the limited impact on adjoining properties.
- (d) In the process of reviewing the Site Plan, the Planning Commission shall consider:
1. The location and design of driveways providing vehicular access to and 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) vehicular trips per day.
 2. The traffic circulation features within the Site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - A. Safety and convenience of both vehicular and pedestrian traffic within the Site and in relation to access streets.
 - B. Satisfactory and harmonious relationships between the development on the Site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- (e) The Planning Commission may require landscaping, fences, and walls as a condition of the establishment and the continued maintenance of any use which they are appurtenant.
- (f) In those instances wherein the Planning Commission finds that an excessive number of access points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the street, the Planning Commission may reduce the number of access drives on the Site Plan.
- (g) Occupancy permits shall not be issued until all improvements shown on the approved Site Plan are completed, or monies equal to the cost of those improvements not completed have been deposited with the Township to guarantee completion.

SECTION 6.18 Regulation of Animals

By definition, animals are regulated as either: domestic; livestock; or exotic. Domestic animals are considered accessory to the primary residential use, provided the total number of such animals or pets does not exceed six (6) for parcels of two (2) or less acres or nine (9) for parcels of more than two (2) acres. The keeping of ten (10) or more domesticated animals shall only be permitted within commercial kennels, a conditional use within the “AB” Agricultural Business District. The keeping of any livestock of less than twenty (20) pounds, such as rabbits, ducks or similar animals, may be calculated as domestic on parcels of less than five (5) acres.

Livestock are considered a permitted use on any parcel of five (5) or more acres within the “AA” Agricultural District, subject to conditions related to the location of buildings and fenced enclosures. Where the keeping of livestock reaches fifty (50) or more animal units (See Section 10.25), such use is regulated as a conditional use within the “AA” and “AB” Districts.

Exotic animals are not permitted within the Township unless as part of an approved zoological park, a conditional use within the “AB” District. Should the Township adopt an “exotic animal ordinance”, such regulation shall be outside the scope of this zoning ordinance except for zoological parks.

SECTION 6.19 Solar Energy Systems (SES)

(a) Compliance with District Regulations: Solar energy systems shall comply with the regulations of the District in which it is located except as provided otherwise by this Section.

(b) Small Solar Energy Systems (Small SES)

1. Small SES Authorization, Review and Approval Procedures: A Small SES is an authorized accessory use/structure in all districts. Small SES shall be subject to Zoning Administrator approval. An application for a Small SES shall include all information required for a plot plan according to Section 2.04(b) including the delineation of all SES structures and facilities, and all structures on adjacent properties within one hundred (100) feet of a shared lot line.
2. Small SES General Provisions: Small SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the Zoning Administrator may require a report from a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads.
3. Small SES Roof-Mounted Systems
 - a. Small SES roof-mounted systems are not subject to the height restrictions of the District in which they are to be located.
4. Small SES Ground-Mounted Systems

- a. Small SES ground-mounted collection panel systems and associated equipment shall comply with the standards for accessory structures according to Section 6.02 of this Ordinance except that in no case shall the panels exceed fifteen (15) feet in height as measured from the ground below.
 - b. If a ground mounted Small SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within thirty (30) days of notification by the Zoning Administrator unless the Zoning Administrator determines a longer period is necessary due to conditions not within the control of the applicant, or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features, and restore the ground to its preconstruction state.
- (c) Medium Solar Energy Systems (Medium SES)
 1. Medium SES Authorization, Review and Approval Procedures: A Medium SES is permitted as an accessory use only, and only in the AA, AB, MHP, MF, LS, HS and LI Districts. A Medium SES shall be subject to site plan approval according to Sec. 6.17.
 2. Medium SES General Provisions
 - a. Medium SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit a report to the Planning Commission, prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this section.
 3. Medium SES Roof-Mounted Systems: Medium SES roof-mounted systems are not subject to the height restrictions of the District in which they are to be located.
 4. Medium SES Ground-Mounted Systems
 - a. Ground-mounted Medium SES solar collection panels are prohibited in a front yard.
 - b. Panels and associated equipment shall comply with the standards for accessory structures according to Section 6.02 of this Ordinance except as follows:
 - (1) Ground-mounted solar collection panels shall not exceed fifteen (15) feet in height except that the maximum height shall be eighteen (18) feet in the LS, HS and LI Districts.
 - c. In the case of ground mounted solar panels located on a lot that is adjacent to a lot in an AA, AB, RA, RB, MHP or MF District, where the panels are to be located within one hundred (100) feet of a shared lot line with such lot, screening shall be provided along such segments of the shared lot line. The screening shall consist of evergreen trees of a minimum of six (6) feet in height at the time of planting and with a projected growth rate of a minimum of six (6) inches per year and to a minimum projected height of twenty (20) feet, and spaced no greater than twelve (12) feet apart measured on-center.

The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.

- 1) In the case where a dwelling is present within the above specified one hundred (100) foot distance, a second row of tree plantings shall be provided and placed no greater than twelve (12) feet from the first row as measured on-center, with the second row of trees positioned in a staggered formation to the first row so as to have trees spaced at no greater than six (6) feet on-center as viewed from the shared lot line.
 - 2) Required screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line.
 - 3) The Planning Commission may decrease plant spacing and/or height requirements by a maximum fifty percent (50%) where specific conditions warrant such modifications such as, by example only, the adjacent property is vacant and not likely to be developed within the next five (5) years based on nearby development trends during the preceding five (5) years, where natural features are present that serve to assist in the screening of the panels such as topographic or vegetative conditions, or where existing structures will assist in the screening of the panels. The Planning Commission may further decrease requirements regarding plant spacing, height and/or the number of plantings, as it determines appropriate, upon the receipt of a notarized document signed by the adjacent landowner and attesting to the landowner's desire for such modification.
 - 4) Nothing in this subsection (c) shall be construed as requiring tree plantings along a road right-of-way.
 - d. Ground-mounted Medium SES shall comply with the Small SES requirements regarding cessation of operations, abandonment and/or disrepair.
 - e. Fencing that may be installed as part of a ground-mounted Medium SES shall be exempt from the fence height restrictions of this Ordinance including Section 6.12, subject to site plan review, but in no case shall such fencing exceed seven (7) feet in height. Where fencing is to be erected in excess of five (5) feet in height, a minimum of fifty percent (50%) of the required tree plantings shall be on the exterior side of the fencing. Where fencing is to restrict the free flow of air by more than ten percent (10%) opacity of the fence, the Planning Commission may require additional vegetative screening measures to minimize the visual impact of such fencing. Fencing details shall be submitted as part of the required site plan.
 - f. Medium SES shall not be subject to the lot coverage restrictions of the respective district.
- (d) Large Solar Energy Systems (Large SES)

1. Large SES Authorization, Review and Approval Procedures: Large SES are permitted as a conditional use only, and only in those districts so specified in Articles 11 – 16.
 2. Large SES General Provisions: Large SES shall comply with the site development standards of subsection (C) for Medium SES.
- (e) Self-Contained Solar Energy Systems: Self-Contained Solar Energy Systems are permitted in all districts and may be erected without the issuance of a zoning permit, subject to the restrictions of this Section.
1. Heights: Ground-mounted self-contained solar energy systems and associated equipment shall comply with the standards for accessory structures according to Section 6.02 of this Ordinance. Roof-mounted self-contained solar energy systems and associated equipment shall not be subject to the height restrictions of the District in which they are to be located.
- (f) Exempt Solar Energy Systems: The following are exempt from the regulations of this Section and are not subject to the issuance of a zoning permit.
1. Roof-mounted solar energy systems that function as shingles or are otherwise shingle-like in general character.”
- (g) Decommissioning/Reclamation: The Planning Commission or Township Board may require the posting of a performance bond, in the case of a Medium or Large SES, for the purpose of insuring the site is properly reclaimed upon the abandonment, termination or decommissioning of the facility.

ARTICLE 7

NONCONFORMING BUILDINGS AND USES

SECTION 7.01 Nonconforming Uses of Land

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

- (a) No such nonconforming use shall be enlarged or increased to occupy a larger area, nor moved in whole or in part to any other portion of the lot or parcel occupied at the effective date of adoption or amendment of this Ordinance.
- (b) Any nonconforming use of land abandoned for a period of more than ninety (90) days shall subsequently conform to the requirements of this Ordinance.

SECTION 7.02 Nonconforming Uses of Building

Where a lawful building exists at the effective date of this Ordinance, or amendment thereto, that could not be built under this Ordinance by reason of its location on the lot, lot coverage, height, yard or other characteristics, such structure may continued, subject to the following:

- (a) Any structure existing at the effective date of this Ordinance, devoted to a use not permitted by this Ordinance in the district in which it is located shall not be altered, enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) When a nonconforming use of a building is vacated or abandoned for six (6) consecutive months, the building shall not be used thereafter except in conformance with the regulations of the district in which it is located.

SECTION 7.03 Nonconforming Buildings/Lots

Where a lawful structure exists at the effective date of adoption or amending of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structure may be enlarged or altered in a way which increases its non-conformity.
- (b) All vacant lots of record as of the effective date of this Ordinance shall be considered buildable lots subject to complying with the setback and lot coverage requirements for the district in which the lot is located.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after its moved.

- (d) Should such structure be destroyed by any means to an extent of more than fifty per cent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Such repairs shall be initiated within ninety (90) days.

SECTION 7.04 Illegal Nonconforming Uses and Buildings

Those alleged nonconforming uses of land, uses of buildings and buildings which cannot be proved conclusively to have been in existence prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses of land, nonconforming uses of buildings and nonconforming buildings/lots and shall be discontinued upon written notification from the Building Inspector.

ARTICLE 8

SIGN REGULATIONS

SECTION 8.01 General Sign Regulations

No sign shall be erected at any location, where by reason of the position, size, shape, color, movement or illumination, if 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 to not to change the essential character of such area.

SECTION 8.02 Permitted Signs in “AA”, “AB” and “OC” Districts

In the “AA” – Agricultural, “AB” – Agricultural Business and “OC” – Open Space and Waterbody Conservation Districts 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 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 signs each not exceeding two (2) square feet in area.
- (c) A non-illuminated sign announcing a home occupation, service, or produce offered on the premises, provided that such a sign shall not exceed twelve (12) square feet in area; and shall be located no closer to the street line than one-half the required front yard depth.
- (d) A sign or bulletin board identifying a church, school, 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 8.03 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 percent (90%) of all lots or units within said subdivision or development.

- (d) One sign identifying a multiply-family building, sub-division or development, not having commercial connotation, 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 yard depth.
- (e) A sign or bulletin board identifying a church, school, 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. Illumination shall be limited to a non-flashing reflected light and the source of illumination shall not be visible.

SECTION 8.04 Permitted Signs in the Commercial and Industrial Districts

A sign in any 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 do not project over a 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 it 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, nor be closer to the front, side or rear property line than one-third ($1/3$) the distance of the required building setback.
- (c) One free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed sixty (60) square feet in area, nor be closer to front, side or rear property line, than one-third ($1/3$) the distance of the required building setback.
- (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 to conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

SECTION 8.05 Outdoor Advertising Signs

Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- (a) Outdoor advertising signs (billboards) are permitted only in the Commercial and Industrial Districts.
- (b) Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are located.
- (c) Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) structure shall be considered a single sign.
No V-type signs shall be permitted.
- (d) The total surface area, facing in the same direction on any outdoor advertising sign, shall not exceed two hundred (200) square feet.
- (e) No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
- (f) Outdoor advertising signs may be illuminated by reflected light only, 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. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- (g) Outdoor advertising signs shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the same area. No outdoor advertising sign located on the same premises as a free standing sign, for the on-premises business, shall be located within three (300) feet of such sign and shall in no way restrict the visibility of the on-premises sign from the viewing public.
- (h) Outdoor name or identification signs are exempt from the provisions of this section provided that all such signs shall be flush with the building wall or roof.

SECTION 8.06 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 shall be deemed a nonconforming use and shall adhere to the requirements for any nonconforming use or structure under Article 7 of this ordinance.

SECTION 8.07 Political Signs

Political signs of a temporary nature used in connection with an official township, school district, county, state or federal election or referendum are permitted in all districts subject to the following standards:

- (a) Each sign shall not be greater than six (6) square feet in area (per side for double faced signs).
- (b) One (1) sign per issue or candidate per lot or parcel.
- (c) Minimum of fifteen (15) feet from any front, side or rear property line.
- (d) No higher than six (6) feet in height.
- (e) Signs shall be removed within one week after the election is certified.

ARTICLE 9

PARKING AND LOADING REQUIREMENTS

SECTION 9.01 Off-Street Parking

In all districts, in connection with industrial, business, institutional, agricultural, recreational, residential, or other use, there shall be provided at the time any building is erected, or uses established, enlarged or increased in capacity, off –street parking spaces for automobiles with the requirements herein specified.

- (a) Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the Building Inspector for the review at the time of application for a building permit. 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 parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- (b) No parking area or parking space which exists at the time of this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this 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 purposes of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- (c) Parking of motor vehicles, in residential zones, 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-fourths (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 area conforming with the provisions of this Ordinance.
- (d) Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) 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 or 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.
- (e) Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in non-residential 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 familiar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- (f) Every parcel of land hereafter used as a public or private parking area providing space for five (5) or more vehicles shall be developed and maintained in accordance with the following requirements:
 1. All off-street parking spaces shall not be closer than twenty (20) feet from any front property line or five (5) feet from any side or rear property line. In a required side or rear yard area, off-street parking may be built closer than five (5) feet from the property line if a wall, fence or compact planting strip not less than four (4) feet in height exists as a parking barrier along the property line.
 2. All off-street parking areas shall be drained so as to prevent draining onto abutting properties and shall be constructed or materials which will have a dust-free surface resistant to erosion.
 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 street.
 4. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact planting strip 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 (1) or two (2) family dwellings.
 6. Combined parking facilities are allowed when two (2) or more uses occur on one (1) property or when a building (s) on one (1) property contain two (2) 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 the Ordinance. Parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use, except churches.
- (g) Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in Article 8.
- (h) A business involving the repair, service, sale, or display of vehicles is prohibited in areas used for parking or loading.
- (i) For the purpose of determining off-street parking requirements the following units of measurement shall apply:
 1. Floor Area: In the case of uses where floor area is the unit of determining the

required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not included any areas used for incidental service storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.

2. **Places of Assembly:** In stadiums, sport arenas, churches, and other similar places of assembly in which those in attendance occupy benches, pews, or 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 and added together.
3. **Fractions:** When units of measurement determining the number of required parking spaces result in requirement of a fractional space. Any fraction up to any including one-half (1/2) shall require one (1) parking space.
4. The minimum required off-street parking spaces shall be set forth as follows:

Use Parking Space Requirements

Automobile or Machinery Sales and Service Garages: One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees on the maximum shift.

Banks, Business and Professional Offices: Two (2) parking spaces for each two hundred (200) square feet or floor area plus one (1) parking space for each employee working within the building.

Barber Shops and Beauty Salons: Two (2) spaces for each chair plus one (1) space for each employee.

Boarding and Lodging Houses, Fraternities: Two (2) parking spaces for each three (3) beds.

Bowling Alleys: Five (5) parking spaces for each alley plus one (1) space for each employee per shift.

Churches, Auditoriums, Stadiums, Sports Arenas, Theatres, Dance Halls, Assembly Halls other than schools: One (1) space for each four (4) seats, or for each four (4) persons permitted in such edifice as stated by the fire marshall.

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 four (4) beds plus one (1) space for each two (2) employees, including nurses, per shift.

Drive-In Banks, Cleaners and Similar Businesses: Storage space for five (5) cars between the sidewalk area and the service window and one (1) parking space for each two (2) employees.

Drive-In Eating Establishments: Ten (10) parking spaces, plus one (1) parking space for each twenty (20) square feet of floor area.

Dwellings (Single and Two-family): Two (2) parking spaces for each family dwelling unit.

Dwellings (Multiple-family): Two (2) parking spaces per dwelling unit.

Funeral Home and Mortuaries: Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of floor whichever is greater, plus one (1) space for each fleet vehicle.

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 and Repair Facilities: 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 four hundred (400) square feet of gross floor area excluding auto parking within or on the building, plus one (1) parking space per two (2) employees per shift.

Hospitals: One (1) space for each bed plus one (1) space for each two (2) employees.

Hotels, Motels, Lodging, Houses, Tourist and Boarding Homes: One (1) space for each living unit plus one (1) space for each two (2) employees per shift.

Libraries, Museums, 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.

Manufacturing, Fabricating Processing and Bottling Plants, Research and Testing Laboratories: One (1) space for each two (2) employees on maximum shift.

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 Herein: One (1) parking space for each one hundred and fifty (150) square feet of floor area excluding auto parking space within or on the building.

Roadside Stands: Five (5) parking spaces, plus one (1) parking space 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 grounds or building plus one (1) space for each thirty (30) students enrolled.

Senior High School and Institution of Higher Learning, Private or Public: One (1) parking space for each employee (including teachers and administrators) plus one (1) for each ten (10) students in addition to the requirements of the auditorium.

Self-Service Laundry or Dry Cleaning Stores: One (1) space for each two (2) washing and-or dry-cleaning machines.

Super Market, 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 Warehouse: One (1) space for each four hundred (400) square feet floor area plus one (1) space for each two (2) employees.

5. Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

SECTION 9.02 Loading-Unloading Requirements

In connection with every building or part thereof hereafter erected, except single and two (2) family dwelling unit structures, there shall be provided on the same lot with such

buildings, off-street loading and unloading spaces for uses with 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 Building Inspector for review at the time of application for a building 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 fifty-five (55) 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 a 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 within 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 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, lighted and shall have appropriate bumper or 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 (excluding single family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with 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 of a similar or related use shall apply.

ARTICLE 10

CONDITIONAL USES

SECTION 10.01 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, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but because 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, because 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.

SECTION 10.02 Authority to Grant Permits

The Township Board, with recommendation from the Township Planning Commission shall have the authority to grant Conditional Use Permits, subject to conditions of design and operation, safeguards and time limitations, as it may determine for all conditional uses specified in this Ordinance.

SECTION 10.03 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 application form, submitting required data, exhibits and information and depositing a fee in accordance with the Schedule of Fees established by the Township Board, with the Township. Upon receipt of the application and fee, the Township Board shall refer the application to the Township Planning Commission for review and action by the Township Planning Commission in accordance with the provisions of this Ordinance. Approvals of fire and police and environmental impact agencies may be required in appropriate circumstances.

SECTION 10.04 Data, Exhibits and Information Required in Application

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, the address of the property involved, an accurate survey drawing of said property, or a preliminary site plan, showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and a development plan with supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance. Final approval shall be subject to a Site plan containing the information required in Section 6.17.

SECTION 10.05 Posting of Property and Public Hearing

Upon receipt of the application and supporting material as required by this Ordinance, the Township Planning Commission shall hold a public hearing, notice of which shall be published in a newspaper of general circulation in the Township at least one (1) time 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 questions, and to the occupants of all structures within 300 feet. The notice shall be given not less than fifteen (15) days before the date the 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 one occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be required to post the notice at the primary entrance to the structure. The notice shall:

- (a) Describe the nature of the special land use request.
- (b) Indicate the property which is the subject of the special land use request.
- (c) State when and where the special land use request will be considered.
- (d) Indicate when and where written comments will be received concerning the request.

SECTION 10.06 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 accord 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 set forth in SECTION 10.06 (A) of this Article and with respect to the applicable specific conditions set forth applicable to the Conditional Use for which application has been made. 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.

SECTION 10.06.A General Standards for all Conditional Use Permits

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

- (a) The parcel will, according to the plans and specifications, data, exhibits and information supplied to the Planning Commission by the applicant, meet the specific requirements and regulations as set forth in this Ordinance applicable to said Conditional Use in the zoning district in which said use is to be located and shall be lawful under all Federal, State and Local Laws, Ordinances and Regulations applicable thereto.
- (b) The property will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal, water, sanitary and storm sewers, electric and other power so as to provide heat and light, or that the persons who will own or operate the property shall be able to adequately provide any such service on a non-public basis. In this regard, the plans and specifications for all public, industrial and commercial buildings for which a Conditional Use Permit has been applied may be submitted by the Township Planning Commission, to the Township Police and Fire Department and to the Calhoun County Health Department with a request for a written determination that the building will comply with applicable Township, State and Federal laws, ordinances and regulations applicable thereto.
- (c) The parcel will not be hazardous or disturbing to existing or future neighborhood uses.
- (d) The property will not create excessive additional requirements at public cost for public facilities and services.
- (e) The property will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Master Plan then in effect.
- (f) The property will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such conditional use will not change the essential character of the general vicinity.
- (g) The property will be a substantial improvement to the property in the immediate vicinity and to the community as a whole.
- (h) The property will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

SECTION 10.06.B Compliance Bond

In issuing a Conditional Use Permit, the Township Board may require a surety or cash bond to be furnished by the owner to insure 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 amount of said bond shall be determined by the Township Board.

SECTION 10.06.C 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.

SECTION 10.06.D Continued Validity of Permit: Revocation

- (a) 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 he 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, if such a Conditional Use Permit is granted, does expressly grant to the Township, for the enforcement of this Ordinance, 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.
- (b) 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 in 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.
- (c) In the event the owner or occupant of the property for which a Conditional Use Permit has been issued, shall cease to use the land for the use the permit has been granted for a period of ninety (90) consecutive days or more, or shall cease to use the building(s) for the use the permit has been granted for a period of six (6) consecutive months or more, a revocation hearing shall may scheduled.

1. Revocation Hearing under Section 10.06.D

The Zoning Administrator shall notify the owner or occupant of the property by certified letter or personal service of the intent of the Township to revoke a Conditional Use Permit. Service shall be made at least fifteen (15) days prior to the hearing, which shall comply with Section 10.05. The Planning Commission shall accept oral or written testimony from any interested party. If it is the determination of the Planning Commission that the permit be revoked, a recommendation shall be made to the Township Board.

2. Township Board Action under Section 10.06.D

The Township Board shall review the recommendation of the Planning Commission and, if satisfied that the conditional use has been discontinued for the period referred to, may revoke the Conditional Use Permit.

SECTION 10.06.E Specific Conditions and Requirements – Conditional Uses

In addition to the general standards outlined under Section 10.06.A for all conditional uses, some conditional uses shall also be subject to specific conditions for approval. In addition to those listed, the Planning Commission and/or the Township Board may impose further conditions based upon concerns related to the compatibility of the conditional use in relation to surrounding land uses and zoning districts. The following uses are listed with their associated zoning district and Section:

<u>Conditional Use</u>	<u>District(s)</u>	<u>Section</u>
Junk Yard/Inoperative Vehicle	LI	10.07
Group Day/Adult Foster Care Home	AA, AB, RA, RB	10.08
Child Center/Nursing/Assisted Living	MF, LS	10.08
Places of Amuse./Commercial Recreation	HS	10.09
Gasoline Service Station	LS	10.10
Medical/Dental/Animal Clinic	LS	10.11
Mining & Extraction	AA, AB, OC	10.12
Campgrounds, Pvt. Recreation	AA, MHP, OC	10.13
Planned Unit Residential Development	AA, RA, RB, MHP, MF, OC	10.14
Regional Shopping Center	HS	10.15
Churches/Community Buildings	AA, RA	10.16
Golf Course/Driving Range	AA, MHP, OC	10.17
Agri-Business/Agri-tainment	AB	10.18
Mini-Storage Warehouse	MF	10.19
Telecommunication Towers	AA, LI	10.20
Commercial Kennel	AB	10.21
Private Airport	AA, AB	10.22
Home Occupation	AA, AB, RA, RB	10.23
Roadside Stand	AA, AB, RA	10.24
High Density Animal Feeding	AB	10.25
Office uses	MF	10.26
Drive-In/Drive Through Establishments	LS	10.27
Liquor Related-Stores & Restaurants	LS	10.28
Temporary Buildings/Trailer Offices	AA	10.29
Open Air Business/Display/Flea Markets	LI	10.30
Wholesale Service Business/Outdoor	LI	10.31
Transportation Terminal/Related	LI	10.32
Contractor's Establishment	LI	10.33

SECTION 10.07 Junk Yard/Inoperative Vehicle

- a. Junk yards shall be established and maintained in accordance with applicable laws of the State of Michigan.
- b. It is recognized by this Ordinance that the location in the open of such materials included in this 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 value 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 requirement, the Planning Commission or Township Board may require a greenbelt in accordance with the provisions of ARTICLE 6.
- c. On the land on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yards shall be paved, or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.
- d.
 - 1. All dismantling shall take place on a concrete slab.
 - 2. The slab shall be above grade from ground level, sealed from ground water, surrounded by a sill. The slab must drain to a crock sump.
 - 3. There shall be a containment tank above ground for fluids and containment dikes beneath tanks.
 - 4. All dismantling shall take place with a completely enclosed building.
 - 5. There shall be hazardous materials pick-up and a log available for inspection by the Zoning Administrator or his/her designee. There shall be a separate log for personal on site use of hazardous materials available for inspection by the Zoning Administrator or his/her designee.
 - 6. There shall be a Surety Bond provided, with the amount to be set by the Planning Commission or Township Board.
 - 7. Any "crusher" operation must be during the hours of 8 A.M. to 5 P.M. Monday through Friday with no holiday operations.

8. There shall be no stacking of cars prior to crushing or dismantling.
9. There shall be multiple entrances with aisles wide enough to accommodate access by the appropriate emergency vehicles.
10. No aisles shall dead end into another aisle, fence or building.

SECTION 10.08 Group Day Care/Adult Foster Care/Child Care Center/Nursing Home

- a. Applications shall adhere to the definitions under Article 19. In addition, the application shall indicate the status of any county, state or federal licensing or certifications required or approved. Should licensing of such facilities be revoked, the Township may also seek revocation of the conditional use permit.
- b. The applicant shall include information related to:
 1. The number of children, adults or residents residing or being cared for in the facility.
 2. The number of resident and non-resident employees providing care services.
 3. The hours of operation and the contact person for the facility.
- c. The applicant shall provide a preliminary site plan identifying access and parking areas. Where the facility abuts a single family residence, appropriate screening, either in the form of landscaping, fencing or both, shall be provided. Expanded needs of lighting, trash collection, and similar impacts shall be minimized and controlled onsite.

SECTION 10.09 Commercial Recreation Facilities

Such uses shall include drive-in theaters, bowling alleys, stand alone driving ranges, including domed facilities and other uses deemed commercial recreation where facilities and services are provided for profit.

- 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 facilities 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 of 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 10.10 Gasoline Service Stations

Specific conditions listed under Section 15.02 (h)

SECTION 10.11 Medical, Dental Clinic and Animal Clinics

- a. The facility shall provide for limited overnight accommodations, with the intent of providing for both regular and routine visits as well as emergency services during normal business hours.

SECTION 10.12 Mining & Extraction

- a. Pits and quarries shall be completely enclosed by a fence four (4) or more feet in height for the safety of the general public. Said fence shall be placed no closer than ten (10) feet to the outside perimeter of the pit or quarry. Said fence shall conform with the minimum setback requirements of the district in which it is located.
- b. No slope shall exceed an angle with the horizontal of more than thirty (30) degrees for the first twelve (12) feet along the horizontal, after which the slope shall not exceed an angle with the horizontal of more than forty-five (45) degrees.
- c. 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. A site reclamation plan shall be filed with the application for conditional use and appropriate site plans. Strict adherence to the site plan and reclamation plan shall be required, with any changes subject to the approval of the Planning Commission.
- d. The Planning Commission, upon recommendation from the County Road Commission, shall establish routes of ingress and egress for truck movement in order to minimize the wear of public roads and to prevent hazards to traffic. All interior roadways shall be chemically treated to reduce dust.

SECTION 10.13 Campgrounds, Camps and Lodges

- a. In addition to the specific conditions and requirements herein provided, the campground shall comply with all applicable provisions of Act 171 of the Public Acts of 1970 and the administrative rules and regulations issued thereunder, then in effect on the date the Conditional Use Permit is issued.
 1. The campground shall meet the minimum requirements for a "Primitive Campground" as defined in the rules and regulations promulgated under Act 171 of the Public Acts of 1970.

2. The minimum size of campground shall be 15 acres.
 3. Outdoor cooking facilities shall be constructed for each site and open fires shall be prohibited except in designated areas.
- b. Use Standards:
1. No individual or group shall be allowed to occupy sites within the campground for more than fourteen (14) days.
 2. The campground shall be open to the general public.
- c. Private and semi-private camps and lodges shall comply with the following provisions:
1. No commercial activity shall be conducted on the premises, except as an accessory use.
 2. Such use shall be located on a lot of not less than one (1) acre in size.
 3. No building shall exceed thirty (30) feet in height; and shall be located no nearer to any property line than forty (40) feet. Yards may be utilized for parking provided that such parking be no closer than ten (10) feet to any side or rear property line, nor twenty (20) feet to any street or highway right-of-way line.
 4. Parking areas located adjacent to any residential or institutional use shall be screened from such use by an approved fence, or masonry wall of not less than four (4) nor greater than eight (8) feet in height. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking areas from adjacent properties may be planted and maintained at a height of not less than four (4) feet.

SECTION 10.14 Planned Unit Residential Development (PURD)

Planned unit residential development is intended to provide the applicant flexibility in the design and layout and enhance the administrative process for review and approval based upon the community's desire to preserve open space and provide more affordable housing where feasible. The permitted and conditional uses within the underlying zoning district shall be the principal uses within the PURD. Any proposed uses not listed as permitted or special exception uses in the underlying district may be considered, provided that they do not exceed ten percent (10%) of the land area or the number of units within the total development project. When considered, such uses shall be centrally located on the site and the perimeter of the site shall be developed in a manner most compatible with surrounding land use and zoning.

The lot area requirement within the underlying zoning district shall determine the density for the development. The size of the parcels (under land division), lots (under subdivision or platting), or sites (under site condominium) shall comply with the requirements for "lot area" within the underlying zone, subject to reduction based upon open space set asides. The reduction in lot area shall not exceed the percentage of land devoted to open space within the

development project. Reference to an "agreement" within the approval process shall be in the form of deed restrictions or provisions within the Master Deed for the project, with any conditions or restrictions less restrictive than the zoning ordinance clearly stated and outlined on the site plan.

a. Required standards for approval:

1. 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 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. The area of land set aside as common land, open space or recreation, except as above indicated, shall be included as a part of the net development area.
2. The proposed development must be served adequately by essential public facilities and service, such as highways, streets, police and fire protection, drainage structures, and 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.
3. 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 for development.
4. The common open space, any other common properties, individual properties and all other elements of the PURD 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.

b. Deed restrictions and covenants entered into or proposed to be contracted for by the developer become an appropriate consideration of the Township Planning Commission. The Planning Commission and Board may consider the manner in which the lawful contractual techniques can augment lawful zoning techniques in attaining the objectives of the PURD and may make its recommendations conditional upon these contractual relations between private parties, or may recommend procedures whereby the Township becomes a party to such contractual relations.

c. Required provisions in site plan:

1. 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 residents of the

PURD and not inconsistent with the best interests of the entire Township. The applicant may be required to dedicate land for street or parking purposes and, by appropriate covenants, to restrict areas perpetually 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.

d. Tentative Township Board Approval:

The Township Board, upon 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 in order to promote the health, safety, morals, convenience and general welfare. Upon receipt of tentative approval by the Board, the applicant shall then execute an Agreement to construct the PURD in accordance with the plans, documents and other data supplied to the Planning Commission and Board and such other conditions and requirements as may be imposed by the Board in giving its tentative approval to the applicant.

- e.** All plans shall be then be submitted to the Calhoun County Road Commission, Calhoun County Health Department and Calhoun County Drain Commission for their review and approval. Final Township Board approval shall be based upon these agency approvals, and final site plan approval by the Planning Commission, prior to submission to the Township Board.
- f.** So long as the Conditional Use Permit issued hereunder is validly in force and effect the PURD shall be exempt from the provisions of this Ordinance relating to size of lots, depth of yards, distance between buildings and building height where specifically referred to in the Agreement or Master Deed provided above.

SECTION 10.15 Regional Shopping Center

a. Site Development:

- 1. Such development shall occupy a site of not less than twenty (20) acres with not less than six hundred and sixty (660) feet of street frontage.
- 2. The mix of uses anticipated on the site shall be those permitted or conditional uses within the "HS" Highway Service Commercial District.
- 3. Any portion of a building in excess of 10,000 square feet shall be setback 100 feet from any adjoining property line or street right-of-way.

- b. 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 Article 6.

- c. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- d. 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.
- e. Parking and circulation: There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of 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 10.16 Churches and Community Buildings (Public/Non-profit uses)

Facilities within the community that provide for uses or activities for the benefit of residents and non-residents alike are subject to conditional use approval when located within agricultural or single family residential districts. The intent is to integrate such uses within close proximity of these residential areas subject to 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 the 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 10.17 Golf Course with Driving Range Facilities

Public or private golf course facilities, driving ranges and other recreational facilities are intended to provide the community with open space and recreational amenities within close proximity of residential areas. It is intended that where residential development includes a golf course that such combined use will meet the requirements and procedures for planned unit development. A driving range shall be a secondary and incidental use to the primary golf course operation.

a. Site Development

- 1. Lot Area: Such development shall occupy a site of not less than twenty (20) acres.

2. Lot Width: Minimum lot width shall be six hundred and sixty (660) feet.
- b. The golf course, driving range or similar recreational use shall include a clubhouse or pro shop as a secondary use to the principal open space use. The provision for stand-alone driving ranges, enclosed dome facilities or similar enclosures shall not be allowed within these open space or residential districts, but rather as conditional uses listed under Places of Amusement/Commercial Recreation (Section 10.09).

SECTION 10.18 Agri-business or Agri-tainment

- a. Where such use adjoins a residential district, the side and rear yard setbacks shall be increased to one hundred (100) feet.
- b. An Agri-business or agri-tainment, specifically listed under Section 11A.03, shall include buildings, structures, lots, parcels or parts thereof which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities or related to agricultural education and training.

SECTION 10.19 Mini-Storage Facilities

- a. The entire area used for parking shall be paved.
- b. There shall be no outside storage permitted.
- c. There shall be no type of retail business operated from the building(s) constructed for storage.
- d. Adequate lighting must be installed in a manner as to provide security and no illumination source shall cause nuisance to adjacent properties.

SECTION 10.20 Telecommunications Towers

- a. Purpose: Regulation of commercial wireless communication services towers is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further intent and purpose of the Township to minimize adverse visual effects of towers, avoid damage to adjacent properties, maintain the integrity of the neighborhoods in the Township and the pristine rural character, property values and aesthetic quality of the community at large, while adequately serving the community's communications services needs. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests. The Township is mindful that regulations may not unreasonably discriminate among providers, or prohibit the provision of wireless communications services.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

1. Promote the public health, safety and welfare of the residents of Convis Township.
 2. Facilitate adequate and efficient provision of sites for wireless communication facilities.
 3. Assign districts considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
 4. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
 5. Limit inappropriate physical and aesthetic overcrowding of land use other public services and facilities needs.
 6. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
 7. Minimize the adverse effects of technological obsolescence of such facilities, including a requirement to remove unused and-or unnecessary facilities in a timely fashion.
 8. Minimize the negative visual effect of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights of way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures, taking into consideration the purposes and intent of this section.
 9. Minimize the harmful effects of wireless communication facilities on local wildlife and birds. This contemplates the establishment of as few structures as reasonably feasible, and the use of structural designs that minimize the danger to wildlife and birds.
 10. The Convis Township Board finds that the presence of numerous tower structures, particularly if located within developed areas, would decrease the attractiveness and destroy the pristine rural character and integrity of the community. This, in turn, would have an adverse consequence upon property values. Therefore, it is necessary to promote co-location of wireless communication facilities to minimize the adverse consequence from the presence of numerous tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare of the residents of the Township.
- b. Definitions: The following definitions shall apply in the interpretation of this section:
1. Wireless Communication Facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; amateur radio facilities; satellite dishes; and governmental facilities subject to state or federal law or regulations that may preempt municipal regulatory authority.
 2. Attached Wireless Communication Facilities shall mean wireless communication

facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

3. Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other similar structures.
4. Co-location shall mean the location of two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication facilities within the community.

c. Authorization:

1. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted accessory use;
 - a) Where an existing structure will serve as an Attached Wireless Communication Facility; and where the existing structure is not, in the discretion of the Township, proposed to be either materially altered or materially changed in appearance.
 - b) Where the proposed is for the co-location of a wireless communication facility upon an Attached Wireless Communication Facility that has been previously approved for such co-location by the Township.
2. Subject to the standards and conditions set forth herein, wireless communication facilities may be a conditional use in the following districts if the Planning Commission grants a conditional use permit:
 - a) "AA" Agricultural District
 - b) "LI" Light Industrial District
3. Tower facility operators shall notify the Convis Planning Commission in writing thirty (30) days prior to making any addition to an Attached Wireless Communication Facility or to a Wireless Communication Facility upon an attached Wireless Communication Facility. The notification shall include a detailed description of the addition, and the name, address and telephone number of the contact person.

d. Requirements

1. All Applications for the construction or installation of wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its direction.
2. Standards and Conditions Applicable to all Wireless Communications Facilities:
 - a. Facilities shall be located and designed to be harmonious with the surrounding areas. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities.
 - b. Wireless communication facilities shall comply with applicable federal and state

- standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a Certification of Compliance by the applicant's licensed engineer.
- c. Applicants shall demonstrate a justification for the proposed height of the structure and an evaluation of alternative designs that might result in a lower height.
 - d. Guyed structures shall not be permitted.
 - e. The maximum height of any structure, including its attachments and antenna(s), shall be the minimum height necessary to meet the applicant's demonstrated needs. The preference is for the entire structure, including antennas and attachments to be under 200 feet tall. If the proposed structure, in its entirety, is anticipated to be more than 199 feet, the applicant shall bear the burden of proving the necessity of the additional height.
 - f. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
 - g. If the Planning Commission approves the construction of a new structure, the Planning Commission shall set a date by which construction must be completed.
3. Standards and Conditions Applicable to Wireless Communication Facilities requiring a conditional use permit. Wireless communication facilities as described in subparagraph D(1) shall be permitted only after conditional approval is granted by the Township Board in accordance with the procedures, requirements and standards set forth in this Section, and subject to any additional conditions recommended by the Planning Commission and imposed by the Township Board. The following standards shall be met:
- a. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, a freestanding (lattice or monopole) structure shall be set back 110% of the structure from any adjacent residential property building, property line or road right-of-way.
 - 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 minimum setback of any approved structure, and accessory structures shall be in accordance with the required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located, or in accordance with the provisions in this section, whichever is greater.
 - d. There shall be unobstructed vehicular access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will be needed to access the site.
 - e. The maximum height of the new or modified support structure and antenna(s) and

attachments of the new or modified support structure shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure); the preference is for structures that are wholly under 200 feet tall. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

- f. The tower base shall be enclosed by a security fence, consisting of a six foot tall chain link fence topped with three strands of barbed wire. All towers shall be equipped with an anti-climbing device.
 - g. 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 ground shields shall also be required.
 - h. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
 - i. Where a proposal is made to install an attached wireless communication facility on the roof of a building, and where the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
 - j. The support system shall be constructed in accordance with all applicable building codes.
- e. Application Requirement. Application must be made for a building permit and, in the circumstances outlined hereinabove, for a conditional use permit. 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 that are on the subject property as well as any buildings and-or residences on adjacent properties within 330 feet of the tower base. The site plan shall also identify the location of the maintenance buildings that 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. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonable prudent standard.
 - 3. A soils report from a geotechnical engineer, licensed in the state of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commissions, and Michigan Aeronautics Commission shall be noted.
 - 4. Documentation that includes the purpose of the tower, the number and type of joint users who will be and who can be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical

- safety. The Township may request that a licensed professional engineer certify any information that is submitted.
5. 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 effect of the tower.
 6. A detailed landscaping plan. In all cases, there shall be shown on the plan fencing that is required for protection of the support structure and security from children and other persons who may otherwise access the facility.
 7. A signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
 8. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
 9. The owner or duly authorized representative of all ownership interest in the land on which the Wireless Communication Facility is proposed to be located shall sign the application. In addition, the signature of the licensed entity intended to be the operator of the facility is required.
- f. Location/Separation Requirements: All commercial wireless telecommunications facilities erected, constructed or located within Convis 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 his/her 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 effect 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 two 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.
- g. Abandonment or Unused 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 Convis Township Board approves a time extension. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) that 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 Township shall remove the tower and associated facilities and the costs of removal assessed against the real

property. The Township Clerk shall be notified in writing of any change in the status of the tower, including a change in ownership, terms of the lease, removal of a carrier co-locating on that tower, the cessation of operations with regard to the facilities, or an intent to abandon the facilities, within thirty (30) days after the change has occurred.

- h. Township Property: Antennas or towers may be located on property owned, leased, or otherwise controlled by Convis Township, provided that the Township has approved a license or lease authorizing such antenna or tower, and has complied with all procures and requirements contained herein.
- i. Severability of Provisions: Invalidation of any Section or provision of this Ordinance shall not affect the validity of the remaining Sections or provisions hereof.

SECTION 10.21 Commercial Kennel

An application to construct a commercial kennel for the purpose of boarding ten (10) or more domesticated animals shall be subject to the necessary permits and approvals from the Calhoun County Health Department and the State of Michigan and meet the following conditions:

- a. There shall be a one hundred (100) foot setback from any adjacent property line for any building or exterior area used for boarding or as an exercise area (such as a dog run).
- b. All buildings shall be soundproofed and secured by perimeter fencing.
- c. Landscaping on the outside of the perimeter fencing shall be required where the fencing is within two hundred (200) feet of any adjacent residence.

SECTION 10.22 Private Airport or Landing Strip

The following conditions shall be met in addition to meeting the site development standards within the "AB" Agricultural Business District:

- a. The airport or landing strip shall be subject to the approval process of the FAA and any State or County certifications, licensing or regulations relating to development (required runway length, lighting, etc.) or operation (hours, noise levels, etc.).
- b. The location of the runway (landing strip), hangars or any other storage buildings or parking areas shall be setback two hundred (200) feet from any adjoining property line.

SECTION 10.23 Class B Home Occupations

Home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, 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:

- a. The non-residential use shall be only incidental to the primary residential use of the

property.

- b. The home occupation shall be limited to no more than thirty (30) per cent of the total floor area of the dwelling and no more than forty (40) percent of the total floor area of any accessory building.
- c. There shall be no more than one (1) employee other than members of the immediate family residing on the premises.
- d. All activities shall be conducted indoors.
- e. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
- e. No home occupation shall be permitted which is injurious to the general character of the residential or agricultural district and which creates a hazardous or unhealthy condition.
- f. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.

SECTION 10.24 Roadside Stands

- a. The stand shall be located no closer than twenty (20) feet to the road right-of-way and the building shall not exceed a height of fifteen (15) feet or have a floor area not to exceed five hundred (500) square feet.
- b. Off-street parking shall be capable of accommodating at least four (4) vehicles, with such parking areas arranged so as to restrict any backing movements onto the roadway. A separate entrance and exit are required unless a single defined access of no less than twenty-four (24) feet in width is adhered to.
- c. Signage shall adhere to the standards for home occupations.
- d. The site shall be limited to the sale of products produced on the land and no more than twenty-five percent (25%) of products brought in from other sources. Outdoor display of products shall be limited to the twenty foot (20') setback and normal business hours and trash receptacles shall be provided. The applicant shall be responsible for maintaining the property in a safe and healthful manner.

SECTION 10.25 High Density Animal Feeding Operations

The development of a high density animal feeding operation is subject to the following interpretation and conditions:

- a. Animals are confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period.

- b. The operation meets or exceeds the feeding and confinement of fifty (50) or more animal units as regulated by the Department of Agriculture and defined as follows:
 - 1. One (1) beef or feeder cattle
 - 2. Seven-tenths (.7) mature dairy cattle, whether milked or dry cows.
 - 3. Two and five tenths (2.5) swine each weighing 55 pounds or more.
 - 4. Five-tenths (.5) horses.
 - 5. Ten (10.0) sheep, lamb or goats
 - 6. Fifty-five (55) turkeys
 - 7. One hundred (100) laying hens or broilers (if the facility has a continuous overflow watering system).
 - 8. Thirty (30) laying hens or broilers (if the facility has a liquid manure handling system).
 - 9. Five (5) ducks.
- c. The confinement and feeding of animals complies with Federal, State and local regulations, with any former violations by the owner or operator documented at the time of application.
- d. A sustained ground cover (crops, vegetation, forage growth or post harvest residue) cannot be maintained during the normal growing season over that portion of the lot or facility when the animals are housed or confined.
- e. Two or more contiguous animal feeding operations are deemed to be a single animal feeding operation if they are under common ownership, operation, or share a common area or system for waste disposal.
- f. The operation must utilize accepted animal waste (manure, bedding, flush waters or other by-products) management practices as established under the State of Michigan Department of Agriculture Generally Accepted Animal Management Practices (GAAMP's).
- g. An application for conditional use permit for high-density animal feeding operations shall include the required site plan as established within the GAAMP's and generally include the following information:
 - 1. A description of the types and total number of animal units to be confined on the site.

2. A detailed plan for the handling, storage, treatment, and disposal of animal waste; including the timetable for implementation of the plan and the location of any waste application.
 3. A detailed plan for controlling noise, dust, and odors; including a timetable for implementation of the plan.
 4. A description of the design, installation and operation of all facilities and equipment required to monitor groundwater, soil, or air contamination as required by Federal, State or local regulating agencies. In addition, copies of reports or results of tests shall be submitted to the Township upon receipt by the owner/operator.
- h. The operation shall meet setback and locational standards consistent with the GAAMP's based upon the number of animal units and the distance from nonfarm residences.

SECTION 10.26 Office Uses

- a. The office use shall serve as a buffer between the "MF" Multiple Family Residence District and an adjoining residential or commercial district and shall orient its parking facilities away from the less intensive use.

SECTION 10.27 Drive-In and Drive-Through Establishments

The uses listed under this category include fast food restaurants, banks or similar uses where traffic access and movement through the site requires the following:

- a. Sufficient "stacking" area shall be provided that allows for no less than one hundred (100) feet (roughly 5 vehicle lengths) of length and twelve (12) feet of width for any lane providing access to the drive-through window.
- b. Access and parking areas for either drive-in or drive-through uses shall be clearly marked and minimize conflicts for pedestrians accessing the building or other facilities.
- c. Where such uses are adjacent to a residence or a residential district, the parking area and/or drive lanes shall be screened with a six (6) foot high opaque fence. Trash containers shall also be screened with fencing or landscaping.

SECTION 10.28 Liquor Related Stores or Restaurants Serving Alcohol

Where such uses are to be located in the "LS" Local Service Commercial District, consideration shall be given to the impact of such use on surrounding land uses, including residential areas. In order to minimize this impact, the following conditions are required:

- a. The Planning Commission or Township Board may establish limits on hours of operation beyond 11:00 p.m. due to noise or other disturbances associated with such businesses.
- b. Parking areas shall be screened from any adjoining residences or residential districts with an opaque fence six (6) feet in height. In addition, lighting must project onto the site and away from any adjoining properties.

SECTION 10.29 Temporary Buildings and Trailer Offices

A conditional use permit shall be required for the location and use of temporary buildings or offices during the construction of a principal building or use. Such permit shall be limited to no more than one (1) year from the date of approval. Reapplication shall be required should this temporary use extend beyond this period. The building or office shall be connected to a water and wastewater system or receive approval from the Calhoun County Health Department for an alternative system.

SECTION 10.30 Open Air Business/Display/Flea Markets

- a. The minimum lot area for any business shall be two (2) acres.
- b. The parking areas shall be arranged between the public road or access road and the building or location for the display. No display of materials may be within one hundred (100) feet of a public road right-of-way.
- c. Lighting of the site shall not impact on adjacent properties or create a traffic hazard in and around access points.
- d. The Planning Commission or Township Board may establish both hours of operation and length of time (days or months) for the open air business. No additional signage shall be allowed beyond that prescribed under Article 8.

SECTION 10.31 Wholesale Service Business

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 10.32 Truck Terminal and Vehicle/Truck Storage Areas

A wide range of uses may involve the short-term parking of vehicles or trucks as a secondary and accessory use to their primary use. Where the Zoning Administrator determines that the storage or parking of vehicles or trucks is the primary use, the Planning Commission or Township Board may require a conditional use permit for such use and impose the following conditions:

- a. The storage of vehicles or trucks must be within an enclosed building or parking structure or located on the property such that the visual impact is reduced or eliminated. In no case shall the long-term parking occur in the front yard setback or in front of the building line, whichever is greater.
- b. Where the parking area can be seen from the public road right-of-way, a combination of a natural landscape screen and fencing may be required.
- c. The parking area shall be setback no less than one hundred (100) feet from any existing residence.
- d. No repair activities shall occur outside the enclosed building or garage and all vehicles must be licensed and fully operable at all times.

SECTION 10.33 Contractor's Establishment

A wide range of uses may be classified under contractor's establishment. Such use shall be primarily regulated as to the location of materials and equipment stored outside. Such outdoor storage shall be fenced or screened and be located in the side or rear yard and not be visible from the street or road right-of-way.

SECTION 10.34 **WIND ENERGY SYSTEMS**

A. Definitions: For the purpose of this Section and Ordinance, the following terms and phrases shall have the following meanings.

1. Ambient. The sound pressure level exceeded 90% of the time or L90.
2. ANSI. American National Standards Institute.
3. dB(A). The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. dB(C). The sound pressure level in decibels of frequencies below 1k Hz. Refers to the "c" weighted scale defined by ANSI S1.43-1997.
5. Decibel. The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. Horizontal Axis Wind Energy System. A wind turbine design in which the shaft is parallel to the ground and the blades are perpendicular to the ground.
7. Hub Height. The vertical distance measured from ground level to the center of the turbine hub.

8. MET (meteorological) Tower. The structure and equipment used to determine the placement or potential placement of a WES, containing instrumentation such as anemometers designed to provide wind data.
9. (WES) Non-Participating Parcel. A parcel in the township that does not participate in a lease, easement or other agreement for the purpose of using the parcel for the placement of On-Site WES, Utility Scale WES, an MET Tower (of any size), or a Wind Energy Generation Facility. Non-Participating Parcel shall include a parcel that has granted a waiver for setbacks, sound or shadow flicker pursuant to this Ordinance even if value is exchanged for such waiver.
10. On-Site Use Wind Energy System ("On-Site WES"). A WES with the purpose of providing energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or to adjacent properties with the consent of the owners of the property where the structure is located and the owners of the adjacent properties.
11. (WES) Participating Parcel. A parcel in the township that participates in a lease, easement or other agreement with an entity submitting a conditional use application for the establishment of a Utility Scale WES, MET Tower, a transmission line or any other WEGF related devices for the purpose of using the parcel for the placement of a Utility Scale WES, MET Tower, a transmission line or any other WEGF related devices. A Participating Parcel does not include a parcel that has granted a waiver for setbacks, sound or shadow flicker pursuant to this Ordinance even if value is exchanged for such a waiver. For On-Site WES, the Participating Parcel is the parcel where the structure is located.
12. Pre-Existing Sound Pressure Level. The amount of background sound at a given location prior to the installation of a WES which may include, but shall not be limited to traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The sound levels are to be measured on a dB(A) weighted scale as defined by the American National Standards Institute.
13. Shadow Flicker. Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects.
14. Sound Pressure. Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
15. Sound Pressure Level. The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
16. Total Height. Vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy System (WES) whichever is greater.
17. Utility Scale Wind Energy System. A WES principally designed and/or constructed to provide electricity to the local and/or regional electrical utility grid.
18. Vertical Axis Wind Energy System. A wind generator design where the rotating shaft is perpendicular to the ground and the cups or blades rotate parallel to the ground.
19. WES Rotor Diameter. The distance measured across the central potential swept area of a WES blade's pattern.
20. Wind Energy System (WES). Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other

component used in the system. Also refers to the term “wind turbine” or “wind generator”.

21. Wind Energy Generation Facility (WEGF) . Electricity generating facility consisting of one or more Utility Scale wind turbines under common ownership or operational control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

B. Additional Information for On-Site WES or MET Tower. In addition to the information required by Section 6.17, the following additional information shall be submitted as part of a conditional use application for an On-Site WES or MET Tower greater than 40 feet in total height:

1. Name of property owner(s), parcel identification number and address.
2. Zoning classification of the Participating Parcel.
3. Proposed type, number and height of the On-Site WES or MET Towers to be constructed including the manufacturer and model, product specifications regarding noise output (measured in decibels; dB(A)), total rated generating capacity, dimensions, rotor diameter, and description of ancillary facilities (including but not limited to tower design, color, and wiring).
4. Evidence that the Michigan Public Service Commission and the subject utility company have been informed of the applicant’s intent to install an interconnected, customer-owned generator and that such connection has been approved.
5. A map drawn to scale depicting the Participating Parcel's property lines, locations of existing roads and access drives, structures including above and below grade utility lines, public easements and existing mature vegetation.
6. The required setbacks shall be displayed upon the Participating Parcel’s site plan.
7. The location(s) of the On-Site WES or MET Towers and its supporting electrical system’s components including distances from existing structures, utility lines or any other possibly impacted items on-site.
8. An engineered set of plans illustrating the proposed On-Site WES or MET Towers shall be prepared or reviewed by a registered engineer.
9. Standard drawings of any proposed equipment for review of the structural components of the On-Site WES or MET Towers, including structures, towers, bases, and footings. A registered engineer’s certification is required for all drawings and any necessary calculations that indicate that the system complies with all applicable local, state, and federal building, structural and electrical codes.

C. Additional Standards for On-Site WES or MET Towers Greater Than 40 Feet in Total Height. In addition to compliance with all other standards of this Ordinance, including the Section 6.17 site plan approval standards and the Section 10.06(A) conditional use approval standards, an application for an On-Site WES or MET tower greater than 40 feet in total height shall comply with the following:

1. Public Health, Safety and Welfare: Installation of the proposed On-Site WES or MET Towers shall be consistent with the public health, safety and welfare of Convis Township.

2. State, Federal and Local Laws: On-Site WES and MET Towers shall comply with all State, Federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration ("FAA"), the Michigan Airport Zoning Act and the Michigan Tall Structures Act. No On-Site WES or MET Towers shall be located on any property in such a manner as to interfere with the safe takeoff, approach and landing of aircraft at any non-publicly owned airport (See "publicly-owned" as defined by the Michigan Airport Zoning Act, as amended).
3. Technological Obsolescence: The On-Site WES and MET Towers shall minimize the adverse impacts of technological obsolescence of such equipment.
4. Visual Appearance
 - a. On-Site WES and MET Towers shall be required to be of a neutral, non-reflective, non-obtrusive color which shall be maintained throughout the life of the product.
 - b. On-Site WES and MET Towers shall not be artificially lighted except to comply with applicable FAA or other Federal, State or local requirements, or to the extent necessary for the reasonable safety and security thereof.
 - c. No advertising is permitted upon an On-Site WES or MET Tower. Additional items such as banners, streamers, flags and similar items are hereby prohibited from being attached to any On-Site WES or MET Towers or their support structure.
 - d. Guyed structures shall not be permitted.
 - e. Any electrical system components related to the On-Site WES or MET Tower, except necessary wiring from the base of the support structure to the turbine, are required to be placed underground within the boundary of each Participating Parcel at a depth designed to accommodate the existing land use to the maximum extent practical.
 - f. The siting of an On-Site WES or MET Tower shall, to the greatest extent practical, minimize its visual presence as viewed from adjacent and nearby properties, public road and other public access right-of-ways, and state-registered landmarks and buildings.
5. Ground Clearance
 - a. The horizontal axis of the On-Site WES shall have a minimum distance of twenty (20') feet between the lowest extension of a rotational blade and the average grade at the base of the structure within a thirty-two (32') foot radius.
 - b. The vertical axis of the On-Site WES are exempt from a minimum height standard.
6. Sound/Noise
 - a. No On-Site WES may exceed 40 dB(A) at nighttime or 45 dB(A) during daytime along any adjacent property line of a Non-Participating Parcel. During shortterm events including but not limited to severe wind, snow or rain storms if the ambient sound pressure level exceeds 40-45 dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).
 - b. Sound requirements may be exceeded if written consent is acquired from all property owners impacted by the On-Site WES. Such written consent shall be submitted to the Township.
7. Number of On-Site WES and MET Towers: A Participating Parcel shall not be occupied by a number of On Site WES exceeding a combined total potential power output greater than ten (10) kW per hour nor shall the number of MET Towers on a Participating Parcel exceed two (2) MET Towers for each whole five (5) acres.

8. Safety

- a. An On-Site WES shall have a governing, braking, feathering or other fail-safe system designed by a certified engineer in order to mitigate and prevent uncontrolled rotation during adverse weather conditions.
- b. On-Site WES or MET Towers greater than 40 feet in height shall possess protection measures from lightning strikes.
- c. A structural analysis shall be provided demonstrating the structural integrity of the proposed On-Site WES or MET Tower support system in the event of adverse weather conditions.
- d. Ice Throw or ice shedding from the blades of the wind energy system shall not cross property lines of the site on which the facility is located and shall not impinge on any public right-of-way or overhead utility line. Any reported incidence shall follow the complaint procedures as outlined in this ordinance.

9. Setbacks

- a. All setbacks required for On-Site WES and MET Towers shall be measured from the outside edge of the base of the tower to the nearest adjacent property line of a Non-Participating Parcel.
- b. An On-Site WES or MET Tower shall be set back from a Non-Participating Parcel's property line a minimum distance equal to two (2) times the Total Height of the proposed structure.
- c. The base location for any On-Site WES or MET Tower located on a Participating Parcel shall not be located within the setbacks required by this Ordinance from existing structures, property lines or other necessary setbacks related to the site, including but not limited to utility easements, well/septic separations, or drain easements.
- d. A minimum separation distance equal to or greater than a one to one (1:1) ratio to Total Height is required between multiple On-Site WES or MET Towers.
- e. If an On-Site WES or MET Tower is mounted to a structure, then the placement of the On-Site WES or MET Tower upon the structure shall be opposite to the structure's façade facing the road right-of-way. In the case of a corner lot or lake property, the Township's Zoning Administrator shall determine which façade may be considered the Participating Parcel's principal frontage and shall place the On-Site WES or MET Tower accordingly. The placement of the On-Site WES or MET Tower shall maintain the greater of either the front-yard setback requirement for the Participating Parcel's (a) designated zoning classification, or (b) two (2) times the Total Height of the On-Site WES or MET Tower.
- f. All On-Site WES or MET Towers shall maintain a one-to-one (1:1) Total Height to setback ratio from existing utility easements, power lines or other public infrastructure related items which may exist upon the Participating Parcel.

10. Collocation. No collocation of any Wireless Communications Facilities shall be permitted on any On-Site WES or MET Tower.

D. Additional Information for Wind Energy Generation Facility and Utility Scale WES:

In addition to the information required by Section 6.17, the following additional information shall be submitted as part of a conditional use application for a Wind Energy Generation Facility and Utility Scale WES:

1. Electromagnetic Interference and Signal Degradation.
 - a. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts to existing telephone (including cellular and land line), microwave, navigational, or radio reception within the Township. The report required by this subsection shall, at a minimum, include the cumulative impact of all proposed, existing and permitted Utility Scale WES or WEGF in Calhoun County to existing telephone (including cellular and land line), microwave, navigational, or radio reception within two and a half (2.5) miles of the Utility Scale WES or WEGF Participation Parcel boundaries.
 - b. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts and degradation to the signal of any existing FCC licensed television station(s) whose DTV Service Area includes the location of the proposed Utility Scale WES or WEGF. The report required by this subsection shall, at a minimum, include the cumulative impact of all proposed, existing and permitted Utility Scale WES or WEGF in Calhoun County to each existing station included in the report. If the report shows that a geographical area within the DTV Service Area(s) of an affected station(s) will lose the ability to receive a signal level of at least 35dBuV/m using a receive antenna height of ten (10) feet as a result of the proposed turbines, an acceptable mitigation plan shall be submitted to restore coverage of that signal(s) to the residents in those areas.
2. Soil Conditions. The applicant shall produce a soils analysis to research the geologic characteristics of the site based upon on-site sampling and testing. This report shall be certified by a registered professional engineer licensed within ~~in~~ the State of Michigan.
3. Shadow Flicker. The applicant shall provide a detailed report including a visual site plan illustrating the locations of any Utility Scale WES or WEGF potential shadow areas produced by the Utility Scale WES or WEGF, including a summation of the impacts the proposed Utility Scale WES or WEGF may have upon neighboring/adjacent properties and homes, including the number of hours per year of impact and mechanisms or mitigation efforts that could be implemented to minimize any negative effects.
4. Sound/Noise. A report of the existing and expected audible and low frequency sound conditions related to the Utility Scale WES or WEGF Participating Parcels shall be conducted to identify a baseline sound presence and expected compliance with the sound limits established by this Ordinance prior to any installation of any Utility Scale WES or WEGF. The report shall be produced in accordance with standards established by ANSI by a qualified sound professional acceptable to the Township and shall include:
 - a. A description and map of the sound producing features of the Utility Scale WES or WEGF, including the range of decibel levels expected (to be measured in dB(A) and dB(C)), and the basis for the expectation.
 - b. A description and map of the existing land uses and structures including any sound receptors, (i.e. residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers) within one (1) mile of the proposed Utility Scale WES or WEGF Participating Parcel boundaries. Said description shall include the location of the structure/land use, distances from the proposed Utility Scale WES or WEGF and expected decibel readings for each receptor.

- c. The pre-existing ambient sound (including seasonal variation) and the affected sensitive receptors located within one (1) mile of the Proposed Participating parcel(s). Potential sensitive receptors at relatively less windy or quieter locations shall be emphasized and any problem areas identified.
 - d. A description of the project's proposed sound control features shall be explained within the sound report, including specific measures to mitigate noise impacts for sensitive receptors to a level consistent with this Ordinance.
5. Wind Resource Availability. The U.S. Department of Energy and National Renewable Energy Laboratory have adopted standards to measure and classify the wind based upon several factors including wind speed and density. Prior to any application being accepted for a Utility Scale WES or WEGF, a thorough wind assessment study shall be submitted to the Township. The study shall indicate the viability of a potential development by assessing the potential Participating Parcel's wind resource within the U.S. Department of Energy and National Renewable Energy Laboratory classification system.
6. Technical Documentation. The following information is to be assembled and submitted during review of a Utility Scale WES or WEGF conditional use permit as a separate report from the final site plan to address the physical characteristics of the proposed Utility Scale WES or WEGF. Said information will be placed on file with the Township for review purposes.
- a. Wind energy facility technical specifications including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions.
 - b. Typical tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the State of Michigan.
 - c. Typical tower blueprints or drawings signed by a Professional Engineer licensed to practice in the State of Michigan.
 - d. Electrical schematic illustrating the proposed support infrastructure, wires, location, and depth of the Utility Scale WES or WEGF to the point of inter-connection with any other electrical transmission lines.
7. Fire Prevention and Emergency Response Plan and Requirements.
- a. Description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
 - b. Designation of the specific agencies that would respond to potential fire or other emergencies.
 - c. Description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training and equipment available to the designated agencies.
8. Environmental Impact
- a. The site plan and supporting written narrative submitted as part of the application shall demonstrate that the proposal shall not have a significant adverse effect on area avian, bat and other wildlife and wildlife habitats including wetlands and nesting, migratory and feeding patterns, and shall identify all proposed mitigation measures to minimize potential impacts. Such narrative shall be presented as part of a separately bound report prepared by a certified wildlife biologist and the report shall document such certification and pertinent expertise of all persons contributing

- to the report and the procedures followed for documenting nesting, migratory and feeding patterns.
- b. In addition to the information required in (a) above, the above-referenced report shall include documentation regarding the proposal's compliance with the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
 - 1) Part 31 Water Resources Protection (MCL 324.3101 et seq.),
 - 2) Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.) ,
 - 3) Part 301 Inland Lakes and Streams (MCL. 324.30101 et seq.),
 - 4) Part 303 Wetlands (MCL. 324.30301 et seq.),
 - 5) Part 365 Michigan Endangered Species Protection (MCL. 324.36501 et seq.),
 - c. The report required under (a) above shall incorporate and present a baseline study of the current nesting, flight and feeding patterns associated with the sandhill crane, trumpeter swan and bald eagle populations within a two-mile radius of the boundary of the Baker Bird Sanctuary. This study shall be based upon data collected for the one (1) year period preceding the submission of the application.
 - d. Upon the construction of any Utility Scale WES or WEGF and initiation of operations, an assessment study shall be undertaken and extend one (1) year after the initiation of wind energy production. The study shall document quarterly through the year period, and in a final summary at year-end, at a minimum, the impact of the facility on area wildlife including carcass searches documenting avian and bat mortality and any changes in eating, breeding and migratory patterns. Each quarterly study shall identify all dead or injured birds and bats found within five hundred (500) feet of each wind turbine generator. The study shall be undertaken by a certified wildlife biologist hired by Convis Township. Anticipated fees for such study shall be paid by the applicant prior to the receipt of a permit to initiate construction. Any unused fees shall be returned to the applicant.
 - 1) Convis Township shall forward all post-construction reports to the U.S. Fish and Wildlife Service. The applicant shall be fully responsible for any mitigation measures required by the Service to address adverse impacts and any costs associated therewith.
9. Site Plan Requirements and Additional Data. Any site plan for a Utility Scale WES or WEGF shall include the following information.
- a. A map drawn to scale depicting the Participating Parcel's property lines, locations of existing roads and access drives, structures including above and below grade utility lines, public easements and existing mature vegetation.
 - b. The required setbacks for a Utility Scale WES or WEGF shall be displayed upon the site plan.
 - c. The location(s) of the Utility Scale WES or WEGF and any supporting electrical system components, including distances from existing structures and utility transmission.
 - d. Identification and location of the Participating Parcels on which the proposed Utility Scale WES or WEGF will be located, including distances from occupied structures on Participating Parcels. The applicant shall provide written documentation that has been recorded at the Register of Deeds from all property owners of Participating Parcels that provides evidence they agreed to be a Participating Parcel.

- e. Identification and location of occupied structures on Non-Participating Parcels and distances from property lines of Non-Participating Parcels within a three quarter (3/4) mile radius of each Participating Parcel.
- f. An illustration of the proposed type of Utility Scale WES or WEGF.
- g. Proof of the applicant's liability insurance for the subject property(s).
- h. A written description of the decommissioning and reclamation plan, including initial contact information for the Owner, those performing maintenance upon the structures, and operators of the development, and Participating Parcel owners.
- i. The Owner shall have a continuing obligation to provide the Township with up to date contact information.
- j. A site grading, erosion control and storm water drainage plan shall be submitted and approved by the Calhoun County Water Resources Commission prior to commencement of construction of a Utility Scale WES or WEGF.
- k. A description, or travel plan, of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the development shall be submitted to and approved by the Calhoun County Road Department prior to commencement of construction of a Utility Scale WES or WEGF. The travel plan shall include the load capacity of the affected road, an assessment of the roadway prior to and after the construction efforts have been completed and an intersection display or diagram indicating where and what type of improvements are necessary for transportation, delivery or maintenance purposes for any Utility Scale WES or WEGF related items. Any necessary post construction road repairs or reconstruction shall be the responsibility of the owner/operator of the Utility Scale WES or WEGF and such necessary road repairs or reconstruction shall be performed in compliance with all applicable requirements of the Calhoun County Road Department.
- l. A statement indicating what hazardous materials will be used and stored on the site.
- m. An anticipated construction schedule and project phasing plan shall be required prior to final site plan approval.
- n. A statement certifying that every Utility Scale WES or WEGF shall be inspected on an annual basis to ensure that all equipment related to the development is in proper working condition. The owner shall maintain with the Township up to date name and contact information for the person or organization responsible for the general maintenance of the structures.

E. Additional Standards for Wind Energy Generation Facility and Utility Scale WES:

In addition to compliance with all other standards of this Ordinance, including the Section 6.17 site plan approval standards and the Section 10.06(A) conditional use approval standards, an application for a Wind Energy Generation Facility and Utility Scale WES shall comply with the following:

- 1. Public Health, Safety and Welfare: The proposed installation of the WEGF or Utility Scale WES shall be consistent with preserving the public's general health, safety and welfare.

2. Technological Obsolescence: The proposed installation of the WEGF or Utility Scale WES shall minimize the adverse impacts of technological obsolescence of such equipment, including a requirement to remove obsolete and/or unnecessary Utility Scale WES or WEGF equipment in a timely manner.
3. Negative Externalities: The proposed installation of the WEGF or Utility Scale WES shall minimize any negative externalities related but not limited to noise, shadow flicker, soil erosion and physical road conditions.
4. Certified Drawings: Any proposed equipment 40 feet or greater in height shall be required to provide certified drawings of the structural components of the Utility Scale WES or WEGF including structure's components, towers, bases, and footings. A registered engineer's certification is required for all drawings and any necessary calculations that indicate the system complies with all applicable local, state, and federal building, structural and electrical codes.
5. Visual Appearance.
 - a. Utility Scale WES or WEGF shall be required to be of a neutral, non-reflective, non-obtrusive color which shall be maintained throughout the life of the product to mitigate visible oxidation or corrosion.
 - b. Lighted safety beacons may be installed upon the top of the structure's nacelle to adhere to Federal and State requirements, including FAA requirements, or to the extent necessary for the reasonable safety and security thereof. Any lighting shall be implemented at the lowest intensity allowable under law, including but not limited to any FAA regulations, and shall be reasonably shielded to reduce glare and visibility from the ground.
 - c. No advertising is permitted upon a Utility Scale WES or WEGF. Additional items such as banners, streamers, flags and similar items are prohibited from being attached to any Utility Scale WES or WEGF and or its support structure.
 - d. Support structures (i.e. the tower and or base) for a Utility Scale WES or WEGF shall not utilize guy wires.
 - e. The proposed installation of the WEGF or Utility Scale WES shall minimize negative visual impacts upon neighborhoods, community landmarks, historic sites and buildings, natural environmentally sensitive areas and public right-of-ways.
6. Sound/Noise
 - a. Sound emanating from the operation of a Utility Scale WES or WEGF shall not exceed 40 dB(A) between the hours of 10:00 pm and 6:00 am (nighttime) measured at any adjacent property line of a Non-Participating Parcel.
 - b. During the hours of 6:00 am to 10:00 pm (daytime) no Utility Scale WES or WEGF shall exceed 45 dB(A) measured at any adjacent property line of a Non-Participating Parcel. The sound pressure levels may be exceeded during short-term events such as severe wind storms. If, during short term events, the ambient sound pressure level exceeds the levels permitted by this subsection, the sound pressure level permitted shall be the ambient dB(A) plus five (5) dB(A) and shall be measured at any adjacent property line of a Non-Participating Parcel.
 - c. In the event the noise levels resulting from the Utility Scale WES or WEGF exceed the criteria listed above, a waiver to said levels may be approved by the Township, provided that the following has been accomplished:

- 1) Written consent from the affected property owner(s) has been obtained stating that they are aware of the Utility Scale WES or WEGF and the sound limitations imposed by this Ordinance and that consent is granted to allow sound levels to exceed the maximum limits otherwise allowed; and
 - 2) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent sound impact easement shall be recorded in the Calhoun County Register of Deeds office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by this Ordinance may exist on or at the burdened property.
7. Setbacks. The following setbacks shall apply and shall be measured from the outside edge of the base of the tower.
- a. The base of any Utility Scale WES or WEGF on Participating Parcels shall be set back a minimum of one and a half (1.5) times the Total Height of the Utility Scale WES or WEGF from any inhabited principal structure.
 - b. The base of any Utility Scale WES or WEGF shall be set back a minimum of two and a half (2.5) times the Total Height of the Utility Scale WES or WEGF from Non-Participating Parcels.
 - c. Each Utility Scale WES or WEGF shall adhere to a minimum setback of one and one-half (1.5) times the Total Height from a public road right-of-way, communication tower, existing electrical lines or any other public utility, except for the interconnection between a Utility Scale WES or WEGF and the transmission facilities of a public utility.
 - d. All Utility Scale WES or WEGF shall have a minimum separation distance between structures of not less than the greater of the following, and shall provide documentation and rationale certified by a registered engineer supporting the separation distance.
 - 1) One and one-half (1.5) times the WES rotor diameter.
 - 2) The minimum industry standard.
 - 3) The minimum manufacturer's recommendations.
 - e. To further encourage the placement of structures in low-impact areas, all interior property line setbacks between adjacent Participating Parcels located within a Utility Scale WES or WEGF may be waived through a written acceptance and approval by the Convis Township Board of Trustees during the conditional use permit application process, provided the minimum setbacks from inhabited principal structures are met. Any waivers accepted and approved by the Township shall be recorded, at no expense to the Township, with the County's Register of Deeds as a deed restriction against the property.
8. Low-Impact Design Layout. The placement of WEGF or Utility Scale WES shall minimize the impacts on existing agricultural endeavors and farmland activity including, but not limited to, tiling systems, harvest and planting patterns or pasture areas.
- a. Appropriate locations for potential WEGF or Utility Scale WES within existing agricultural lands shall be encouraged along fence rows, tree lines, forest areas and other portions of land which are not typically utilized for agricultural production.

- b. Land clearing, soil erosion, habitat impact and clearing of natural vegetation shall be limited only to that which is necessary for the construction, operation and maintenance of the WEGF or Utility Scale WES and is otherwise prescribed by applicable laws, regulations, and ordinances.
 - c. Any cooling system ventilation, generators or other potential sources of sound shall be referenced by location and type per Utility Scale WES or WEGF upon a final site plan. Any sound generative device shall be oriented upon the machine or site in a manner which will minimize any negative impacts to neighboring parcels.
9. Safety.
- a. Utility Scale WES or WEGF shall not be designed to be climbable on the exterior of the structure.
 - b. All access doors and interior access points shall be lockable and accessible only to those either constructing or maintaining the Utility Scale WES or WEGF.
 - c. Appropriate warning signs shall be placed at the base of the Utility Scale WES Tower or WEGF upon any associated electrical equipment and at every Utility Scale WES Tower or WEGF entrance.
 - d. The blade tip on any Utility Scale WES or WEGF shall not be less than seventy-five feet (75') from the ground when measured from the lowest rotational position.
 - e. Each Utility Scale WES or WEGF shall be equipped with both a manual and automatic braking device capable of stopping the operation in high winds and adverse weather conditions. A report shall be submitted related to ice throw potential for the proposed or similar equipment.
 - f. All Utility Scale WES or WEGF shall have lightning protection.
 - g. The Township or any emergency service provider who services the Township has the authority to order any Utility Scale WES or WEGF to cease its operations if they determine in good faith that there is an emergency situation involving the Utility Scale WES or WEGF that may result in danger to life or property. The Owner and/or operator shall provide the Township and emergency services providers with contact information for personnel with access to the braking device who shall be available at all times in person or by phone with remote access.. The Owner and/or operator may be required to be available and present in such an emergency situation.
 - h. All Utility Scale WES or WEGF shall comply with all State, Federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration ("FAA"), the Michigan Airport Zoning Act and the Michigan Tall Structures Act both prior to and after installation. No WES or WEGF shall be located on any property in such a manner as to interfere with the safe takeoff, approach and landing of aircraft at any non-publicly owned airport in existence prior to application for conditional use permit. (See "publicly-owned" as defined by the Michigan Airport Zoning Act, as amended).
10. Shadow Flicker. A Utility Scale WES or WEGF shall not be allowed to cast a shadow upon a Non-Participating Parcel's principal structure in excess of thirty (30) hours measured on a continuous 365 day basis. Equipment and software such as "Shadow Impact Module SIM by NorthTec GMBH" or equivalent with all necessary cabling and receptors may be necessary and shall be installed and maintained by the Owner and/or operator to abate any shadow flicker in excess of the thirty (30) hours permitted by this subsection. Non-Participating Parcel owners may waive the shadow flicker requirement

to permit shadow flicker in excess of the thirty (30) hours permitted by this subsection through a written acceptance and approval by the Convis Township Board of Trustees during the conditional use permit application process. Any waivers accepted and approved by the Township shall be recorded, at no expense to the Township, with the County's Register of Deeds as a deed restriction against the property..

11. Maximum Vibrations and Low Frequency Sound. A Utility Scale WES or WEGF shall not produce vibrations humanly perceptible upon a Non- Participating Parcel.
12. State/Federal Requirements. A Utility Scale WES or WEGF shall meet or exceed any applicable standards and regulations of the FAA, Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Service and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures.
13. An ongoing log of maintenance activities performed on the Utility Scale WES or WEGF shall be submitted to the Township on an annual basis, and as requested by the Township.
14. Environmental Impact Issues. The Utility Scale WES, Conditional Use MET Tower and WEGF shall comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
 - a. Part 31 Water Resources Protection (MCL 324.3101 et seq.),
 - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.),
 - c. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.),
 - d. Part 303 Wetlands (MCL 324.3030 1 et seq.),
15. Security Bond Requirements.
 - a. Prior to final approval of a conditional use permit, the applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning the Utility Scale WES or WEGF and reclamation efforts needed to return affected land back to its physical condition prior to WES construction. The Applicant shall pay for the costs of obtaining such estimate. Said estimates shall be submitted to the Convis Township Board of Trustees for review.
 - b. The owner(s) and/or operator of the Utility Scale WES or WEGF shall post a security bond, in a form acceptable to the Township, equal to one hundred percent (100%) of the total estimated decommissioning and reclamation costs. Decommissioning and reclamation costs shall be re-evaluated and the value of the bond shall be adjusted accordingly every five (5) years.
 - c. Said bond shall be posted and maintained with a bonding company licensed in the State of Michigan or Federal or State chartered lending institution chosen by the owner(s) or operators and acceptable to the Township.
 - d. An applicant shall maintain the approved bond for the duration of the Utility Scale WES or WEGF, until decommissioning and removal is complete. The bond documents shall prohibit the applicant from terminating or withholding renewal of the bond except upon written approval from the Township Clerk. The termination or non-renewal of a security bond without the township's approval shall be a violation of this Ordinance and the Township may revoke approval of the Utility Scale WES or WEGF, require its removal, and/or exercise any other authority permitted by law.

- e. When decommissioning and site reclamation has been completed, written correspondence to the Convis Township Board of Trustees is required before the Board of Trustees may authorize a release of security bonds associated with a Utility Scale WES or WEGF.
16. Decommissioning and Removal Procedures.
- a. As part of the conditional use permit process, the applicant shall submit a decommissioning plan to describe the anticipated life of the project, estimated decommissioning costs net of salvage value in current dollars, methods of ensuring that funds will be available for decommissioning, including a method of reclamation for restoration of the land.
 - b. Any Utility Scale WES or WEGF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner(s) of such structure shall be required to either provide to the Township a written explanation regarding why the tower is inoperable and a timeline of no longer than sixty (60) days to bring the tower back into operation or compliance or apply for the necessary demolition permits for removal within ninety (90) days of receipt of written notice from the Township. If the owner(s) fail to provide explanation within sixty (60) days as described above or fails to apply for the necessary demolition permits within ninety (90) days for removal of an abandoned Utility Scale WES or WEGF, the Township shall provide the owner(s) with written notice of the violation. If the owner(s) fail to cure the violation within sixty (60) days of the date of notice, the Township may begin the process of removing the Utility Scale WES or WEGF and all associated equipment or appurtenances at the owner's/owners' expense. The Township shall sell any salvageable material and deduct any monies generated from said sales from the balance of the required security bond. The remedies provided to the Township pursuant to this subsection shall be in addition to and not in place of any other remedy available to the Township at law or in equity to enforce the provisions of this Ordinance.
 - c. When a Utility Scale WES or WEGF is decommissioned, all items shall be removed from the subject property, including electrical components, structure foundation, or other associated components to a depth not less than six (6') feet below grade. Reclamation of the site includes the planting of grasses or cover crops, which may have been present prior to construction or can be utilized to effectively minimize soil erosion. The property owner may be exempt from removing certain items including but not limited to the entrance or roadway on the property.
 - d. Any material left six (6') feet below grade shall be documented and recorded upon a certified survey and recorded within the Calhoun County Register of Deeds.
17. Post Construction Activities. To ensure compliance with the requirements of this Ordinance, the following actions shall be taken pending completion of any Utility Scale WES or WEGF.
- a. A final inspection with the Calhoun County Water Resources Commissioner shall take place to ensure that soil erosion matters have been finalized at each site hosting a Utility Scale WES or WEGF.
 - b. Within ninety (90) days of project completion, any roadway utilized for moving or construction purposes shall be inspected by the Zoning Administrator and

- representatives from the Calhoun County Road Department to ensure compliance with the travel plan.
- c. A sound pressure level analysis is required to be completed by the applicant from a sample of locations throughout the interior and perimeter of the Participating Parcels to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with audible sound standards shall be submitted to the Township for review within one hundred-eighty (180) days of the date the Utility Scale WES or WEGF project becoming operational. Sound shall be measured by a third-party, qualified sound professional.
 - d. Following the completion of construction, the applicant shall provide the Township written certification that all construction was completed pursuant to the conditional use permit and approved site plan.
18. Collocation. No Collocation of any Wireless Communications Facilities shall be permitted on any Utility Scale WES or WEGF without the express approval of the Township.
19. Public Inquiries & Complaints. Should an aggrieved property owner allege that a Utility Scale WES or WEGF is not in compliance with the requirements of this Ordinance, the procedure shall be as follows:
- a. Complaints shall be submitted to the Township Clerk in writing from the affected property owner including their name, address and contact information.
 - b. Upon receiving a complaint from an affected property owner the Township Clerk shall present the complaint to the Township Board for review at its next regular meeting or a special meeting called for that purpose. If the Township Board deems a complaint sufficient to warrant an investigation, the Township Board shall advise the owner(s) and/or operator of the Utility Scale WES or WEGF of the complaint. Within ten (10) days of the date of notice, the owner(s) and/or operator of the Utility Scale WES or WEGF shall deposit funds in an amount determined by the Township Board sufficient to pay for an independent investigation of the complaint, including but not limited to an investigation related to decibel level testing and shadow flicker analysis. All such independent investigations and analyses shall be conducted by qualified professionals acceptable to the Township to determine compliance with the requirements of this Ordinance.
 - c. If the Utility Scale WES or WEGF is in violation of this Ordinance, the owner(s) and/or operator shall reimburse the Township from the deposit required in subsection (b) above for the investigation or analysis and shall take immediate action to bring the Utility Scale WES or WEGF into compliance. In the event the owner(s) and/or operator fails or refuses to bring the Utility Scale WES or WEGF into compliance the Township may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation as provided for by ordinance.
 - d. If the owner/operator, following the investigation and review, is found to be in compliance, the Township shall reimburse the owner/operator for all expenses associated with the independent investigation.

ARTICLE 11-A

“AB” – AGRICULTURAL/BUSINESS DISTRICT

SECTION 11A.01 Purpose

The purpose of this district is to provide for limited areas within the Township where more intensive, business related agricultural activities may occur. As traditional agricultural areas have been impacted by the encroachment of residential uses, more intensive agricultural uses may become incompatible. In addition, many of the existing agricultural uses have expanded or diversified in a manner that increases this incompatibility, resulting in the need to separate these uses. This can be accomplished through a separate district with increased site development standards, such as lot area and setbacks from other residential development areas.

SECTION 11A.02 Permitted Uses

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

- (a) General and specialized farming and agricultural activities, including, but not limited to, the raising and growing of crops, livestock, poultry and other farm animals, products and foodstuffs. Such permitted uses shall not include intensive livestock operations, agri-business, agri-tainment or any other use specifically listed as a conditional use in this ordinance.
- (b) Farm dwellings, provided the parcel meets the site development requirements for the district and the owner or resident has some involvement with the agricultural operation or other permitted use.
- (c) Riding academies or stables for the raising or keeping of horses, cattle, hogs, goats or other similar livestock.
- (d) Family day care home.
- (e) Veterinary clinic, animal hospital or similar facilities for the care of animals.
- (f) An accessory building or structure. See Sec. 6.19 regarding solar energy systems.
- (g) A sign, in accordance with the regulations specified in ARTICLE 8.
- (h) Class A Home Occupation

SECTION 11A.03 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) Commercial kennel for the boarding of domesticated animals.
- (b) The removal, extraction or mining of minerals or other natural deposits including sand, soil, or gravel.
- (c) Private airport or landing strip.
- (d) Class B Home Occupation.
- (e) Roadside stand, provided the majority of the products to be sold are raised on the premises and any other products are consistent with the farm operation.
- (f) High density animal feeding or intensive livestock operations subject to the standards established by the Michigan Department of Agriculture (MDA) Generally Accepted Agricultural management Practices (GAAMP's).
- (g) Other agri-business, including, but not limited to:
 - 1. Farm machinery sales, service, rental and repair, provided the repair activities on outside equipment (not used in the farm operation) does not exceed twenty-five percent (25%) of the total repair activity.
 - 2. Bulk feed, seed or fertilizer outlet or distribution center.
 - 3. Grain elevator for storage, drying and sales.
 - 4. Grain or livestock trucking facilities.
 - 5. Livestock auction facilities.
 - 6. Dairy production and processing operations.
- (h) Agri-tainment, including, but not limited to:
 - 1. Equestrian facilities for public showing and competition
 - 2. Amusement facilities related to seasonal displays associated with agricultural products (pumpkin patch, cider mill, corn maze or similar activities)
 - 3. Education and training facilities with accommodations for students

- (i) Group day care home or adult foster care home.
- (j) Zoological parks
- (k) Solar energy systems, large.

SECTION 11A.04 (Site Development) Regulations

- (a) Lot Area: No building or structure shall be established on any lot less than forty (40) acres.
- (b) Lot Width: The minimum lot width, measured at the road frontage, shall be not less than six hundred and sixty feet (660').
- (c) Lot Coverage: The maximum lot coverage shall not exceed fifteen (15) percent.
- (d) Minimum Floor Area: The minimum floor area for a one (1) story dwelling shall be nine hundred and sixty (960) square feet. The minimum first floor area for a two (2) story dwelling shall be five hundred fifty (550) square feet.
- (e) Yard and Setback Requirements:
 - 1. Front Yard: Not less than seventy-five (75) feet from the right-of-way line, as verified by the Calhoun County Road Commission.
 - 2. Side Yards: Least width of either side yard shall be fifty (50) feet.
 - 3. Rear Yard: Not less than fifty (50) feet.
 - 4. No building or structure shall be located within one hundred (100) feet of any existing residence.
 - 5. The above requirements shall apply to all buildings and structures, but shall allow for the fencing of pasture or cropland along the parcel boundary.
- (f) Height: The following height requirements shall apply in this district:
 - 1. Farm dwellings shall not exceed a height of three (3) stories or forty (40) feet.
- (g) Required off-street parking subject to the provisions of ARTICLE 9.

ARTICLE 11

“AA” - AGRICULTURAL DISTRICT

SECTION 11.01 Purpose

The purpose of this district is to protect and stabilize the essential characteristics of agricultural areas within the Township, and to insure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroachment upon legitimate agricultural areas, thus disrupting the agricultural resources, environment, and economy, including the tax base. It is essential that development in areas, which are predominately agricultural, be based on sound principles which realize the importance of such activities to the economy and welfare of the township.

SECTION 11.02 Permitted Uses

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

- (a) One (1) family dwelling.
- (b) A parcel 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 any building or structure may be located thereon and used for the day-to-day operation of such activities for the quartering, storage or preservation of said crops, livestock, poultry, animals, products and foodstuffs raised or grown on said lot or in said building or structures, provided that any parcel that is kept as idle cropland shall be treated as to prevent soil erosion by wind or water.
- (c) A parcel may be used, and a building or structure located thereon for the raising or keeping of poultry, rabbits, and other similar fur-bearing animals whether for profit or pleasure.
- (d) A parcel may be used, and a building or structure located thereon for a riding academy or stable, or the raising or keeping of cattle, hogs, ponies, goats and other similar livestock whether for profit or pleasure upon a lot having an area not less than five (5) acres, and a width not less than three hundred thirty (330) feet provided that the following requirements are met:

1. Building and fenced enclosures used for the quartering of said animals shall be located a minimum distance of one hundred (100) feet from the principal dwelling located on said parcel and principal dwellings on adjacent properties.
 2. Farm operations in accordance with recommendations set forth in the Michigan Right to Farm Act 94 of the Public Acts of 1995, as amended.
- (e) A parcel may be used for the raising or growing of plants, trees, shrubs, and nursery stock, and any building or structure may be located thereon and used for such raising or growing and for the storage of equipment and materials necessary for such raising or growing.
- (f) Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- (g) A parcel may be used for the growing, stripping and removal therefrom 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.
- (h) 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. No outdoor storage or overnight parking of a commercial vehicle over one (1) ton rate capacity shall be permitted unless such vehicle be necessary to the function of the premises on which it is located or necessary to an occupation of an occupant of the premises provided that such vehicle be parked entirely within a side or rear yard or completely enclosed within a structure.
- (i) A sign, only in accordance with the regulations specified in ARTICLE 8.
- (j) An accessory use, building or structure. See Sec. 6.19 regarding solar energy systems.
- (k) Essential service structures except as provided in SECTION 10.17.
- (l) Family day care home
- (m) Class A Home Occupation

SECTION 11.03 Conditional Uses

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

- (a) The removal of soil, sand, gravel and other excavation or mining operations.

- (b) Public and private recreational facilities including parks, campgrounds, golf courses, golf driving range, clubs, hunting lodge or similar use.
- (c) Community and governmental buildings, including public schools.
- (d) Airport.
- (e) Class B Home occupations
- (f) Group day care home and adult foster care group home
- (g) A church, synagogue, cathedral, mosque, temple or other building used for public worship, or a cemetery.
- (h) Temporary building or trailer office.
- (i) Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated or on the vicinity area of the same township.
- (j) Telecommunication Towers
- (k) Temporary Permit in Agricultural District: Single family mobile home not otherwise satisfying the requirements of SECTION 19.02 (25) upon the following conditions:
 - 1. Uses Permitted:
 - a. As a dwelling for an employee and his family who is hired as an employee for a commercial farming operation.
 - b. As a dwelling in close proximity to an established dwelling in order to provide care for a relative or friend needing constant attention from the family due to age or illness.
 - 2. Such mobile home meets all other requirements of this district.
 - 3. Such mobile home must be connected to an adequate water supply and sewage disposal system meeting the requirements of the Calhoun County Health Department.
 - 4. All conditional use permits for such mobile homes will be issued by the Township Board for a period not to exceed one (1) year. Requests 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.

5. If such mobile home is not being used for the purpose for which the permit was issued, the permit will immediately terminate.
- (l) Bed and Breakfast Inn, when the following conditions are met:
1. Inn is the private residence of the owner and sleeping accommodations are rented to tenants in five (5) or fewer rooms.
 2. The innkeeper serves breakfast at no extra cost to transient tenants and shall not have a restaurant or gift shop, store or public meeting rooms open to the general public.
 3. Inns shall comply with all parking requirements in ARTICLE 9.
 4. Inns shall comply with the sign regulations in ARTICLE 8, SECTION 8.02 (d).
 5. No portion of any Bed and Breakfast Inn shall be operated in any garage or accessory building.
 6. Each dwelling utilized as a Bed and Breakfast Inn shall comply with all provisions of the Township building, electrical, mechanical and fire prevention requirements.
 7. All requests for conditional use approval shall be accompanied by a site plan which complies with the provisions of SECTION 6.17.
- (n) A planned unit residential development only in accordance with the procedures and regulations specified in ARTICLE 10.
- (o) Two (2) family dwelling, provided the minimum lot area shall be three (3) acres.
- (p) On-Site Use Wind Energy Systems more than 40 feet in Total Height, subject to the provisions of Section 10.34.
- (q) MET Towers more than 40 feet in Total Height, subject to the provisions of Section 10.34.
- (r) Utility Scale Wind Energy Systems and Wind Energy Generation Facilities, subject to the provisions of Section 10.34.
- (s) Solar energy systems, large.

SECTION 11.04 Regulations

The following regulations shall apply in all “AA” – Agricultural Districts:

- (a) Lot Area: No building or structure shall be established on any lot less than two (2) acres in area.
- (b) Lot Width: The minimum lot width shall be three hundred-thirty (330) feet.
- (c) Lot Coverage: The maximum lot coverage shall not exceed fifteen (15) per cent.
- (d) Yard and Setback Requirements:
 - 1. Front Yard: not less than sixty (60) feet from the right-of-way line.
 - 2. Side Yards: least width of either yard shall not be less than fifty (50) feet except in the case of a corner lot where the side yard on the road or street side shall not be less than fifty (50) feet.
 - 3. Rear Yard: not less than fifty (50) feet.
- (e) Height: The following height requirements shall apply in this district:
 - 1. For one (1) family dwellings and non-farm buildings and structures: No dwelling or on-farm building or structure shall exceed a height of three (3) stories or forty (40) feet except as provided by subsections (2) – (4) below.
 - 2. For On-Site Use Wind Energy Systems: No On-Site Use Wind Energy System shall exceed a Total Height of 200 feet.
 - 3. For Utility Scale Wind Energy Systems or Wind Energy Generation Facility: No Utility Scale Wind Energy System or Wind Energy Generation Facility shall exceed a Total Height of 500 feet.
 - 4. No MET Tower shall exceed a Total Height of 250 feet.
- (f) Required Off-street Parking: As required in ARTICLE 9.
- (g) Minimum floor area: The minimum floor area for any one (1) family dwelling shall be 960 square feet.

ARTICLE 12

“RA” - LOW DENSITY RESIDENTIAL DISTRICT

SECTION 12.01 Purpose

The purpose of this district is to provide areas 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 these 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 12.02 Permitted Uses

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

- (a) One (1) family dwelling.
- (b) General and specialized farming and agricultural activities including the raising or growing of crops and other farm products and foodstuffs but not including the raising of any livestock, poultry or other farm animals, provided that the following conditions are satisfied:
 - 1. The lot or parcel of land upon which these activities are conducted is no less than ten (10) acres in area.
 - 2. No storage or manure or other odor or duty producing materials or activities shall be permitted.
 - 3. All farm buildings other than dwellings shall be located a minimum of ninety (90) feet from an adjacent property line.
- (c) A lot may be used for the raising or growing of plants, trees, shrubs and nursery stock.
- (d) A sign, only in accordance with the regulations specified in ARTICLE 8.
- (e) Essential service structures except as provided in SECTION 10.17.
- (f) Family day care home.
- (g) Class A Home Occupation

- (h) An accessory use, building or structure. See Sec. 6.19 regarding solar energy systems.

SECTION 12.03 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 8.

- (a) Two (2) family dwelling, provided the minimum lot area shall be sixty thousand (60,000) square feet.
- (b) Community and governmental buildings
- (c) Class B Home Occupation.
- (d) Temporary buildings or trainer offices.
- (e) Roadside stands for the display and sale of products raised on the *[lot]* parcel, provided that: off-street parking and access to such parking shall be provided in accordance with the provisions of ARTICLE 9 and no hazardous traffic conditions shall result from such activity; such buildings and structures shall be located in conformance with all minimum yard requirements; and shall comply with the minimum parcel area requirement of ten (10) acres.
- (f) A planned unit residential development only in accordance with the procedures and regulations specified in ARTICLE 10.
- (h) Group day care home or adult foster care group home

SECTION 12.04 Regulations

The following regulations shall apply in all “RA” – Low Density Residential Districts.

- (a) No building or structure shall be established in this district on any lot less than thirty-thousand (30,000) square feet.
- (b) The minimum lot width shall be one hundred fifty (150) feet.
- (c) The maximum lot coverage shall not exceed twenty (20) per cent.
- (d) Yard requirements:
 - 1. Front Yard: not less than fifty (50) feet.
 - 2. Side Yard: least width of either yard shall not be less than thirty (30) feet.
 - 3. Rear Yard: not less than fifty (50) feet.

(e) Height:

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

(f) Required off-street parking: As required in ARTICLE 9.

(g) Minimum floor area: The minimum floor area for any one family dwelling shall be 960 square feet.

ARTICLE 13-A

“MHP”-MANUFACTURED/MOBILE HOME PARK DISTRICT

SECTION 13A.01 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 Convis Township Master Plan designated for High 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.02 Permitted Uses

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

- (a) Mobile home park.
- (b) Manufactured housing community.
- (c) Accessory uses, buildings and structures, including clubhouse facilities. See Sec. 6.19 regarding solar energy systems.

SECTION 13A.03 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.

SECTION 13A.04 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 and 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 13

“RB” - MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 13.01 Purpose

The purpose of this district is to provide a stable environment for medium 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 13.02 Permitted Uses

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

- (a) One (1) family dwelling
- (b) Two (2) family dwelling
- (c) A sign, only in accordance with the regulations specified in ARTICLE 8.
- (d) Essential service structures except as provided in SECTION 10.17.
- (e) An accessory use, building or structure. See Sec. 6.19 regarding solar energy systems.
- (f) Family day care home
- (g) Class A Home Occupation

SECTION 13.03 Conditional Uses

- (a) Class B Home Occupation
- (b) Planned unit residential development only in accordance with the procedures and regulations specified in ARTICLE 10.
- (c) Group day care home and adult foster care group home.

SECTION 13.04 Regulations

The following regulations shall apply in all “RB” – Medium Density Residential Districts:

- (a) Lot Area: Where a lot is served with a public water supply system and a central sanitary sewerage system there shall be provided a minimum of ten thousand (10,000) square feet of lot area for each single-family dwelling unit and fifteen thousand (15,000) square feet of lot area for each two-family dwelling unit. Where a lot is not so served, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area for each single-family dwelling unit and thirty thousand (30,000) square feet of lot area for two-family dwelling unit. The minimum lot area for all other buildings and structures shall be two (2) acres.
- (b) Lot Width: The minimum lot width for lots served with a central water supply system with a central sanitary sewerage system shall be seventy (70) feet. Where a lot is not so served, the minimum lot width shall be ninety (90) feet.
- (c) Lot Coverage: The maximum lot coverage shall not exceed thirty(30) per cent.
- (d) Yard Requirements:
1. Front Yard: not less than twenty-five (25) feet.
 2. Side Yards: least width of either yard shall not be less than eight (8) feet, but the sum of the two (2) side yards shall not be less than twenty (20) feet; except in the case where the side yard on the road or side street shall not be less than twenty-five (25) feet.
 3. Rear Yard: not less than thirty (30) feet.
- (e) 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.
- (f) Required Off-Street Parking – as required in ARTICLE 9.
- (g) Minimum floor area: The minimum floor area for any one family dwelling shall be 960 square feet. The minimum floor area for each unit with a two family dwelling shall be 600 square feet.

ARTICLE 14-A

“LS” – LOCAL SERVICE COMMERCIAL

SECTION 14A.01 Purpose

The purpose of this district is to provide for various types of uses that provide for transition in support of adjoining residential areas. This district is composed of smaller retail commercial businesses, office uses and residential use where natural transition to commercial is occurring. Such uses are typically located in a neighborhood commercial center that has expanded onto former residential lots. Due to the ability to redevelop smaller residential lots, site plans should identify suitable parking and appropriate landscape treatment to buffer adjoining residential properties. Hours of operation are intended to follow more compatible hours from 7:00 a.m. to 7:00 p.m. Uses with hours of operation extending beyond those times shall be considered conditional uses within this district. Mixed use and new residential construction shall also be a conditional use within this district.

SECTION 14A.02 Permitted Uses

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

- (a) Small retail business, including drug store, hardware store, gift shop or craft store.
- (b) Professional offices, including real estate, accounting, or law office.
- (c) Personal services, including barber or beauty salon, small medical or dental practice or similar services.
- (d) Food services, including a grocery store, bakery, fruit market or similar service.
- (e) Accessory uses, buildings or structures. See Sec. 6.19 regarding solar energy systems.

SECTION 14A.03 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) Drive-in or drive-through retail or service establishments, including fast food restaurant, bank, car wash or similar use.

- (b) Liquor store, restaurant, convenience store or similar use where alcohol sales may occur and hours of operation extend beyond those typically compatible with adjoining residential use.
- (c) Gasoline service station, excluding automotive repair facilities.
- (d) Larger medical or dental practice or clinic, veterinary hospital or animal clinic.
- (e) Mixed use development, including use of an existing residence for both commercial and residential purposes, or under planned unit development.
- (f) New residential construction, including single family and two-family units.
- (g) Child day care center, nursing home, assisted living facility or hospital.

SECTION 14A.04 Regulations

The following site development regulations shall apply in all LS-Local Service Commercial Districts:

- (a) Lot Area: The minimum lot area shall be 20,000 square feet where the lot is served by a public sewer system. Where not served, the minimum lot area shall be one (1) acre, subject to the approval of the Calhoun County Health Department for installation of a private septic system.
- (b) Lot Width: The minimum lot width shall be one hundred feet (100') where the lot is served by a public sewer system, one hundred fifty (150') where not served.
- (c) Lot Coverage: The maximum lot coverage shall be twenty-five percent (25%).
- (d) Yard and Setback Requirements:
 - 1. Front Yard: Not less than thirty (30) feet.
 - 2. Side Yards: Least width of either side yard shall be fifteen (15) feet, except in the case of a corner lot where the front yard setback of thirty (30) feet shall apply.
 - 3. Rear Yard: Not less than thirty (30) feet.
- (e) Height: The height of the buildings shall be determined by the height of adjacent buildings or residences and the ability to buffer and landscape, provided no building exceeds a height of thirty-five (35) feet.
- (f) Required Off-Street Parking: As required in ARTICLE 9.

ARTICLE 14

“MF” - MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 14.01 Purpose

The purpose of this District is to provide for various types of multiple family residential dwellings and group developments within a high density setting, but with suitable open space areas. The requirements of this District are intended to recognize that various forms of 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 streets, 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 sanitary 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. It would be anticipated that these transitional areas would be provided with public facilities as part of this zoning district. 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 14.02 Permitted Uses

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

- (a) Multiple dwellings
- (b) Two (2) Family Dwellings
- (c) Group day care home or adult foster care group home, subject to conditions under ARTICLE 10.
- (d) Accessory use, buildings or structures. See Sec. 6.19 regarding solar energy systems.

SECTION 14.03 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) Garden housing and garden apartment type development.

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- (b) Planned unit residential development.
- (c) Offices.
- (d) Child care center, nursing home or assisted living facility.
- (e) Mini-storage warehouse facility, provided that the use is secondary and incidental to the primary residential use.

SECTION 14.04 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.
 - 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.

Convis Township Zoning Ordinance

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 15

“HS” - HIGHWAY SERVICE COMMERCIAL DISTRICT

SECTION 15.01 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 among 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 and service utilities; thus large lot areas and yards 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.

SECTION 15.02 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 theatres.
- (e) Souvenir and gift shops
- (f) Tourist information centers
- (g) Food and garden stores, nursery stock sales and greenhouses.
- (h) Gasoline service stations provided that the following requirements are met:
 - 1. All activities, except those required to be performed at the service island, shall be conducted entirely within an enclosed principal building.
 - 2. Bumping and painting are specifically prohibited.

3. Steam and major mechanical repairs are permitted only within an enclosed building.
 4. No outdoor storage of wrecked or partially dismantled vehicles or parts thereof shall be permitted. In addition, all vehicles parked on such premises shall have current year license plates.
 5. No more than two (2) driveway approaches shall be permitted directly from a major street, nor more than one (1) such approach from a minor residential street, each of which shall not exceed twenty-five (25) feet in width at the street line, nor be closer to one another than twenty-five (25) feet. Driveway approaches shall be located as far from street intersections as practicable, but in no case be less than fifty (50) feet.
 6. The operation of such use shall not create a hazardous or otherwise objectionable traffic condition.
 7. No such use shall be located within fifty (50) feet of any residential district unless separated from by a public street or alley, or an approved fence or masonry wall of not less than four (4) feet or greater than six (6) feet in height.
 8. Signs for gasoline service stations shall conform to the following requirements.
 - (a) One (1) permanently installed sign shall be permitted for each service station and shall be installed in such a manner that vision shall not be obstructed in any other way than by necessary supports to a height of sixteen (16) feet, but no such sign shall exceed fifty (50) feet in height or sixty (60) square feet in area.
 - (b) All appropriate legends may be attached against the main building or on gasoline pumps.
 - (c) All temporary signs to be viewed from outside the building shall be firmly attached flat against a wall of said building, but in no case shall said sign cover more than twenty-five per cent (25%) of the total exterior wall space of any gasoline service station.
- (i) Motels, provided that:
1. Minimum lot area of one (1) acre with a minimum lot width of one hundred and fifty (150) feet shall be required.
 2. A minimum of fifteen hundred (1,500) square feet of lot area shall be required for each guest unit.

3. All buildings, including accessory buildings, shall not occupy more than twenty-five (25) per cent of the total lot area.
- (j) Sales, rental, service and repair of motor vehicles, farm machinery and marine vehicles provided that:
 1. All service and repair activity shall be carried on completely within an enclosed building.
 2. An outdoor display area can be utilized with the boundaries of the display area to be set by the Convis Township Planning Commission.
- (k) Passenger terminals.
- (l) Wholesale businesses, provided that no manufacturing, assembling, processing or fabrication of goods shall be permitted.
- (m) Publicly owned and operated buildings.
- (n) Essential Services Structures, except as provided in SECTION 10.17.
- (o) Planned Neighborhood Shopping Center.
- (p) Accessory uses, buildings and structures. See Sec. 6.19 regarding solar energy systems.

SECTION 15.03 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, theatres, dance halls, skating rinks, miniature golf courses, trampolines or similar public amusement facilities, not including drive-in theatre or amusement parks.
- (b) Regional Shopping Centers.
- (c) Single family dwelling, provided it meets the regulations of SECTION 12.04.
- (d) Adult-Oriented commercial uses subject to the following restrictions:
 1. Adult-oriented commercial uses have been found to contribute to the deterioration of the commercial area in which they are located as well as surrounding residential areas. Such uses are permitted because of constitutional protection. They are limited in frequency of occurrence and proximity to residential areas in order to protect property values and the

quality of life for property owners and residents. Such uses exert their most serious blighting influence when concentrated in close proximity to one another and when located near residential areas. Therefore, no adult-oriented commercial use shall be established within 1000 feet of another such commercial use. No adult-oriented use shall be permitted within 750 feet of a residential district or use. No adult-oriented use shall be permitted within 750 feet of any site on which is located a church, school, park or playground, or any area where minors regularly congregate. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas. All entries, windows, and other building openings for adult uses shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public area.

2. Adult-oriented uses shall include: Bookstores which have more than 15 per cent of their stock in trade, books, magazines or other publications, the sale of which is prohibited to minors. Theaters and mini-theaters which have more than 15 per cent of their screening time over a six-month period devoted to motion pictures, the attendance at which is prohibited to minors. Adult cabarets, bars or nightclubs which provide entertainment by nude or partially nude persons who have the following body parts exposed: buttocks, genitals, pubic area or female breasts. Adult personal service business where a person of one sex, while nude or partially nude, provides personal services for a person of the other sex on an individual basis in a closed room. An adult personal service business may include, but not be limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. Adult personal services do not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.

SECTION 15.04 Indoor Service:

All commercial and service activities shall be conducted entirely within an enclosed building except as otherwise provided herein.

SECTION 15.05 Regulations

The following regulations shall apply in all “HS” – Highway Service Commercial Districts:

- (a) Lot Area: In this district every building hereafter shall be located on a lot of not less than thirty thousand (30,000)square feet in area.
- (b) Lot Width: All interior and corner lots shall have minimum width of one hundred and 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 Setback Requirements:
 - 1. Front Yard: not less than forty (40) feet.
 - 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 dimension.
 - 3. Rear Yard: not less than thirty (30) feet.
 - 4. Side and rear yards may be used for parking, provided that a fence or masonry wall of not less than four (4) feet nor greater than eight (9) 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 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 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 outer edge of an interstate highway ramp merges with the outer edge of the pavement of the intersecting highway.
- (h) Off-Street Parking: As required in ARTICLE 9.

ARTICLE 16

“LI” - LIGHT INDUSTRIAL DISTRICT

SECTION 16.01 Purpose

This district is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum noise, glare, odor, dust, vibration, air and waste 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 lesson 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.

SECTION 16.02 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 uses and office uses.
- (b) The manufacturing, compounding, process or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers.
- (c) Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
- (d) 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.
- (e) Printing, lithographic, blueprinting and similar use.
- (f) Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- (g) Light manufacturing industrial use which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs, jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; 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.

- (h) Research and testing facilities.
- (i) An accessory use, building or structure. See Sec. 6.19 regarding solar energy systems.
- (j) A sign, only in accordance with the regulations in ARTICLE 8.
- (k) Essential Service structures and buildings.

SECTION 16.03 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) Restaurants and cafeteria facilities for employees.
- (b) Bus, truck, taxi and rail terminals.
- (c) Open air display areas for 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) Automobile repair garage
- (i) Contractors establishment.
- (j) Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.
- (k) Manufacturing product warehousing, exchange and storage centers and yards.

- (l) Open industrial uses or industrial product or materials storage, provided that any activity in which products or materials being processed or stored are located, transported, or treated outside of a building and are not within enclosed apparatus vessels, or conduits such use shall be provided with an opaque permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line; if a wall is provided, its foundations likewise shall extend below the frost line.
- (m) The exterior commercial storage of motor vehicles, equipment, petroleum products, building materials and goods within a controlled-access fenced compound when obscured by a wall or solid fence on those sides abutting a residential district or a public street.
- (n) Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards.
- (o) Auctions for livestock.
- (p) Junk yards, inoperative vehicle storage.
- (q) Quarries and sand and gravel pits, including mining and excavation operations.
- (r) Plating shops, rendering plants, slaughter houses tanneries or heat treating processors.
- (s) Telecommunication towers

SECTION 16.04 Regulations

The following regulations shall apply in all "LI" – Light Industrial Districts.

- (a) Lot Area: No building or structure shall be established on any lot less than one (1) acre in area, except where a lot is served with a central water supply system and a central sanitary sewerage system, in which case there shall be provided a minimum lot area of twenty thousand (20,000) square feet.
- (b) Lot Width: The minimum lot width for lots served with a public water supply system and a public sanitary sewerage system shall be eighty (80) feet. Where a lot is not so served, the minimum lot width shall be one hundred and fifty (150) 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 eighty-five (85) feet.
2. Side Yards: 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 side shall not be less than thirty-five (35) feet.
3. Rear Yard: not less than thirty-five (35) feet.

(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.

(g) Greenbelt Buffer:

1. A greenbelt buffer shall be provided in accordance with the regulations specified in SECTION 6.07.
2. A use or structure on any lot in this district fronting a public road, street or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

ARTICLE 17-A

“CP” CORRIDOR PRESERVATION OVERLAY DISTRICT

SECTION 17A.01 Purpose

The Convis Township Master Plan has established access management as the underlying basis for development regulation along the N Drive North corridor. The intent is to establish additional setback distances for all uses along this corridor in order to preserve this right-of-way for future expansion. In addition, these overlay standards provide for improved traffic flow through the Township, limiting the number of turning movements and access points where accidents are of the greatest likelihood. This potential for expansion of the right-of-way and the reduction in the number of access points may also support the use of this corridor for non-motorized and pedestrian movement.

SECTION 17A.02 Permitted Uses

All uses permitted within the underlying zoning districts within the corridor. In order to further preserve the corridor, new residential, commercial or industrial development that occurs on lots of record not meeting the overlay site development standards shall utilize a shared means of ingress or egress. This shall be in the form of a shared driveway or indirect access through the establishment of new private or public road. Such indirect access would be based upon an established sixty-six feet (66') of right-of-way at its intersection with N Drive North.

SECTION 17A.03 Conditional Uses

All conditional uses within the underlying zoning district subject to the requirements for such use under ARTICLE 10.

SECTION 17A.04 Site Development Regulations

In addition to the standards for the zoning district in which the use is located, the following regulations shall apply to parcels inside (in all or in part of) the overlay district.

- (a) **Location of District:** The district shall include all land within one hundred and twenty-five feet (125') of the centerline of the existing right-of-way along N Drive North. This overlay shall extend from the Lee Township border on the east and the Pennfield Township border on the west.
- (b) **Lot Width:** The minimum lot width for any parcel served by a private driveway shall be three hundred and thirty feet (330').
- (c) **Front yard setback:** The minimum front yard setback is established as one hundred twenty five feet (125') from the existing centerline of the road or

fifty feet (50') from the right-of-way line to be preserved, whichever is greater.

- (d) Access management: A private driveway may be established to serve no more than two (2) parcels, lots, sites or units. Upon application for land division to create access to a third parcel, lot, site or unit, a private road must be established which meets the Township's private road standards. Private driveways shall not be located within two hundred fifty feet (250') of any adjacent driveway, private road or public road intersection located on the same side as the point of access.
- (e) Improvements: Upon application for a building permit, the applicant must notify the Calhoun County Road Commission of their intent to make road or driveway improvements within the preserved right-of-way. The applicant agrees to comply, through approval of both the driveway and building permit process, that any improvements may be removed upon roadway expansion as the right-of-way is acquired.

ARTICLE 17

SITE DEVELOPMENT REGULATIONS

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Minimum Floor Area	Yard-Req. Setback	Maximum Height	Notes
[OC] Open Space	5 acres	330'	10%	_____	F=60' S=50' R=50'	3 stories or 40'	Single family dwelling as conditional use
[AB] Agricultural Business	40 acres	660'	15%	960 sq. ft.	F=75' S=50' R=50'	3 stories or 40'	
[AA] Agricultural	2 acres.	330'	15%	960 sq.ft.	F=60' S=50' R=50'	3 stories or 40'	Five (5) acres for Livestock
[RA] Low Density Residential	30,000 sq. ft.	150'	20%	960 sq.ft.	F=50' S=30' R=50'	35' 25' for accessory	Planned unit residential as a conditional use
[RB] Medium Density Residential	(1) 10,000 sq. ft. (2) 15,000 sq. ft.	(1) 70' (2) 90'	30%	960 sq. ft.	F=25' S=8'/20' R=30'	2 ½ stories or 35' 25' for accessory	(1) Public sewer system (2) No public system
[MHP] Manf./Mobile Home Park	Min.Parcel Size 20 Acres	Min. Parcel Width 330'	_____	_____	50' From Adjoining Property	_____	State Regulations – Mobile Home Commission Rules
[MF] Multiple Family Res.	1 acre +	300'	35%	600 sq. ft.	F=35' S=50' R=50'	35' 15' for accessory	Office use as conditional use
[LS] Local Service Comm.	20,000 sq. ft.(1) 1 acre (2)	100' (1) 150'(2)	25%	_____	F=30' S=15' R=30'	_____	(1) Public sewer system (2) No public system
[HS]	30,000 sq. ft.	150'	25%	_____	F=40'	25'	

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Highway Service Commercial					S=25' R=30'		
[LI] Light Industrial	1 acre	150'	25%	_____	F=85' S=20' R=35'	45'	
[CP] Corridor Preservation Overlay				_____			

ARTICLE 18

“OC” - OPEN SPACE and WATERBODY CONSERVATION DISTRICT

SECTION 18.01 Purpose

It is recognized by this Ordinance that the principal use of certain open area 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 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 of to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundations, such areas being shown as flood plain by soil types as compiled by the U.S. Soil Conservation Service. It is further understood that some areas within this zoning district may be suitable for residential development either on individual lots or within planned unit residential development, with these subject to conditional use approval.

SECTION 18.02 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 by 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.
- (f) Essential service structures except as provided in SECTION 10.17.

(g) Class A Home Occupation

SECTION 18.03 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 ground, playground, or other recreational 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) The removal of soil, sand, gravel and other mining and excavation operations.
- (d) Country clubhouse, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use.
- (e) One (1) family dwelling, subject to prior review and approval by the Calhoun County Health Department of private well and septic systems.
- (f) Planned unit residential development
- (g) All buildings and structures accessory and incidental to permitted uses in this district.
- (h) Temporary Permit in Open Space and Waterbody Conservation: Single family mobile home not otherwise satisfying the requirements of SECTION 19.02 (25) upon the following conditions;
 - 1. Uses Permitted:
 - a. As a dwelling for an employee and his family who is hired as an employee for a commercial farming operation.
 - b. As a dwelling in close proximity to an established dwelling in order to provide care for a relative or friend needing constant attention from the family due to age or illness.
 - 2. Such mobile home meets all other requirements of this district.
 - 3. Such mobile home must be connected to an adequate water supply and sewerage disposal system meeting the requirements of the Calhoun County Health Department.

4. All conditional use permits for such mobile homes will be issued by the Township Board for a period not to exceed one (1) year. Requests 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.
5. If such mobile home is not being used for the purpose for which the permit was issued, the permit will immediately terminate.

(i) Class B Home Occupation

SECTION 18.04 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 and thirty (330) feet.
- (c) Lot Coverage: The maximum lot coverage shall not exceed ten (10) per cent.
- (d) Yard and Setback Requirements:
 1. Front yard: not less than sixty (60) feet from the right-of-way line.
 2. Side yards: least width of either yard shall not be less than fifty (50) feet; except in the case of a corner lot where the side yard 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: No building or structure shall exceed three stories of forty (40) feet.
- (f) Required off-street parking: As required in ARTICLE 9.
- (g) Preservation of Environmental Quality: As required in ARTICLE 6, and in flood plain as indicated in by soil types, the construction or location of bridges, outdoor equipment, bleachers, and similar outdoor equipment or appurtenances, storage of materials and equipment is prohibited unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the flood plain.

ARTICLE 19

CONSTRUCTION of LANGUAGE and DEFINITIONS

SECTION 19.01 Rules Applying to Text

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

- (1) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- (2) 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 indicates the contrary.
- (3) The word “building” includes the word “structure”.
- (4) A “building” or “structure” includes any part thereof.
- (5) The word “person” includes a corporation as well as an individual.
- (6) 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”.
- (7) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

SECTION 19.02 Definitions

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

- (1) **ACCESSORY BUILDING:** A Subordinate building, the use of which is clearly incidental to that of the principal building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings.
- (2) **ACCESSORY USE:** A use subordinate to the principal use on a lot and used for purposes clearly incidental to those of the main use.
- (2A) **ADULT FOSTER CARE FAMILY HOME:** A private state licensed residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (2B) **ADULT FOSTER CARE GROUP HOME:** A state licensed facility approved to receive adults who are provided supervision, personal care and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. An adult foster care facility does not include adult foster care family home, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
- (3) **AGRICULTURAL:** Includes purposes related to agriculture, farming, dairying, viticulture and animal and poultry husbandry.
- (3A) **AGRI-TAINMENT:** Events and activities such as corn mazes, hay rides and petting zoos, that allow for recreation, entertainment and tourism in conjunction with agricultural support and services directly associated with ongoing agricultural activity on site.
- (4) **ALLEY:** A public or legally-established private thoroughfare, other than a street, which

- affords a secondary means of access to abutting property, and not more than twenty (20) feet wide.
- (5) 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 here in as “altered” or “reconstructed”.
 - (5A) ANIMAL: An organism, other than a human or plant, that is characterized into one of the following three categories: 1) Domestic: This category would typically include 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. 2) Livestock: This category would typically include 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 (See Section 10.25) (NOTE: The State of Michigan has superseded regulations of livestock managed through (GAAMPS) Generally Accepted Agricultural Management Practices.) 3) Exotic: This category would typically include 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).
 - (6) ANIMATED SIGNS: Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.
 - (7) APARTMENT: (See Dwelling, Multiple Family).
 - (8) AREA, NET SITE: The total area within the property lines of a project excluding external streets.
 - (9) AUTOMOBILE OR TRAILER SALES AREA: Any space used for display, sale, or rental of motor vehicles or trailers, in new or used and operable condition.
 - (10) AUTOMOBILE 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.
 - (11) 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.

- (12) **BILLBOARD:** Any off-premises sign 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 is definition does not include any bulletin boards used to display official court or public office notices.
- (13) **BUILDINGS:** 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. This shall include tents and awnings.
- (14) **BUILDING COVERAGE:** That percentage of the plot or lot area covered by the building area.
- (15) **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 roofs. 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, providing 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 the building sets back from the front line.
- (16) **BUILDING PERMIT:** A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of the Zoning Ordinance.
- (16A) **CHILD CARE CENTER:** Any commercial establishment which provides supplemental parental care and supervision, and/or educational instruction to two (2) or more children during the whole or any portion of the day.
- (17) **CHURCH:** A building where in 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.
- (18) **CLUB OR LODGE, PRIVATE:** A non-profit association of persons who are bonafide members paying annual dues, which owns, hires or leases a building, or portion there of, 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 meals on such premises providing 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 beverages is in compliance with the applicable Federal, State and Municipal laws.
- (19) **CONDITIONAL USES:** A special land use which is subject to conditional approval by the Planning Commission. 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.
- (20) **COURT:** A 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 building.
- (21) **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.
- (22) **DISTRICT:** A portion of the incorporated part of the township within which certain regulations and requirements or various combinations thereof apply under the provision of this Ordinance.
- (23) **DRIVE-IN:** An establishment of the “drive-in” type is one which accommodates the patrons’ automobiles in the off-street parking area accessory to the business from which the occupants may receive a service or obtain a product which may be used or consumed, in the vehicle, on the same premises.
- (24) **DWELLING UNIT:** A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- (25) **DWELLING, SINGLE FAMILY:** A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:
1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
 2. 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 rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code, then and in that event such Federal or State standard or regulation shall apply.
 3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan 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 a dwelling shall, in addition thereto, be installed pursuant to the manufacturer’s set-up instructions and shall be secured to the premise by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
 4. 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.
 5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
 6. The dwelling contains a storage capacity area in a basement located under the dwelling, in an attic area, in closet area, 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.
 7. The dwelling is aesthetically compatible in design and appearance with other residence in the vicinity, with either a roof overhang 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 the 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. 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 (15) 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(1) or more residential dwellings located outside of mobile home parks with 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 (1) 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.

8. 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 a required herein.
 9. The dwelling with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing and electrical apparatus and insulation within and 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.
 10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by the State or Federal law or otherwise specifically required in the Ordinance of the township pertaining to such parks.
 11. All construction required herein shall be commenced only after the building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- (26) DWELLING, TWO FAMILY: A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in SECTION 19.02 (25).
- (27) DWELLING, MULTI FAMILY: A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in SECTION 19.02 (25).
- (28) ESSENTIAL SERVICES: The phrase "essential services" means the erection, construction, alteration, or maintenance of public utilities or municipal department or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, 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 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.

- (29) FAMILY: One (1) person, or group of two (2) or more persons living together who may or may not be inter-related by bonds or consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and 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.
- (29A) FAMILY DAY CARE HOME: A private dwelling in which up to six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day.
- (30) FARM: All of the contiguous neighboring or associated land operated as a single unit on which bonafide agriculture is carried in 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; provided, however, that land be considered a farm hereunder of ten (10) acres or more in area.
- (31) FLOOD PLAN: That portion of land adjacent to a water body or water course which is subject to periodic inundation.
- (32) FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior wall separating two (2) buildings. The "floor area" of a building shall include the one-half ($\frac{1}{2}$) 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".
- (33) 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.
- (34) 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 equipping of automobiles or other motor vehicles.
- (35) GARAGE, PRIVATE: An accessory building not over than one (1) story or fifteen (15) feet in height used for parking or storage of vehicles as may be required connection with the permitted use of the principal building.
- (36) 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.
- (37) 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.

- (37A) GROUP DAY CARE HOME: A private dwelling in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day.
- (38) GROUP HOUSING: Two (2) or more multiple dwellings on a parcel of land under single ownership.
- (39) HIGHWAY: (See "STREET, MAJOR").
- (40) HOME OCCUPATION: A Class A "permitted use" home occupation is permitted by right and subject to the following: This occupation shall be limited to the principal building only, and may not exceed thirty percent (30%) of the total floor area of the dwelling. The activities of the Class A home occupation shall be carried on indoors, and such activities shall not require the internal or external alteration, or the placement of equipment or machinery not customarily associated with the residential use of the property. The occupation shall be limited to the principal residents of the dwelling. Hours of operation shall be by appointment only, or so limited in nature that such regular hours do not exceed eight (8) in any given week. No advertising of the location or signage at the location shall be permitted.

A Class B "conditional use" home occupation is permitted only upon approval of a conditional use permit. The occupation shall be limited to no more than one (1) employee other than members of the resident family. It may be allowed in an accessory building provided such area utilized for the home occupation does not exceed twelve hundred (1200) square feet combined for the dwelling and accessory building. A small announcement sign shall be permitted subject to sign regulations. The Planning Commission and the Township Board may impose conditions on such approval, including any retail limitations, hours of operation, or similar restrictions based upon compatibility of the proposed location (SEE SECTION 10.23).

- (41) 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 service facilities, and staff offices.
- (42) 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.
- (43) 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.
- (44) JUNK YARD: Any land or buildings where waste, used or second hand materials are bought and sold, exchanged, stored, baled, parked, disassembled, or handled including, but not limited to scrap iron and other materials, paper, rags, rubber, tires, and bottles. A "junk yard" includes automobile 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.
- (45) 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 such occupancy, measured from the exterior faces of the exterior walls, from the center line of walls separating two (2) buildings, from the center lines of interior walls, and excluding porches, garages, breezeways not useable the year around.
- (46) **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.
- (47) **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, together with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by the Ordinance. Said parking spaces and loading spaces required by this Ordinance. Said parcel of land may consist of one (1) or more lots or record according to any recorded plat, but for the purpose of this Ordinance shall be deemed one (1) parcel or it.
- (48) **LOT, AREA:** The total horizontal area within the lot lines of a lot.
- (49) **LOT, CORNER:** A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one-hundred thirty-five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one-hundred-fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended from an interior angle or less than one-hundred thirty-five (135) degrees.
- (50) **LOT, INTERIOR:** Any lot other than a corner lot.
- (51) **LOT LINES:** The lined bounding lot as defined herein:
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 the street which is designed as the front street in the plat and the request for zoning compliance permit. In the case of lots bordering on a lake, river, or canal: the established water or shoreline may be designated as the front of such lots.
Rear Lot Lines: 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 of the lot line, not less than (10) feet long lying farthest from the front lot line and wholly within the lot.
Side Lot Line: Any lot lines other than the front lot lines or rear lot lines.
- (52) **LOT COVERAGE:** That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
- (53) **LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
- (54) **LOT WIDTH:** The horizontal distance between the side lot lines, measured at the road right-of-way. For irregular shaped lots, such as those fronting onto a cul-de-sac, the lot width may be measured at the front yard setback line for the zoning district in which the lot is located
- (55) **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.

- (56) MOBILE HOME: Mobile homes which do not conform to the standards of SECTION 19.02 (25) of this Ordinance shall not be used for dwelling purposes with the Township unless located within a mobile home park or mobile home plat zoned for such purposes as hereinafter provided.
- (57) MOBILE HOME PARK: Any subdivision, however designated, that is occupied or designated for occupancy by more than one (1) mobile home and which conforms to the provisions of Act 243 1959.
- (58) 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) slacked, or detached.
- (59) 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 ~~or not~~ to the use regulations *for* the district in which it is located.
- (60) NON-CONFORMING USE: A use which lawfully occupied a building or land at the time this Ordinance or amendments thereto became effective, and which does not conform to the use regulations of the district in which it is located.
- (61) NURSING HOME, REST HOME OR CONVALESCENT HOME: A home as specified in State Act 139, Public Acts of 1956, as amended.
- (62) 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.
- (63) OPEN SPACE: Any space suitable for recreation, gardens, or household service activities such as cloths drying. Such space must be at least seventy-five (75) percent open to the sky, free of automobile traffic, parking and undue hazard, and readily accessible by all those for whom it is required.
- (63A) PARCEL: Unless specified otherwise, the term “parcel” shall be synonymous with the term “lot” and shall have the same meaning as “lot.”
- (64) 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 useable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.
- (64A) PLANNED NEIGHBORHOOD SHOPPING CENTER: A tract of land occupying less than four (4) acres which is located in and used for any purpose permitted in the HS District.
- (65) PLANNED UNIT DEVELOPMENT: This is a tract of land which includes two (2) or more principal buildings, developed under single ownership of control; the development of which is unique and of a substantial 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.
- (66) PRINCIPAL USE: The main use to which the premises are devoted and the main purpose for which the premises exist.
- (67) PUBLIC PARK: Any park, playground, beach, outdoor swimming pool, parkway;

within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.

- (68) **PUBLIC SEWER SYSTEM:** A public sewer system shall be defined as a central or community sanitary sewage and collection system or 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 for intended for use by the general public or a segment thereof , for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.
- (69) **PUBLIC UTILITY:** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and, furnishing under state or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
- (70) **RECREATION AREA, PRIVATE:** All lands and structures which are owned and operated by private individuals, a business or corporation which are predominately intended to provide for outdoor recreational activities.
- (71) **RECREATIONAL VEHICLES:** All those 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.
- (72) **RETAIL & RETAIL STORE:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
- (73) **RIGHT-OF-WAY:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
- (74) **ROADSIDE STAND:** A permanent structure which is used seasonally for the sale of produce. The use of roadside stand shall not constitute a commercial district.
- (75) **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.
- (76) **ROOMING UNIT:** Any room, or group of rooms, forming a single habitable unit used for living and sleeping, which does not contain cooking or eating facilities.
- (77) **ROWHOUSE, (TOWNHOUSE):** An attached house in a row or group, each house containing not more than two(2) dwelling units and each house separated from adjoining houses in the same row or group by common fire walls or fire separations.
- (78) **SANITARY LANDFILL:** A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each days operation or at more frequent intervals as necessary; and maintained in accordance with the provisions of Public Act 641 of 1978, as amended.
- (79) **SETBACK:** The minimum horizontal distance between the street, rear, or side lines of the lot and the area established for building purposes (building envelope) by zoning district. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining setbacks, provided such application consolidates the lots for building and zoning purposes.
- (80) **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.

- (81) **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.
- (82) **SIGNS:** Any words, numbers, figures, devices, designs, 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.
- (82A) **SITE CONDOMINIUM:** A division of land, on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act, Public Act 591 of 1996, as amended.
- (82B) **SOLAR ENERGY SYSTEM (SES):** A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area, and sometimes referred to as “concentrated solar power” systems or “CSP” systems.
 - 1. Small Solar Energy System (Small SES): A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of no more than two-thousand (2,000 sq. ft.). A Small SES is typically intended to principally serve a single residential unit, agricultural operation, business or other singular facility, located on the same lot as the Small SES.
 - 2. Medium Solar Energy System (Medium SES): A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than two-thousand (2,000 sq. ft.) but not more than ten-thousand (10,000) sq. ft. A Medium SES is commonly intended to produce energy for use principally in association with multiple dwellings, businesses and/or other facilities, on a single lot on which the system is located and/or for use by off-site properties and persons.
 - 3. Large Solar Energy System (Large SES): A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than ten-thousand (10,000) sq. ft. and/or is used principally to provide service to customers not located on the same lot as the SES, irrespective of the cumulative area of the panels. A Large SES is commonly intended to produce energy for use principally in association with multiple dwellings, businesses and/or other facilities on a single lot on which the system is located and/or for use by off-lot properties and persons including in association with energy utility providers.
 - 4. Self-Contained Solar Energy Systems: Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, and intended to provide energy to operate a device to which such panel is attached such as in the case of a panel powering an exterior light or an attic fan.
 - 5. Solar Collection Panels: Panels and/or tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.
- (83) **STORY:** That part of a building, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
- (84) **STREET:** A thoroughfare or road which affords the principal means of access to abutting property.
- (85) **STREET, MAJOR:** A public way, the principal use of which is to provide an arterial

- route for through traffic and has its secondary use the provision of access to abutting properties.
- (86) STREET, MINOR: A public way, the principal use of which is to give access to abutting properties.
- (87) STRUCTURE: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.
- (88) 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.
- (89) TRAILER COACH: Same as Mobile or Manufactured Home.
- (90) TRAILER COACH PARK: Same as Mobile or Manufactured Home Park.
- (91) Deleted
- (92) 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 “useable 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.
- (93) USE: The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.
- (94) VARIANCE: A modification of the literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.
- (95) YARD: An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.
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. For those lots fronting onto a body of water, buildings shall adhere to the front yard setback for both front and waterfront yards.
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.
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.
- (96) ZONING DISTRICT: See District.