MARENGO TOWNSHIP
ZONING ORDINANCE
ORDINANCE NO. 2022-01

2022

AMENDMENTS: March 26, 2024, April 25, 2023, April 29, 2025

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ARTICLE 1

TITLES, PURPOSES AND LEGAL CLAUSES

1.01 Short Title

This Ordinance shall be known and may be cited as:

"The 2022 Zoning Ordinance of Marengo Township"

1.02 Repeal and Savings Clause

The Marengo Township Zoning Ordinance, effective February 22, 1977, as amended, is repealed, and replaced on July 16, 2022. The repeal of said Ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said Ordinance or any part thereof, or such Ordinance and all parts thereof shall be treated as remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

1.03 Purpose and Basic Plan

The provisions of this Ordinance have been designed in order to implement so far as possible the Master Plan of Marengo Township adopted by the Township, in order to promote the public health, safety, morals and general welfare, to encourage the use of lands in accordance with their character and adaptability to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties and has been designed after giving reasonable consideration to, among other things, the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development. 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.

1.04 Validity and Severalty Clause

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

1.05 Conflict with other Laws

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.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a

higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

1.06 Period of Effectiveness

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

1.07 Effective Date

The provisions of this Ordinance became effective July 16, 2022, and shall remain in effect subject to amendment after that date.

ARTICLE 2

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

2.01 Rules Applying to Text

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

The word "shall", is always mandatory and not discretionary. The word "may", is permissive.

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.

The word "building" includes the word "structure".

A "building" or "structure" includes any part thereof.

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".

References to "section" are the numbered sections within each Article such as "2.01".

Any word or term not defined herein shall be used with a meaning of common or standard utilization.

2.02 Definitions

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

ABANDONED COMMERCIAL MEDICAL MARIHUANA FACILITY: Any Commercial Medical Marihuana Facility that is nonfunctional, inoperative, or is not used for its permitted purpose, including but not limited to:

1. A Commercial Medical Marihuana Facility that has not completed construction or started operations on or before the completion date listed within their permit application.

2. A Commercial Medical Marihuana Facility that failed to renew their Permit and has not received a zoning compliance permit for another permissible use within the zoning district within six (6) months of their Commercial Medical Marihuana Facility Permit expiring.

ABANDONED MARIHUANA ESTABLISHMENT: Any Marihuana Establishment that is nonfunctional, inoperative, or is not used for its permitted purpose, including but not limited to:

1. A Marihuana Establishment that has not completed construction or started operations on or before the completion date listed within their permit application.

2. A Marihuana Establishment that failed to renew their Permit and has not received a zoning compliance permit for another permissible use within the zoning district within six (6) months of their Marihuana Establishment Permit expiring.

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.

ACCESSORY USE: A use subordinate to the principal use on a lot and used for purposes clearly incidental to those of the main use.

ADULT FOSTER CARE FAMILY HOME: A State licensed private 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.

ADULT FOSTER CARE GROUP HOME-: A State licensed private facility approved to receive up to twelve (12) adults who are provided supervision, personal care, and protection in addition to room and board for compensation. An adult foster care group home does not include adult foster care facility for more than twelve adults, hospital, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

AGRICULTURAL: Includes purposes related to agriculture, farming, dairying, viticulture and animal and poultry husbandry.

AGRICULTURAL ENTERTAINMENT: Agri-tainment and agritourism refer to consumer-focused forms of agriculture, in which farms supplement their traditional income from the sale of crops to wholesale markets by offering a variety of "entertainment farming" options. These agri-entertainment options include pick-your-own operations, pumpkin patches, corn mazes, farm stores, agricultural festivals, and educational activities. There are three aspects to agritourism. The farms have: (1) something for visitors to see (2) something for them to do, and (3) something for them to buy. Usually, the farms are themed, such as Halloween-related activities or historic re-creations. Things to see and do are often offered free, but farms still derive a substantial profit by selling farm products, refreshments, and souvenirs to visitors.

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.

ALTERATIONS: Any change, addition or modification in construction, any change in the structural members of a building, such as walls, or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

ANIMALS, EXOTIC: A rare or unusual animal pet, or an animal kept within human households which is thought of as a wild species not typically kept as a pet.

ANIMALS, FARM: Animals that are raised on a farm and kept for economic benefits such as horses, pigs, chickens, sheep, cattle, etc., Farm animals are always economically beneficial, and they are not considered household pets. The relationship with the owner is not as strong as in pets.

ANIMALS, PET: Kept by the owner as household animals for companionship and recreation, e.g., dogs, cats, rodents, some reptiles, etc., They commonly have a strong relationship with the owner and limited or no economic benefits. Disease transmission into humans is common as there is often direct contact.

APARTMENT BUILDING: (See Dwelling, Multiple Family).

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.

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.

BASEMENT: That portion of a building which is below the first story, the ceiling of which is less than five (5) feet above the average surrounding ground elevation.

BILLBOARD: Any off-premises sign or advertisement used as an outdoor display for the purpose of making anything known to the public. This definition does not include any bulletin boards used to display official court or public office notices.

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.

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.

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.

CHILD CARE CENTER: A facility (publicly or privately operated) other than a private home, having as their principal function the receiving of 1 or more preschool or school age children (under the age of 18) for care, maintenance, and supervision.

CHILDREN'S CAMP: A residential, day, troop, or travel camp conducted in a natural environment for more than 4 school age children, apart from their parents, relatives, or legal guardians, for 5 or more days in a 14-day period.

CHURCH: A building wherein people regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

COMPLETION DATE: The date a Facility or Establishment is operational and used for its permitted purpose. A completion date may be a specified time or the period after the date the initial Permit is issued.

COMMERCIAL MEDICAL MARIHUANA FACILITY*:* Commercial Medical Marihuana Facility or "Facility" means one of the following:

1. "Provisioning Center," as that term is defined in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. ("MMFLA")

2. "Processor," as that term is defined in the MMFLA

3. "Secure Transporter," as that term in the MMFLA

4. "Grower," as that term is defined in the MMFLA

5. “Safety Compliance Facility,” as that term is defined in the MMFLA

DRIVE-IN RESTAURANT: 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.

DWELLING UNIT: A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

DWELLING, SINGLE FAMILY: A building containing not more than one dwelling unit for residential use, complying with the following standards:

It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.

It has a minimum width across any front, side, or rear elevation of 20 feet and complies in all respects with the Michigan Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P.A. 230, as amended, including minimum height 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.

It is rigidly 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. If the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

If 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.

The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.

The dwelling contains a storage capacity area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction equal to or of better quality, than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.

The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively, with window sills and roof drainage system concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps 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 or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with said dwelling to the extent of not less than 20 percent of the lots situated within said area; or, where said areas is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure. including permanent attachment to the principal structure and construction of a foundation as required herein.

The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within 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 2280, 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.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.

All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

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 this ordinance.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units designed for residential use.

ELECTRIC INFRASTRUCTURE: Electric transmission systems, which is not an essential service, including high and medium voltage collection systems and structures to interconnect to the bulk electric system, such as but not limited to, underground, surface, or overhead electric transmission lines, and other similar equipment along with accessories in connection therewith, reasonably necessary for the furnishing of adequate electric service including electric substations.

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 system , 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.

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 a single set of culinary facilities. The persons thus constituting a family may also include foster children, gratuity guests, and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.

FAMILY DAY CARE HOME: A State licensed private residence 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.

FARM: All 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.

FLOODPLAIN: That portion of land adjacent to a water body or water course which is subject to periodic inundation.

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 (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".

FOSTER FAMILY GROUP HOME: A State licensed private residence in which either five (5) or six (6) minor children who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day for four (4) or more days per week, for two or more consecutive weeks, unattended by a parent or legal guardian. These children are often awaiting adoption.

FOSTER FAMILY HOME: A State licensed private residence in which one (1), but not more than four (4) minor children who are not related to an adult member of the household by blood, marriage, or adoption, are given care, and supervision for periods of less than twenty-four (24) hours a day for four (4) or more days per week, for two or more consecutive weeks, unattended by a parent or legal guardian. These children are often awaiting adoption.

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.

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, including the sale of convenience goods.

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.

GREENBELT BUFFER: A strip or parcel of land privately restricted or publicly dedicated as open space, located between land uses for the purpose of protecting the character of adjacent residential or other uses. Said greenbelt buffer shall include, but not be limited to the following materials: open space with maintained green cover, evergreens, deciduous trees, shrubs, bushes.

GROUP DAY CARE HOME: A State licensed private residence 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.

GROUP HOUSING: Two (2) or more multiple dwellings on a parcel of land under single ownership.

HIGHWAY: (See "STREET MAJOR").

HOME-BASED BUSINESS: An accessory use of a non-residential nature carried on within a dwelling or accessory building by a member of the family residing in the dwelling and not more than one employee.

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.

HOTEL: An establishment where you pay to have a room to sleep in providing accommodations, meals, and other services for travelers and tourists. A hotel is fit for long stay due to the luxuries provided. A multi-story building having indoor hallways to guest rooms.

INTERGENERATIONAL DAY CARE: A facility that combines child day care with elderly care in a single facility.

JUNK YARD: Any land or buildings where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, parked, disassembled, or handled including, but not limited to scrap iron and other 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.

KENNEL, COMMERCIAL: "Commercial Kennel" means any lot or premises on which five (5) or more dogs and/or five (5) or more cats over four (4) months of age are kept by the owner or occupant for commercial purposes, including, but not limited to, boarding, breeding, buying, selling, renting, exhibiting, or training.

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.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance including a principal building together with its accessory buildings, farmland for agricultural production together with its accessory buildings, and open spaces, including parking spaces, and loading spaces required by this Ordinance.

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.

LOT, INTERIOR: Any lot other than a corner lot.

LOT LINES: The lines bounding a 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 each street shall be the front lot line. In the case of lots bordering a lake, river, or canal; the established water or shoreline shall 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 ten (10) feet long lying farthest from the front lot line and within the lot. In the case of a corner lot or double frontage lot, there shall be no rear lot line.

Side Lot Line: Any lot lines other than the front lot lines or rear lot lines.

LOT COVERAGE: That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

LOT OF RECORD: A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purposes of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds but dated and executed prior to the effective date of this Ordinance shall also constitute a lot of record.

LOT WIDTH: The horizontal distance between the side lot lines, measured at the two points where the building line or setback intersects the side lot lines.

MARIHUANA: Means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.

MARIHUANA ESTABLISHMENT" OR "ESTABLISHMENT": Means one of the following, or any other type of Marihuana-related business Licensed by the department.

Marihuana grower: That term is defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. ("MRTMA").

Marihuana microbusiness: That term is defined in the MRTMA.

Marihuana processor: That term is defined in the MRTMA.

Marihuana retailer: That term is defined in the MRTMA.

Marihuana secure transporter: That term is defined in the MRTMA.

Marihuana safety compliance facility: That term is defined in the MRTMA.

Designated consumption establishment: That term is defined by the Department of Health and Human Services or as may be defined in the MRTMA.

Excess Marihuana grower: That term is defined by the Department or as may be defined in the MRTMA.

Marihuana event organizer: That term is defined by the Department of Health and Human Services or as may be defined in the MRTMA.

Temporary Marihuana event: That term is defined by the Department of Health and Human Services or as may be defined in the MRTMA.

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 to bring about the absolute best community living conditions.

MEDICAL MARIHUANA: Medical Marihuana" means that term as defined in MCL 333.26423.

MINERAL REMOVAL: A mineral is a naturally occurring inorganic element or compound having an orderly internal structure and characteristic chemical composition, crystal form, and physical properties. Mineral removal refers to a method of extracting minerals from the earth through their removal from an open pit or borrow. This process is done on the ground surface of the earth. It is best suited for accessing mostly vertical deposits of minerals. Open-pit mining is the most common type of mineral removal. This type of mining is typically used to mine gravel and sand.

MOBILE HOME: Mobile homes which do not conform to the standards of this Ordinance shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home plat zoned for such uses.

MOBILE HOME PARK: Any subdivision, however designated, that is occupied or designated for occupancy by more than two (2) mobile homes, and which conforms to the provisions of Act 243 1959.

MOTEL: An establishment designed primarily for motorists, typically having the rooms arranged in a low building with parking directly outside motels are meant for motorists on long trip to refresh and relax. A motel is fit for a short stay since it is not provided with great luxuries. A one or two-story building having outdoor hallways to guest rooms.

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 not to the use regulations of the district which it is located.

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.

NURSING HOME: A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

OPEN SPACE: Any space suitable for recreation, gardens, or household service activities such as cloths drying.

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.

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.

PRINCIPAL USE: The main use to which the premises are devoted and the main purpose for which the premises exist. Unless otherwise specified, only one principal is allowed per parcel.

PUBLIC PARK: Any Park, playground, beach, outdoor swimming pool, or parkway, within the authority and control of a governmental agency authorized by state statutes to own and maintain parks.

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.

RECREATION AREA, PRIVATE: All lands and structures which are owned and operated by private individuals, a business or corporation which are intended to accommodate recreational vehicles and provide for outdoor recreational activities.

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.

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.

RIGHT-OF-WAY: A street, alley or other thoroughfare or easement permanently established for passage or persons or vehicles.

ROADSIDE STAND: A permanent or temporary structure which is used seasonally for the sale of produce. The use of roadside stand shall not constitute a commercial district.

BED AND BREAKFAST: A residential building, or part thereof, where sleeping accommodations are provided for hire and where meals may be furnished.

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.

SAND AND GRAVEL MINING: Sand and Gravel Mining requires four operations including: (1) site clearing (removal of trees and vegetation, soil, and other overburden; soil must be stockpiled and reused later), (2) mining, (3) processing (crushing, screening, washing, blending, and stockpiling of the mined material to conform to standards), and (4) reclamation of the mined area. Bulldozers, tractor scrapers, and front-end loaders extract the sand and gravel from glacial deposits like eskers, kames, and outwash plains. Many mining operations also include stone crushers, so that all the rock can be utilized. The mineral material is then sieved and sized, to the specs of the application. Construction-grade sand and gravel is a *high volume, low value* commodity, and *cannot be* economically *transported long distances*. Most commonly, large trucks are used to transport the sand and gravel, and the rule of thumb is that it cannot economically be transported more than 30 miles. Thus, Sand and Gravel Mining must be located near where it is needed.

SETBACK: The minimum horizontal distance between the street, rear, or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining offsets, provided no more than one (1) principal building shall be located on contiguous lots unless approved through land division.

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.

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.

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.

SITE CONDOMINIUM: See Marengo Township Subdivision/Site Condominium Ordinance.

SPECIAL LAND USE: A special land use which is subject to conditional approval by the Planning Commission. A Special Land Use may be granted when specified by this Ordinance and for those uses not specifically mentioned. A permitted Special Land Use is not considered to be a non-conforming use.

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.

STREET: A thoroughfare which affords the principal means of access to abutting property.

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.

STREET, MINOR: A public way, the principal use of which is to give access to abutting properties.

STRUCTURE: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

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.

SURETY: A cash deposit, certified check, or irrevocable bank letter of credit, acceptable to the Township, covering the cost of required improvements.

SWIMMING POOL: Any artificially constructed, portable or non-portable pool capable of being used for swimming or bathing, having a depth of three (3) feet or more at any point.

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.

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.

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.

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 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.

ZONING 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.

ARTICLE 3

GENERAL PROVISIONS

3.01 Purpose

Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

In any zoning district, a change from one allowed use to another allowed use shall require a zoning permit. The zoning permit shall be required even if there is no change in building size or any change to the site. However, Site Plan Review by the Planning Commission may be required at the discretion of the Zoning Administrator.

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.

3.02 Access to a Street/Private 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 or issued a zoning permit, unless access to a public street is provided by a or properly recorded private easement no less than twenty (20) feet in width. Public access to commercial, industrial, or recreational uses shall not be designed to pass through residential neighborhoods.

A private street shall adhere to the following standards:

1. The owner(s) of property over which such private street is to be constructed shall be required to record an easement having a width of at least sixty-six (66) feet for roadway purposes dedicating the use of the same for ingress and egress from a public street for the benefit of the owner and users of the property or properties involved.

2. The roadway agreement, easement and deed restrictions shall be recorded in the County Register of Deeds, providing for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. The easement agreement shall include a provision which provides that owners of all property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with the normal ingress and egress, and the use of the road by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the private street.

3. All lots served by the private street must meet the zoning district requirements in which they exist. Setbacks shall be measured from the edge of the private street right-of-way.

4. The entire private street shall be constructed to conform with the same requirements prescribed by the Calhoun County Road Department for that portion of the private street which is within the Calhoun County Road Department's right-of-way. Additionally, an engineer shall be hired at the expense of the developer, who shall provide documentation to the Township that the road is constructed to the standards for a paved road as specified by the Calhoun County Road Department. The private street shall have a name and street sign consistent with the Calhoun County Road Department standards. A location map of the private street and the street name shall be submitted to the Township Fire Department,

Calhoun County Sheriff Department and any emergency service organization serving Marengo Township.

5. Prior to the commencement of any private street development, the developer shall submit in writing to the Township Planning Commission all the foregoing required documents, construction plans, and private street location with respect to nearby public roads and the parcels to be served by such private street for the Planning Commission's review with respect to the granting or denial of a Special Land Use permit. The Planning Commission shall conduct a public hearing for such Special Land Use in accordance with the provisions of this Zoning Ordinance.

   A. Public Hearing Required - Following the submittal of a completed application for a private street, the planning commission shall advertise and hold a public hearing. Notice of the hearing shall be provided to all taxpayers of record within 300 feet of the private street and one notice shall be published in the newspaper of local circulation. If the private street is included in a proposed planned unit development, Special Land Use, site condominium, or other land development requiring Planning Commission consideration, then the Commission may consider approval of the private street as a part of the proceedings for the development.

   B. Application - An applicant wishing to construct a private street must make application to the Township for a permit. This application will include complete sets of plans for the private street to be constructed and maintained such that in all weather conditions the private street shall be passable and shall readily afford emergency access to the dwellings, buildings or other structures serviced by the private street.

   C. Procedures for Approval of a Private Street - The Planning Commission shall review the application for the private street, and shall approve the application if, in its discretion, the Planning Commission determines that the following standards have been satisfied:

      i. That the private street complies with Site Plan Review and all other applicable requirements of this Ordinance.

      ii. That the private street is designed in accordance with the Marengo Township Design and Construction Standards.

      iii. That the private street would not create conditions that may be detrimental to the health, safety, or welfare of persons or property, through their creation of hazardous or potentially hazardous situations.

      iv. In approving an application for a Private Street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction, and use of the private street, consistent with the terms of this section and other applicable Township Ordinances.

6. Authorization to Construct – Authorization to begin construction of the proposed private street shall be granted by the Zoning Administrator. No private street shall be constructed until written permission has been issued. In determining whether to issue a construction permit, the Zoning Administrator or his or her designee, shall consider the approval of the private street by the Planning Commission, whether the private street can be constructed safely and without serious adverse effects upon adjacent or nearby lands or property interests and whether the private street meets the design standards of this section.

7. The private street must be under construction within twelve (12) months and completed within twenty-four (24) months. Failure to complete construction within twenty-four (24) months shall constitute forfeiture of escrow.

    A. Periodic Inspection - From time to time the Township Engineer or his/her designee may inspect the private street construction associated with the approved site plan for the development. If during any inspection, the Township Engineer, or his/her designee determines that work is not acceptable and according to the approved site plan, the Owner will be advised in writing of specific defects to be remedied. The Owner will have thirty (30) days to file an appeal to the Township's remedy notification.

    B. Final Inspection and Compliance - Upon completion of construction of a private street, the Township Engineer, or his or her designee, shall inspect the completed construction to determine whether it complies with the approved plans and specifications for the street, the approval given therefore by the Planning Commission, and the terms of this section and other applicable provisions of this Ordinance.

    C. The applicant shall provide the Township with a set of "as-built" drawings, bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of this section and other provisions of this Ordinance and with the terms of approvals given by the Planning Commission.

    D. After receiving the certified as-built drawings, on-site inspection of the completed construction, and written approval of the private street by the Township Engineer, the Zoning Administrator shall issue and submit to the applicant a certificate of compliance. The certificate shall state that based upon the inspection of the construction the private street complies with this section, other applicable provisions of this Ordinance and the Planning Commission approvals.

    E. If the completed private street does not satisfy the requirements of this section, other applicable provisions of this Ordinance or approvals given by the Planning Commission, the applicant shall be notified in writing of such noncompliance and shall be given a reasonable period in which to correct the stated deficiencies.

    F. No zoning permits or other permits shall be issued for any dwelling, or other building, structure, or use, where the primary access is to be provided by a private street, until the private street has been approved in accordance with this section.

8. Surety - If a private street has not yet been completed and approved in accordance with this section and other applicable provisions of this Ordinance, but the applicant has submitted to the Township a performance surety, with acceptable surety, or a letter of credit, conditioned upon the timely and full completion of the private street in accordance with this section, then one building permit may be issued for a dwelling or for other principal building, structure or use, the primary access to which is to be provided by the private street; provided, however, that no such permit shall be issued unless the Township Engineer also determines that persons and vehicles may traverse the incomplete private street in sufficient safety. In such a case, the further construction of the private street shall be pursued diligently to completion.

9. As a condition of approval of a private street, the Township may require that the applicant provide a performance surety, letter of credit, or other acceptable surety, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given for the private street by the Planning Commission.

A. Certificate of Occupancy - A Certificate of Occupancy for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been laid out and constructed with sufficient width, surface, and grade to assure the safe passage and maneuverability of fire, police, ambulance, and other emergency service vehicles.

B. If the private street is proposed as part of a Planned Unit Development or a Special Land Use, the provisions of this section may be modified by the Planning Commission and Township Board (where Township Board approval is otherwise required) upon a determination that the requirements of the Planned Unit Development or Special Land Use and the requirements of this section would nevertheless be sufficiently accommodated.

C. Existing Private Streets and Easements - The provisions of this Ordinance shall apply to existing private streets to the extent stated in this subsection.

D. At the end of the private street, a turn-around shall be provided, in accordance with the requirements of the Marengo Township Design and Construction Standards.

E. Notwithstanding the provisions of this Ordinance, a building or structure may be erected upon a lot or parcel abutting a private street or easement created or constructed adjacent to that property before the effective date of this Ordinance if:

   i. The lot or parcel was platted or otherwise of legal record as an individual lot or parcel as of the effective date of this Ordinance.

   ii. The private street has a cleared width of at least sixteen (16) feet, graded to be passable by emergency vehicles, and has sufficient gravel or other surface to be passable by vehicles on a year-round basis.

Notwithstanding the other provisions of this Ordinance, if a building or structure is proposed to be erected upon a lot that was not platted or otherwise of legal record as an individual lot or parcel as of the effective date of this Ordinance, and if the private street abutting the lot or parcel was constructed before the effective date of this Ordinance, then the building or structure may be erected if that part of the private street which from its intersection with the public right-of-way, and extending across or adjacent to the lot or parcel on which the building or structure is to be constructed, is brought into compliance with the requirements of this Ordinance.

No private street, which does not meet the requirements of this Ordinance, shall be extended in length, unless the entire length of the private street, both the existing portion, and the new, extended portion, is brought into compliance with the provisions of this Ordinance.

3.03 Accessory Buildings

1. 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 Setback dimensions, but if such accessory bundling 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 shall be considered a detached accessory building for purposes of determining required rear Setback dimensions.

2. 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 from any side lot line.

3. No detached accessory building shall be located nearer than five (5) feet to any rear lot line.

4. No accessory building shall project into any required front setback.

5. No accessory building shall occupy more than thirty (30) per cent of the area of any rear yard.

6. Where a comer lot adjoins a single boundary of a lot in any Residential Zoning District, no accessory building shall be located nearer to the side street lot line than the side setback of the principal building on said lot.

7. Requirements for all accessory buildings and structures

   A. No accessory buildings or structures shall be allowed on any parcel that does not have a principal use.

   B. Accessory uses shall not involve the conduct of any business, trade, or industry, except as may otherwise be allowed in this ordinance.

   C. The architectural character of all accessory buildings or structures shall be compatible with the principal building.

   D. Accessory buildings or structures shall be prohibited in commercial and industrial zoning districts accept as may be approved by the Planning Commission on a specific Site Plan in accordance with this ordinance.

   E. The distance between accessory buildings or structures and any other building or structure shall not be less than ten (10) feet.

8. Accessory buildings or structures shall be considered as attached to a principal building when:

   A. The distance between the buildings is not greater than twenty (20) feet

   B. The connection is solidly covered and enclosed by a breezeway, portico, or covered colonnade

   C. The connection has a common wall, roofline, or similar architectural feature

   D. The attachment has an interior connection via a doorway or hallway

9. Accessory buildings or structures shall not exceed the height limitation of the district in which it is located.

10. In the case of a waterfront lot, accessory buildings or structures shall not be located closer than forty (40) feet to the water's edge (except pump houses not exceeding three (3) feet in height) and shall not occupy more than thirty percent (30%) of any required waterfront yard space.

11. Residential Garages

A. Attached residential garages shall not have a floor area exceeding ninety percent (90%) of the gross floor area of the principal structure.

B. A detached residential garage may be constructed, erected, and placed on the street-side front yard of a waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if such detached residential garage is an accessory building and if it is set back not less than twenty (20) feet from the nearest street right-of-way line.

12. Accessory Buildings in Residential and Agricultural Zoning Districts

A. On lots of less than one acre, only one accessory building is permitted, in addition to an attached garage, and it shall not exceed one thousand two hundred (1,200) square feet of gross floor area.

B. On lots of one acre or more, accessory buildings are allowed (in addition to an attached garage), but the combined total floor area of the accessory building(s) shall not exceed ten percent (10%) of the parcel size.

13. Agricultural Accessory Buildings in Agricultural Zoning Districts

Accessory buildings in agricultural zoning districts shall be allowed without a size or number limitation in accordance with the following:

A. The building is accessory to a farm and used exclusively for agricultural purposes

B. The parcel on which the building is located meets the minimum parcel size of the district in which it is located

C. The farm on which the building is located uses Generally Accepted Agricultural Management Practices as determined by the Michigan Department of Agriculture

D. The building is subject to the setback requirements of the district in which it is located

14. Small Accessory Buildings

Small accessory buildings of not more than 200 square feet shall be allowed in any residential or agricultural zoning district providing they meet required accessory building setbacks from side and rear property lines and is at least 100 feet from the front property line. Such small accessory buildings shall not require a zoning permit and shall not be included in the maximum allowable square footage for the parcel of land on which the building is located.

3.04 Accessory Building as Dwelling

No accessory building on the same lot as a principal building shall be used for dwelling purposes, except as otherwise allowed in this ordinance.

3.05 Adult Foster Care Small Group Homes

Adult foster care small group homes providing care for individuals in a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, being Public Act 218 of the Michigan Public Acts of 1979, as amended, or under Public Act 116 of the Michigan Public Acts of 1973, as amended, and that provides residential services for

six or fewer individuals under 24-hour supervision or care, shall be permitted as a residential use in any residential district; provided, however, that any such adult foster care small group home shall not be State-licensed for the care and treatment of persons released from or assigned to any adult correctional institution.

3.06 Basement as Dwelling

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

3.07 Change of Use

In any zoning district, a change from one allowed use to another allowed use shall require a zoning permit. The zoning permit shall be required even if there is no change in building size or any change to the site. In addition, Site Plan Review by the Planning Commission may be required at the discretion of the Zoning Administrator.

3.08 Conditional Rezoning

1. Intent - It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of the Township Zoning Act (PA 110 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

2. Application and Offer of Conditions - An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made later during the rezoning process.

    A. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

    B. The owner’s offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

    C. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

    D. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may be commenced only if a special land use permit for such use or development is granted in accordance with the provisions of this Ordinance.

    E. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may be commenced only if a variance for such use or development is granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

    F. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may be commenced only if site plan

approval for such use or development is granted in accordance with the provisions of this Ordinance.

G. The offer of conditions may be amended during the process of rezoning consideration only if any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board. If such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

3. Planning Commission Review - The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning.

4. Township Board Review - After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance.

5. Approval - If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

6. The Township Board may consider amendments to the proposed conditional rezoning if amendments of conditions are offered by the owner. The Township Board shall refer such amendments to the Planning Commission for a report to be completed in a specified time, whereby the Township Board shall proceed thereafter to deny or approve the conditional rezoning with or without amendments.

   A. The Statement of Conditions shall:

      i. Be in a form recordable with the County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

      ii. Contain a legal description of the land to which it pertains.

      iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

      iv. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

      v. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.

vi. Contain the notarized signatures of all the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

B. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

C. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the period, within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

D. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

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

8. Time Period for Establishing Development or Use - Unless another period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may be extended by the Township Board upon written request if:

   A. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and

   B. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

9. Reversion of Zoning - If the approved development and/or use of the rezoned land do not occur within the period specified, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

10. Subsequent Rezoning of Land - When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification

but with a different or no Statement of Conditions, whether it is because of a reversion of zoning or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

11. Amendment of Conditions - During the period for commencement of an approved development or use or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

12. Township Right to Rezone - Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

13. Failure to Offer Conditions - The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

3.09 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.

3.10 Control of Heat, Glare, Fumes, Dust, Noise, Vibration, and Odors

Every use shall be so conducted and operated that it is not obnoxious or dangerous due to heat, glare, fumes, odors, dust, noise, or vibration beyond the lot on which the use is located.

3.11 Corner Lots

Buildings on lots having frontage on two (2) intersecting or non-intersecting streets shall comply with front Setback requirements on both such streets. Remaining lot lines will be considered side lot lines.

3.12 Demolition of Buildings

No building or structure of more than two hundred (200) square feet shall be demolished or moved off-site unless a Township zoning permit and building permit have first been obtained. Such demolition shall be subject to all the following requirements:

1. All utilities shall be disconnected (including but not limited to sanitary sewer system connections and removal of any septic tank) and water supply wells shall be properly capped to prevent groundwater contamination (or may be reused if in compliance with Calhoun County Health Department requirements) and written confirmation thereof shall be submitted to the Township prior to the issuance of any permits for demolition.

2. It shall not be obnoxious to occupants of surrounding properties due to dust, noise, vibration, traffic, and the like.

3. Adequate provision shall be made for the safety of person and property.

4. All waste materials shall be removed from the demolition site.

5. All debris and rubble (including concrete and brick shall be removed from the demolition site.

6. The demolition site shall be restored to a level grade using clean fill. Clean fill shall consist of natural soil having no detectable contaminants, and may contain some rock, clean brick, ceramics reused in construction, concrete, asphalt paving fragments being “virtually inert”, sediments, stone from quarries, borrow pits, etc., or reclaimed asphalt directly reused in construction of roads, bridges, incidental construction, parking areas, etc.

7. In accordance with State law, a demolition permit is required from the Building Official before work may commence. A cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township shall be deposited with the Township Clerk to guarantee compliance with all the requirements of this section and completion of the demolition and all required cleanup and removal within the time specified in the permit. The amount of such financial guarantee shall be determined by the Township Board.

3.13 Destroyed or Damaged Buildings

The owner of any building or structure, which has been damaged or destroyed by fire, windstorm, or other casualty, shall repair such damage within one year after its occurrence. In the event the building or structure is damaged beyond repair, any part left standing after such damage or destruction shall be demolished pursuant to a permit. However, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure that is unsafe.

3.14 Essential Services

The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

This shall not include antennas, which are exterior transmitting, or receiving devices mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic wave digital signals analog signals radio frequencies wireless telecommunications signals or other communication signals. An essential service shall further not include towers which are designed and constructed primarily for the purpose of supporting one or more antennas for telephone; radio and similar communication purposes; radio and television transmission towers; microwave towers; common-carrier towers; or cellular telephone towers.

For purposes of this Ordinance, the following provisions shall apply:

1. The surface of land used for pipeline rights-of-way shall be restored and maintained as near as possible to Its original condition as prior to the construction of the pipeline.

2. Essential services shall be exempt from all area requirements in the Agricultural, Light

Industrial and Open Space Water Body Conservation Districts.

Electrical substations, gas regulator stations, utility pump and metering stations gasoline or oil pipelines and other public utility or governmental unit facilities that extend above ground and are located outside of public rights-of-way or which are potentially hazardous or obnoxious may be permitted in any zoning district but only with the prior approval of the Planning Commission as a Special Land Use.

3.15 Existing Lots of Record

Agricultural or Residential District - A lot or other parcel of land in an agricultural or residential district which is platted or otherwise of record as of the effective date of this ordinance may be developed and used for one single-family detached dwelling if the lot or other parcel of land has a minimum lot area of 6,500 square feet and if the permitted single-family detached dwelling complies with all current minimum setback requirements of the zoning district in which the lot or other parcel of land is located, and has a minimum twenty (20) feet of frontage on a public or private street in fee simple ownership and not an easement.

Commercial or Industrial District - A lot or other parcel of land in a commercial or industrial district which is platted or otherwise of record as of the effective date of this ordinance, may be developed and used for a permitted commercial or industrial use if the lot or other parcel of land has a minimum area of 12,000 square feet and if any permitted principal building and accessory building complies with all current minimum setback requirements of the zoning district in which the lot or other parcel of land is located, and has frontage on a public or private street and has a minimum fifty (50) feet of frontage on a public or private street in fee simple ownership and not an easement.

Where two (2) or more such non-complying lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this Ordinance.

3.16 Fences, Walls, and Screens

A zoning permit for the construction, installation, enlargement, or alteration of a fence shall not be required. In all zoning districts, no fence or wall other than necessary retaining wall, or other screening structure shall:

1. Be constructed on the property boundary, that is not part of the fence shall extend beyond the property boundary.

2. Be more than 36 inches in height shall be erected, constructed, located, or maintained in a front yard (or in the front or rear yard of any waterfront lot) in any zoning district. However, fences of up to 48 inches in height may be allowed provided they are constructed of chain link or have up to three horizontal slats not exceeding a width of six inches each, or comparable construction such that the view through the fence material is not obscured, and further, if the fence material is not more than 50% solid.

3. If necessary, to confine livestock, a fence of up to five feet in height is permitted in a front yard if the fence is of a wired, slatted, or other open design such that the view through the fence material is not obscured and, further, if the fence material is not more than 50% solid. The height of fence posts shall be the same as that of the fencing material.

4. If necessary to protect growing crops on a farm, as defined in this Ordinance, from damage by deer or other non-domestic animals, a fence, of up to ten (10) feet in height is permitted in any yard in any zoning district; provided, however, that the fence material shall consist

only of wire and further provided that if the fence is located in the front yard, it shall be no closer to the nearest street right-of-way line than the outer boundary of the farm field located in the front yard.

5. Be erected, constructed, located, or maintained at any location or in any manner which constitutes a hazard to motor vehicle traffic, by reason of interference with vehicle driver visibility or for other reasons.

    A. In residential zoning districts:

        i. No fence more than six (6) feet in height shall be erected, constructed, located, or maintained except as may otherwise be provided in this ordinance.

        ii. Any fenced area to house animals shall be in the rear yard or have a front setback of at least 150 feet and side and rear yards of at least 50 feet, except as provided otherwise in this section.

    B. In non-residential zoning districts:

        i. No fence more than eight (8) feet in height shall be erected, constructed, located, or maintained except as may otherwise be provided in this ordinance.

3.17 Front Yard Setback Averaging

In any Residential Zoning District where the average depth of two or more adjacent front Setbacks within one hundred (100) feet of the lot in question and in the same block and on the same side of the street, have existing buildings that are less than the minimum front Setback depth prescribed for the zoning district in which the lot is located, then the required front Setback may be modified to be no less than the average depth of the existing adjacent buildings; provided, however, that the depth of the setback shall not be less than twenty (20) feet.

3.18 Governmental Improvements

The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other federal, state, or local governmental agencies and units, except when otherwise provided by law.

3.19 Greenbelt 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 greenbelt 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 equal to the setback of the zoning district in which it is located shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained, so as not to create a nuisance, not limited to any combination of the following plant materials: grass, evergreens, deciduous trees, shrubs, and bushes.

3.20 Hazardous Materials

The intent of these regulations is to protect the groundwater and surface water quality in the Township by establishing regulations for the storage of hazardous substances; requiring groundwater protection measures; and requiring the disclosure of the location of storage, use,

and disposal areas of hazardous substances as a condition of site plan review, as outlined in this ordinance.

These regulations apply to all businesses or facilities that generate, store, or handle hazardous substances as defined herein.

1. Above Ground Storage –

    A. Hazardous substances stored in drums or other containers shall be product tight.

    B. Secondary containment of hazardous substances shall be provided by all uses that are subject to the Site Plan Review procedures as contained in this ordinance.

    C. No aboveground storage of hazardous substances and related secondary containment facilities shall be located within fifty (50) feet of any property line or one hundred (100) feet of any residentially zoned property.

    D. At a minimum, State and Federal agency requirement for storage, leak detection, record keeping, spill prevention, emergency response, transport, and disposal of hazardous substances shall be met.

2. Below Ground Storage –

    A. Any hazardous substance stored underground shall comply with the requirements of the Michigan Department of Environment, Great Lakes and Energy and the Michigan Fire Marshal.

    B. No underground storage tank shall be within thirty (30) feet of any property line or fifty (50) feet of any residentially zoned property.

    C. Operations that involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leakage of fluids could occur or has occurred. This is necessary to minimize fire hazard and to prevent such fluids from contaminating groundwater and surface water.

3.21 Health Department Approvals

No permit shall be issued for the construction of a building or structure, which is to have drinking water and/or sanitary facilities but is located on a lot which is not served by both public water and sewer facilities, unless its water supply and/or sewage disposal facilities comply with the Rules and Regulations governing Waste and Sewage Disposal of Calhoun County Health Department.

3.22 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 permitted to a height not exceeding one hundred (100) feet: utility poles, power lines, water towers, grain silos, grain elevators, cooling towers, public monuments, chimneys and smokestacks, church spires, domes, ventilators, skylights, elevator bulkheads, cupolas, and other necessary rooftop mechanical appurtenances, provided their location conforms where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction. Structures and appurtenances exceeding 100 feet are allowed only by Special Land Use permit.

3.23 Home-Based Businesses

1. Minimum Conditions for Permitted Home-Based Businesses - The following minimum conditions shall apply to all permitted Home-Based Businesses:

   A. The Home-Based Business shall be conducted within the principal residence by members of the family residing in such building.

   B. No Home-Based Business shall occupy more than one-third of the usable floor area of the principal residence; provided, however, that in no event shall the Home-Based Business occupy more than five hundred (500) square feet. No rooms constructed as an addition to a principal residence or created by the conversion of a garage, or other part of a principal residence not included in the usable floor area of the principal residence, shall be considered part of the usable floor area until two years after the date of the completion thereof as shown by the records of the Zoning Administrator.

   C. For purposes of identification, one non-illuminated nameplate not exceeding one square foot in area shall be permitted. Such identification nameplate shall identify only the name and profession, vocation or trade of the person or persons operating the Home-Based Business. No other sign shall be utilized in connection with such Home-Based Business.

   D. No motors other than electrically operated motors shall be used in conjunction with the Home-Based Business. All electrical motors and equipment used in the conduct of the Home-Based Business shall be shielded so as not to cause radio or television interference for adjoining properties.

   E. In no event shall the use of a principal residence for a Home-Based Business alter the residential character of the principal residence.

   F. No merchandise or articles for sale shall be displayed on the lot utilized for the Home-Based Business.

   G. No article or material used in connection with the Home-Based Business shall be stored other than in the principal residence.

   H. The Home-Based Business may increase vehicular traffic flow and parking by no more than two additional vehicles at a time. Any need for parking generated by the conduct of such Home-Based Business shall be met off the street and in areas other than in the required front Setback.

   I. There shall be no deliveries to or from a Home-Based Business with a vehicle having more than two axles.

   J. In no case shall a Home-Based Business be open to the public earlier than 7:00 AM in the morning nor later than 10:00 PM at night.

   K. A Home-Based Business shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.

2. Permitted Home-Based Businesses - The following Home-Based Businesses shall be permitted uses:

A. Architecture and interior design work

B. Beauty salons and barbershops licensed by the State of Michigan provided there is no more than one beauty or barber chair installed

C. Bookkeeping, accounting, and financial planning

D. Cabinet making and carpentry work

E. Computer programming and other computer related work

F. Consulting and counseling services

G. Drafting and illustration services

H. Dressmaking, sewing, and tailoring

I. Furniture upholstery

J. Gun dealer and gun repair service

K. Instruction in a craft or fine art, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making, but any sales on the premises shall be of only arts and crafts made on the premises and shall occur only occasionally

L. Musical instrument instruction, except that no instrument may be electronically amplified to be audible beyond the parcel of land where the use occurs

M. Office of building contractor or building trades persons, salesperson, sales representative, manufacturer's representative, minister, priest, or another member of the clergy

N. Pet Grooming

O. Painting, sculpturing, and writing

P. Private tutoring

Q. Secretarial services

R. Small household appliance repair including television, watch, and audio/video equipment repair

S. Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like (but excluding sales on the premises)

T. Telephone solicitation work; telephone answering service

U. Travel booking service

V. Wedding, reception, and banquet facilities

3. Non-listed, but Similar, Home-Based Businesses - In addition to the above permitted Home-Based Businesses, there shall also be permitted Home-Based Businesses which are similar in nature and effect to those specifically listed in this section.

   The determination whether a proposed Home-Based Business is sufficiently similar in nature and effect to a Home-Based Business specifically listed in this section may be made by the Zoning Administrator, but in the discretion of the Zoning Administrator, such determination may be made by the Planning Commission at a public meeting.

   In determining whether a proposed Home-Based Business is sufficiently like one listed in this section, the Zoning Administrator, or the Planning Commission shall consider and make findings upon the following standards:

   A. Whether the Home-Based Business is incidental and secondary to the use of the premises as a dwelling.

   B. Whether the nature of the Home-Based Business is in keeping with the residential use of the property.

   C. Whether the effects of the Home-Based Business upon adjacent and nearby lands would be within the scope of the effects likely to result from other, similar Home-Based Businesses that are specifically permitted in this section.

   D. Whether the Home-Based Business will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.

4. Prohibited Home-Based Businesses - Certain users, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for Home-Based Businesses, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as Home-Based Businesses:

   A. Antique shops

   B. Auto body repair

   C. Bed and breakfast establishments

   D. Funeral homes

   E. Hospitals and medical clinics

   F. Mortuaries

   G. Nursing homes

   H. Private clubs

   I. Restaurants and coffee shops

   J. Vehicle, marine, motorcycle, recreational vehicle, or small engine sales and/or repair

   K. Veterinary clinics

3.24 Keeping of Animals

1. Household Pets - The keeping of household pets for pleasure or companionship, including cats, dogs, gerbils, hamsters, guinea pigs, rabbits, or household fish and birds, is permitted in any zoning district. However, no more than eight (8) properly licensed adult dogs, cats, or other household pet of one (1) type (except fish), or any combination thereof, six months of age or older, shall be kept or housed in or at one (1) dwelling unit. The owner of a household pet shall not permit or enable them to run at large, and they may not be kept for sale, boarding, breeding, or training purposes.

2. Exotic or Wild Animals - Except as otherwise provided in this section, it is unlawful in this Township for a person to possess, breed, exchange, buy, sell, or attempt or offer to buy or sell, the following exotic or wild animals:

   A. Non-human primates

   B. Venomous cold-blooded reptiles and other cold-blooded animals that, if in contact with humans, are capable of inflicting fatal injury to the average human

   C. All poisonous animals

   D. Constrictor snakes, six feet in length or more

   E. Exotic or wild family cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard, lion, lynx, mountain lion, panther, puma, and tiger

   F. Non-domesticated omnivores or carnivores including hybrid crosses of non-domesticated carnivores

   G. Crocodilian (by example, crocodiles, alligators)

   H. Piranha fish

   I. Chondrichthyes (sharks)

   J. Poisonous spiders, venomous or poisonous insects

   K. Proboscides (by example, elephants)

   L. Perissodactyls (non-ruminant ungulate mammals with odd numbered toes, by example rhinoceros)

3. Prohibited Facilities - Wildlife Sanctuaries and Nature Preserves for exotic or wild animals are prohibited. Exceptions to this prohibition shall be as follows: Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, wildlife sanctuaries, nature preserves, circuses, bona fide scientific, medical, educational and research facilities or state licensed wild animal rehabilitation facilities.

4. Farm Animals - The keeping of beef and dairy cattle, horses, goats, hogs, poultry, sheep, or other fur-bearing farm animals is prohibited in Commercial and Industrial zoning districts.

   A. In Residential zoning districts, the keeping of farm animals shall be permitted only as follows:

i. Noise or odors shall not adversely affect the use of adjoining properties or the surrounding neighborhood.
ii. The keeping of the farm animals is for recreational purposes only.
iii. The owner of farm animals shall not permit or enable them to run at large. All areas where farm animals are kept must be enclosed with fencing appropriate to the type of animal being restrained.

B. The keeping of farm animals is allowed without limitation on parcels of more than 5 acres in the Agricultural District, provided the parcel complies with the State of Michigan GAAMPS (Generally Accepted Agricultural Management Practices).

3.25 Lot-Building Relationship

Hereafter, every building erected, altered or moved shall be located on a lot as defined herein, and no more than one (1) principal building and its permitted accessory structures shall be located on each lot, unless the lot or parcel of land is used for multiple family, agricultural, commercial, or industrial purposes, or for condominiums, or as may be provided elsewhere in this Ordinance.

3.26 Lot Coverage

No lot shall have impervious surfaces covering more than 50% of the total lot area, unless otherwise specified elsewhere in this ordinance.

3.27 Measurement of Distances

Any measurement of distance for purposes of this Ordinance shall be determined by rounding to the nearest whole foot.

3.28 Mineral Removal

Mineral Removal ("MR") provisions are adopted for the purpose of authorizing the removal of mineral material equaling or exceeding one thousand (1,000) cubic yards in all zoning districts within the Township through the Special Land Use approval process.

3.29 Minimum Street Frontage and Lot Width

Every principal building and use shall be located on a lot which has the required minimum frontage on an accessible public or private street for the zoning district in which it is located, provided, however, that:

1. Lots that have an unusual rear lot line configuration may have a width at or near the rear lot line of less than fifty (50) feet if no buildings or structures are located within the portion of the lot located near the rear lot line which has a width of less than fifty (50) feet, and

2. Lots located on a curved street or on the curved portion of a cul-de-sac street may have a width at the front lot line of less than the required minimum if the lot is not less than fifty (50) feet wide and twenty-five (25) feet from the front lot line and meets the required lot width at the front setback line.

The minimum street frontage and minimum lot width required by this section shall be maintained throughout the entire length of the parcel and shall be provided with land that is owned by the lot owner. Land over which the lot owner has an easement, license, or other non-ownership interest may not be used to meet the minimum street frontage or minimum lot width required by this section.

3.30 Mobile Homes

A single-family mobile home not complying with the definition of a dwelling shall only be allowed in a Mobile Home Park as provided in this Ordinance.

3.31 Moving of Buildings and Structures

No existing building or structure of any type or kind exceeding two hundred (200) square feet shall be moved into the Township or moved from one lot in the Township to another lot in the Township in any event without first obtaining a zoning permit and building permit. In considering the granting of such permit, the following standards shall be considered:

1. The type and kind of construction of the building or structure to be moved in relation to its strength

2. Whether the type and age of the building or structure to be moved is in keeping with the type and age of such buildings and structures which are adjoining and in the surrounding neighborhood

3. The type and kind of materials used in the construction of the structure or building to be moved as such construction materials relate and compare to the type and kind of materials used in the construction of other buildings and structures adjoining and, in the neighborhood, surrounding the lot to which the building or structure is to be moved.

This section shall not apply to the moving of manufactured homes into a manufactured housing community. Engineering documentation may be required for manufactured homes that have been structurally altered showing that the alteration conforms to the Michigan Residential Code.

3.32 Outdoor Lighting

Exterior lighting in residential zoning districts may not exceed five foot-candles at the source or must have full horizontal cut-offs. The source of light (filament, bulb, etc.) shall not be visible beyond the property line.

3.33 Outdoor Storage

Except as provided herein, all outdoor storage in residential and commercial zoning districts is prohibited. In an industrial zoning district, all outdoor storage shall be enclosed by a solid fence or wall of not less than six (6) and no more than eight (8) feet in height which is adequate to conceal such outdoor storage from adjacent properties and from public view or screened in accordance with the Landscape and Greenbelt provisions of this ordinance.

1. Residential - Outdoor storage on any parcel of land zoned residential or used for a residential purpose in any zoning district is prohibited in the front and side yard. However, the following shall also apply:

    A. Operable and properly licensed vehicles, watercraft, boat trailers, travel trailers, motor homes, campers, or similar recreational vehicles owned by the occupant of the lot, may be stored in the front yard of residential parcels provided they are stored for a period not exceeding 90 days.

    B. Recreational Vehicles (RV's) may be stored year-round in the side or rear yard of any residential parcel.

C. Outdoor storage, other than described above, is allowed only in the rear yard of residential parcels provided the items being stored are related to the residential use of the property.

2. Industrial - In an industrial zoning district all outdoor storage shall be enclosed by a solid fence or wall of not less than six (6) and no more than eight (8) feet in height which is adequate to conceal such outdoor storage from adjacent properties and from public view or screened in accordance with the landscape and greenbelt provisions of this ordinance.

3. Agricultural - In agricultural zoning districts, outdoor storage is permitted only if the objects or goods stored consist only of farm machinery, farm equipment and/or farm products necessary for an existing farm operation on the same lands on which such storage occurs; provided, however, that inoperable machinery, unrepaired or unusable equipment and other non-functioning machinery, equipment or devices shall be stored only within a fully enclosed, fenced area located at least 200 feet away from any street right-of-way line. The outdoor accumulation, storage or placement of junk, junked objects or other trash, refuse or debris is prohibited.

4. Commercial - Outdoor storage in commercial zoning districts that is not enclosed by a 6-foot-tall solid fence is prohibited.

If materials or wastes are stored outside which might cause fumes, odors, and dust or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored only in closed containers and screened from public view and adjacent properties. No materials or wastes shall be deposited on a lot or property in such form or manner that they may be moved off the lot or property by natural causes or forces. Waste materials shall not be allowed to accumulate on a lot or property in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions. Permitted farms and permitted farm operations shall comply with Generally Accepted Agricultural Management Practices (GAAMPS), as adopted by the Michigan Department of Agriculture.

3.34 Outdoor Wood-Fired Boilers

Outdoor wood-fired boilers can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion, particularly when restricted airflow and low operating temperatures are present. This can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor wood-fired boilers.

An outdoor wood-fired boiler shall not be permitted within the Township unless it complies with each of the following:

1. Zoning District - An outdoor wood-fired boiler may be installed and used only on parcels of land greater than two (2) acres in area and are in an agricultural or residential zoning district.

2. Setback - The outdoor wood-fired boiler shall be located no less than one hundred fifty (150) feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.

3. Chimney Height - The outdoor wood-fired boiler shall have a chimney that extends at least fifteen (15) feet above the ground surface. The Mechanical Inspector may approve a lesser height on a case-by-case basis, if necessary, to comply with manufacturer's

recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

4. Fuel - No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. The following materials are specifically prohibited:

   A. Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes

   B. Waste oil or other oily wastes

   C. Asphalt and products containing asphalt

   D. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished, or treated with preservatives

   E. Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films, and plastic containers

   F. Rubber, including tires and synthetic rubber-like products

   G. Newspapers, corrugated cardboard, containerboard, or office paper

   H. Grass clippings

5. Permits - The owner of an outdoor wood-fired boiler shall obtain a zoning permit and all other required permits from the Township. The applicant for a permit shall submit the following information:

   A. Verification that the outdoor wood-fired boiler will comply with the manufacturer's specifications for such outdoor wood-fired boiler

   B. Verification that the outdoor wood-fired boiler will comply with all applicable state and federal statutes

   C. A drawing providing the location and other relevant details of the proposed outdoor wood-fired boiler and of nearby residences

3.35 Private Residential Driveways

No building permit shall be issued for a residential building, dwelling, or structure, which is to be served by a driveway unless the proposed driveway complies with the standards in this section. An applicant for a building permit shall provide documentation as required by the Zoning Administrator to ensure the applicant is complying with the minimum standards of this Ordinance.

1. The area in which the driveway is to be located shall have a cleared width maintained by the property owner or by those persons having a legal right to use the driveway.

2. Branches overhanging the driveway shall be trimmed to a height of fourteen (14) feet above the ground. Said trimmed height shall be maintained by the property owner or by the persons having a legal right to use the driveway.

3. The driving surface of a driveway shall be at least ten (10) feet wide with a cleared width of sixteen (16) feet.

4. The driving surface of a driveway shall have a sub-base of stable soil and a reasonable amount of compacted gravel (or equivalent) on the top thereof.

5. The longitudinal slope of the driveway shall not exceed fifteen percent (15%).

6. The driving surface of the driveway shall be maintained year-round by the property owner, or by those persons with a legal right to use the driveway to ensure the safe passage of private and emergency vehicles.

7. When a driveway crosses any natural stream or drainage course, adequate provisions shall be included to maintain the surface water flow. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support fire department equipment. In constructing the crossing, best management practices to prevent soil from entering the stream or drainage way shall be used. Such measures shall also be used to ensure soil does not enter the stream or drainage way after construction of the crossing is completed.

8. Except where the driveway crosses a natural stream or drainage course, the driveway shall be no closer than twenty-five (25) feet from the stream or drainage course or other body of water.

9. The inside radius of any driveway curve shall be a minimum of fifty (50) feet.

10. The application for a zoning permit for a building, dwelling, or structure, which is to be served by a driveway connecting to a public road, shall include a driveway permit as issued by the Road Department.

3.36 Required Water Supply and Sanitary Sewerage Facility

In addition to the requirements established by the Calhoun County Health Department, the following site development and use requirement shall apply.

1. 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.

2. 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.

3.37 Roof Overhangs

Roof overhang, as defined by the perpendicular measurement of the area of ground beneath the roof extending outward from the vertical wall of the structure, shall be considered in determining the required setback from property lines but not part of the floor area of the structure. Any lean-to addition to a building or similar structure supported by columns for the purpose of providing storage space or other useable floor space beneath the lean-to, shall be considered part of the floor area of the structure.

3.38 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:

1. 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 Michigan Department of Natural Resources.

2. 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 to the Planning Commission all data, exhibits and information as required by the Department of Natural Resources.

3.39 Single-Family Dwellings

Any single-family dwelling erected on site, or a manufactured dwelling constructed at an off-site location which is not located within a manufactured home park, shall be permitted in the Agricultural and Residential Zoning Districts only if in conformance with all the following requirements:

1. The dwelling unit must conform to the minimum floor area, Setback, and lot area requirements for the zoning districts in which it is located.

2. The dwelling unit shall provide a minimum height between the floor and ceiling of seven (7) feet, six (6) inches; or if a manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Manufactured Home Construction and Safety Standards, effective June 15, 1976, as amended.

3. The minimum width of any single-family dwelling unit shall be twenty-three (23) feet for at least sixty-seven percent (67%) of its length, measured between the exterior parts of the walls having the greatest length.

4. In the case of a manufactured home, the manufactured home must either be:

   A. new and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or

   B. used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Official or his designee, to be in excellent condition and safe and fit for residential occupancy.

5. The dwelling shall comply with all building, electrical, plumbing, fire, energy, and other similar codes of the Township. Where a dwelling is required by law to comply with any federal or state standards or regulations for constructions, and where such standards or regulations for construction are different than those imposed by Township codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Township Building Official.

6. The dwelling shall be rigidly attached to a permanent continuous foundation with frost-protected footings constructed on the building site, such foundation to have a wall to be constructed of such materials and type as required by the Township Building Code for on-

site constructed single-family dwellings. If the dwelling is a manufactured home, its foundation shall hide the chassis, undercarriage, and towing mechanism.

7. If the dwelling is a manufactured home, the manufactured home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured home Commission. The wheels of the manufactured home shall be removed.

8. All dwellings without basements, except slab on grade construction, shall provide a crawl space below the entire floor of the dwelling four feet in depth, with a vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Building Official may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.

9. All dwellings shall be connected to a septic or sewer system and a water supply system approved by the Township Building Inspector or the Calhoun County Health Department.

10. Storage areas totaling no less than one hundred twenty (120) square feet shall be provided. These storage areas may consist of a basement, closet area, attic, and/or a separate accessory building whose construction is of equal or better quality to that of the dwelling and which complies with all other applicable provisions of this Ordinance pertaining to accessory buildings.

11. The dwelling shall be constructed with construction materials of consistent quality. Additions of rooms or other areas shall be constructed with similar workmanship as the original structure. Permanent attachment to the principal structure shall include construction of a foundation and no addition shall involve placing a bearing load on a manufactured home. Hybrid construction combining on site constructed with off-site constructed dwellings or two or more different off-site constructed dwellings is prohibited.

12. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation differential greater than eight inches between the dwellings first floor and ground level.

13. Except for manufactured homes, all dwellings shall have a pitched roof of not less than four (4) feet of rise for each twelve (12) feet of run, and the roof shall be covered by either asphalt, fiberglass, metal, or shake shingles.

14. The exterior finish of the dwelling shall not cause a reflection that is greater than that from siding coated with clean, white, gloss, exterior enamel.

15. The dwelling shall have no less than two (2) exterior doors, with the second one being in either the rear or the side, of the dwelling.

16. The dwelling is aesthetically compatible, in design and appearance, with other single-family dwellings in the vicinity, either having a roof overhang of not less than six inches on all sides or alternatively with windowsills or roof drainage systems, concentrating roof drainage collection points along sides of the dwellings.

17. The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a dwelling, subject to appeal by the

applicant to the Zoning Board of Appeals. In determining compatibility, the following standards shall apply:

A. The type of architectural design and appearance of the dwelling as compared with the type and architectural design and appearance of one or more residential dwellings located outside a manufactured home park or manufactured home subdivision within five hundred (500) feet of the subject dwelling.

B. 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.

C. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Building Official. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this section. The Building Official shall have a minimum of three working days to review plans prior to issuing a building permit.

3.40 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.

3.41 Swimming Pools

All swimming pools shall conform to the requirements of Public Act 230 of 1972, the State Construction Code Act, as amended.

1. No swimming pool shall be constructed, erected, or installed on any lands in the Township unless a permit has first been obtained from the Zoning Administrator.

2. The outside edge of the pool wall shall not be located nearer than four (4) feet to any lot line; provided, however, that if any part of the pool walls are more than two (2) feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than ten (10) feet from any lot line.

3. Swimming pools must be constructed in accordance with the Michigan Residential Building Code.

4. Each pool shall be enclosed by a fence or a wall of a height no less than four (4) feet nor more than six (6) feet in height, which is constructed in such manner that no person may enter the yard or the area where the pool is located without passing through a gate or door located on the lot on which the pool is situated. In addition:

   A. Each pool located in the rear yard of a waterfront lot shall be enclosed by a fence of a "see through" type which results in minimal visual obstruction. The fence may be placed on or anywhere inside the lot lines of the lot where the pool is situated, provided, however, that no fence may be erected closer to a street than a building may be erected in the zoning district in which the pool is located. A fence may not be required for

aboveground swimming pools with four (4)-foot sidewalls and a removable or raising ladder.

B. All fences which permit access to the pool area shall be installed with self-latching and self-closing gates; the gates shall be locked when no person is present on the lot on which the pool is located.

3.42 Temporary Uses of Structures

Upon application, the Zoning Administrator shall issue a Temporary Use Permit for the following temporary uses or structures:

1. An office building or yard for construction materials and/or equipment, which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.

2. A temporary office, which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

3. Portable storage pods used for moving and storage, on-site storage containers, and mini-storage containers for moving household belongings are allowed for a period of not more than thirty (30) days.

4. Construction of a new single-family dwelling on a parcel on which a single-family dwelling is already located, may be allowed without the removal of the existing dwelling, in accordance with the following requirements:

   A. The property owner must comply with all the representations in the property owner's application to the Township for the proposed dwelling.

   B. The property owner must comply with all Federal, State, County and Township laws, ordinances, rules, and regulations applicable to the property.

   C. The property owner shall complete the construction of the proposed dwelling and shall fulfill all the requirements to receive an occupancy permit from the Township for the proposed dwelling within one year after approval has been granted.

   D. Within 90 days after the property owner receives an occupancy permit for the proposed dwelling, the property owner shall completely remove the existing dwelling from the property. The removal of the existing dwelling shall comply with the requirements for "Demolition of Buildings" in this Article.

   E. A notarized agreement along with required fees and exhibits shall be completed and accepted by the Township.

   F. To ensure compliance by the property owner with the requirements of this section, the property owner shall post a performance surety to consist of a cash deposit, certified

check, irrevocable bank letter of credit, or surety bond. The performance surety shall be an amount adequate to remove the existing structure as described above as provided by a certified demolition company, plus 25%, and it shall be maintained until the removal of the existing dwelling has been fully completed. The performance surety shall be posted with the Township before construction of the proposed dwelling has begun. The performance surety may be used by the Township to remove the existing dwelling or to restore the grounds if the property owner has not completed these tasks within 90 days after receiving a certificate of occupancy for the proposed dwelling, or if the property owner fails to comply with any requirements of this section.

5. Approval for temporary occupancy of a registered recreational vehicle in any residential or agricultural zoning district may be provided in cases of hardship, such as reconstruction and repair of a damaged dwelling unit and other similar cases as determined appropriate, or while a single-family dwelling is being constructed on the same property. Such temporary use shall commence under the following conditions:

   A. A zoning permit and building permit for the construction of a residence shall have both been issued.

   B. A building address has been assigned.

   C. Electrical utility has been provided by utility company on site.

   D. No rent is charged to the occupant of the recreational vehicle.

   E. The temporary placement shall meet the same setbacks from all property lines as principal buildings in the zoning district in which it is located.

   F. Not more than one recreational vehicle shall be allowed.

   G. The recreational vehicle is connected to a wastewater disposal system that has been approved by the County Health Department.

   H. Additional conditions of approval may be required to mitigate potential adverse impacts upon neighboring residences and may include requirements for additional setbacks.

   I. Such use shall terminate upon occupancy of the residence being constructed or at the end of 180 days, whichever occurs sooner.

   J. Thirty (30) day extensions of time may be granted not more than two times by showing good cause.

3.43 Trash and Junk

No trash and junk shall be deposited, dumped, or accumulated by any person on any property, private or public in the Township unless such place has been designated as a public dumping ground by the Township, or except as otherwise provided in this Ordinance. Trash and junk shall include but not be limited to junk motor vehicles, unwholesome substances, trailer bodies, and junk farm apparatus.

If materials or wastes are stored outside which might cause fumes, odors, and dust or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored only in closed containers and screened from public view and adjacent properties. No materials or wastes shall be deposited on a lot or property in such form or manner that they may

be moved off the lot or property by natural causes or forces. Waste materials shall not be allowed to accumulate on a lot or property in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

3.44 Vehicle Repair

Mechanical work on trucks of one ton or more, on racecars (stock or otherwise), or on off-road vehicles is permitted, provided such vehicles are owned by the occupant of the premises and all permitted work on vehicles is performed entirely within a building. Mechanical work on vehicles not owned by the occupant of the premises is prohibited in all residential zoning districts, unless otherwise provided for in this Ordinance.

3.45 Vehicle Storage

In all zoning districts, automotive vehicles or other motorized vehicles of any kind which are not in legally operable condition, or vehicles otherwise defined as "junk motor vehicle" under the terms of this ordinance, shall not be parked or stored, nor otherwise remain, other than in a completely enclosed building. Also:

1. No boat, travel trailer, motor home, camper, or similar vehicle parked or stored on a vacant lot or parcel of land in any zoning district shall be connected to utilities, and no such vehicles shall be used for human habitation for a period exceeding thirty (30) days.

2. Parking or storage of semi-tractors or trailers is prohibited on any parcel of land zoned residential or used for a residential purpose in any zoning district.

3.46 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 comer lot or parcel within the triangular area formed by the intersecting street right-of-way line at points which are thirty (30) feet distance from the point of intersection, measured along the street right-of-way lines. The provisions shall apply in all residential, commercial, and industrial zoning districts.

3.47 Water-Building Relationship

The construction of any building or structure shall be setback no less than one hundred (100) feet from any waterbody, with this defined as the high-water line of any surface body of water.

3.48 Wireless Communication Towers and Antennas

The Township finds that it is in the public interest to permit the siting of wireless communications towers and antennas within its boundaries. It is the Township’s intent to permit the siting of wireless communications towers and antennas within its boundaries. It is the Township’s intent to protect and promote the public health, safety, and welfare by regulating the siting of wireless communications towers and antennas within its boundaries.

1. Allowed Uses - The uses listed in this section are allowed in any zoning district and shall not require a Special Land Use permit:

    A. Antennas or towers located on property owned, leased, or otherwise controlled by the Township are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the Township. This provision shall not be interpreted to require the Township to approve a license or lease.

B. Antennas located upon legally existing lattice electric transmission towers and do not exceed the height limitation of the zoning district in which they are located.

C. Co-location of an antenna on an approved tower.

D. Replacement of existing equipment such as antennae, wires, cables, etc.

E. Addition of non-structural ground equipment such as cabinets, meters, ice bridges, etc. providing it is located within a previously already approved enclosure.

2. General Requirements –

A. Principal or Accessory Use - Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on the lot.

B. Lot Size - Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot coverage requirements, and other such requirements.

C. Inventory of Existing Sites - Each applicant for an antenna and/or tower shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the authority of the Township or within one mile of the Township border, including specific information about the location, height, and design of each tower or antenna.

D. Tower Finish - Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color to reduce visual obtrusiveness.

E. Tower Site - At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

F. Antenna Color - An antenna and its supporting electrical and mechanical equipment must be or a neutral color that is identical to, or closely compatible with the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.

G. Lighting - Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

3. State or Federal Requirements - All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with such revised and applicable

standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove the tower or antenna at the owner's expense.

4. Building Codes, Safety Standards - The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable state or local building codes and applicable standards published by the Electronic Industries Association or any similar successor organization, as amended from time to time. If the Township suspects that a tower or antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the Township may proceed under applicable State of Michigan law (i.e., Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the tower or antenna into compliance at the owner's expense.

5. Measurement - Tower setbacks and separation distances shall be measured and applied to facilities located in the Township without regard to municipal and county jurisdictional boundaries.

6. Not Essential Services - Towers and antennas shall be regulated and permitted pursuant to this ordinance. They shall not be regulated or permitted as essential services, public utilities, or private utilities.

7. Franchises - Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained, they shall file a copy of all required franchises with the Zoning Administrator.

8. Signs - No signs or advertising shall be allowed on an antenna or tower. However, the tower owner may post a sign designating a person to contact in an emergency, together with the person's telephone number and address.

9. Metal Towers - Metal towers shall be constructed with a corrosion-resistant material.

10. No Interference - Towers shall not interfere with television or radio reception on surrounding properties.

11. Roads - All access roads shall be constructed and maintained to Marengo Township standards for a private street with a minimum right-of-way (easement) width of forty (40) feet.

12. Site Plan Review - A Site Plan prepared in accordance with this ordinance shall be required.

ARTICLE 4

PARKING AND LOADING REQUIREMENTS

4.01 General Parking Requirements and Application of Regulations

In all districts, 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 as specified.

No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereinafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions and distance requirements of this Article.

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Administrator for 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 within commercial or industrial districts. This distance specified shall be measured from the nearest point of the lot occupied by the building or use that such facility is required to serve.

4.02 Off-Street Parking Requirements in the "AG" Agricultural District

In the "AG" Agricultural District the use or occupancy of buildings, structures or lands is prohibited unless the following requirements are met and maintained:

1. Off-street parking areas shall be drained to prevent drainage to abutting properties and shall be constructed of material which has a dust-free surface resistant to erosion.

2. Off-street parking spaces shall not be closer than twenty (20) feet to any street right-of- way line or five (5) feet from any side or rear property line. In a required side or rear Setback 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.

3. Parking spaces for all types of vehicles and equipment may be provided either in garages, or parking areas entirely within the rear or side yard.

4. Except for farm vehicles, outdoor storage, or overnight parking of a commercial vehicle over one (1) ton capacity shall be permitted if such is necessary to the function of the premises and provided that such vehicle(s) be parked entirely within a side or rear yard or enclosed within a structure.

4.03 Off-Street Parking Requirements in the "RE", "LD", "MD", "MF" Residential Districts

In Residential Districts the use or occupancy of buildings, structures, or land is prohibited unless the following requirements are met and maintained:

1. Parking of motor vehicles shall be limited to passenger vehicles, one (1) non-residential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit.

2. The parking of any other type of commercial vehicle, or bus, except for those parked on school or church property is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas entirely within the rear or side yard.

3. Off-street parking spaces shall not be closer than twenty (20) feet from any street right-of-way line or five (5) feet from any side or rear property line. In a required side or rear Setback 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.

4. Off-street parking areas shall be drained to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

4.04 Off-Street Parking Requirements in the "MH" Manufactured Housing District

In addition to the requirements of Residential Districts, private access drives and parking areas shall conform to the following requirements:

1. All parking lot access drives and parking areas shall be paved. Minimum paved width of such access drives shall be twenty-four (24) feet. Paved areas for each parking space shall not be less than ten (10) feet in width nor less than twenty (20) feet in length.

2. There shall be two (2) parking spaces provided for each dwelling unit.

3. No access drive cul-de-sac shall be more than three hundred (300) feet in length. Minimum paved turning diameter of fifty (50) feet shall be provided at the terminus of each access drive cul-de-sac.

4. No dwelling unit in a development shall be located more farther than one hundred twenty-five (125) feet from a street intersection.

5. Off-street parking spaces shall not be closer than twenty (20) feet from any street right-of-way line or five (5) feet from any side or rear property line. In a required side or rear Setback 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.

4.05 Design Requirements of Off-Street Parking in "CM" Commercial and "LI" Light Industrial Districts

Each off-street parking space 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 twelve (12) feet in width, and where a turning radius is necessary, it will be of such an arch as to allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:

1. For ninety (90) degree of perpendicular parking, the driving aisle shall not be less than twenty- four (24) feet in width.

2. For sixty (60) degree parking, the driving aisle shall not be less than twenty (20) feet in width.

3. For forty-five (45) degree parking, the driving aisle shall not be less than sixteen (16) feet in

width.

4. For parallel parking, the driving aisle shall not be less than twelve (12) feet in width.

Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are in non-residential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for semi-trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to serve trucks and not interfere with other vehicles that use the same facility. Such semi-truck spaces shall not be less than ten (10) feet in width and sixty- five (65) feet in length.

Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1. All off-street parking spaces shall not be closer than twenty (20) feet from any street right-of-way line or five (5) feet from any side or rear property line. In a required side or rear Setback 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. Off-street parking areas for five (5) or more vehicles shall be paved and drained to prevent drainage onto abutting properties.

3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets, in accordance with Marengo Township Design and Construction Standards for Lighting.

4. Any off-street parking area providing spaces for five (5) or more vehicles shall be effectively lighted and screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.

6. Combined parking facilities are allowed where two or more uses occur on one property or when a building(s) on one property contain two or more uses provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

7. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in the Article regulating Signs in this ordinance.

8. A business involving the repair, service, sale, or display of vehicles is prohibited in areas used for parking or loading.

4.06 Off-Street Parking Space Requirements

For the purposes of determining off-street parking requirements in accordance with the provisions of this Section, the following definitions shall apply:

1. **FLOOR AREA**: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service storage, installation of mechanical equipment, penthouses, housing ventilators and heating systems and similar uses.

2. **PLACES OF ASSEMBLY**: In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

3. **FRACTIONS**: When units of measurements determining the number of required parking spaces results in requirements of a fractional space, any fraction shall require one (1) parking space.

In the applicable districts, unless otherwise specifically provided, no building, structure or land use shall be used or occupied unless the following off-street parking requirements are met and maintained.

	PARKING SPACE REQUIREMENTS
Automobile or Machinery Sales and Service garages	One (1) parking space for each two hundred (200) square feet of showroom floor area plus six (6) spaces for each service bay plus one (1) space for each two (2) employees on the maximum shift and one (1) space for each used care display area.
Banks, Business and Professional Offices	Two (2) parking spaces for each two hundred (200) square feet of floor area plus one (1) parking space for each employee working within the building.
Barber Shops and Beauty Parlors	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) spaces for each alley plus one space for each employee per shift.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than schools	One (1) space for each four (4) seats, or each four (4) persons permitted in such edifice as stated by the fire marshal.
Clinics	Four (4) spaces for each doctor plus one (1) space for each employee per shift.
Convalescent Home, Orphanage, or similar use	One (1) parking space for each four (4) beds plus one (1) space for each two (2) employees, including nurses, per shift and one (1) for staff doctor.

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 and one (1) space for each two hundred (200) square feet.
Drive-in Eating Establishments	Ten (10) parking spaces, plus one (1) parking space for each twenty (20) square feet of floor area.
Dwellings (Single Family and Two-Family)	Two (2) parking spaces for each family dwelling unit.
Dwellings (Multiple Family)	Two (2) parking spaces for each family unit.
Funeral Homes and Mortuaries	Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of floor area, whichever is greater, plus one (1) space for each fleet vehicle.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Gasoline Filling and Service Stations	One (1) parking space for each repair and service stall, plus one (1) space for each employee per shift.
General Office Building	One (1) parking space for each four hundred (400) square feet of 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 and space for staff M.D.
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, Posts Offices -	One (1) parking space for each eight hundred (800) square feet of floor area plus one (1) parking space for each two employees per shift.
Livestock Auction	One (1) parking space for each one hundred (100) square feet of buildings, pens, and all enclosed areas on the premises of the auction facility.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each employee per shift plus two (2) spaces for each purchasing agent and ten (10) visitor spaces.
Marihuana Safety Compliance Facilities	One (1) space for every two hundred (200) square feet of floor area
Marihuana Secure Transporters	One (1) space for every four hundred (400) square feet of floor area
Marihuana Grow Facilities	One (1) space for each employee on the largest shift
Marihuana Processors	One space for every four hundred (400)

	square feet of floor area
Restaurant, 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 (2) employees per shift.
Retail Stores, Except as Otherwise specified	One (1) parking space for each one hundred fifty (150) square feet of floor area excluding auto parking space within or on the building.
Roadside Stands	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 building or grounds 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.
Supermarket, Self-Service Food and Discount Stores	Two (2) spaces for each two hundred two hundred (200) square feet of floor area plus one (1) space for each two (2) employees per shift.
Wholesale Establishments and Warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

Floor area as used above means " floor area" as defined in the definitions Article of this ordinance. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply, as determined by the Zoning Administrator.

4.07 Off-Street Loading and Unloading Requirements

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

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.

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 sixty-five (65) feet in length and if a roofed space, not less than fourteen (14) feet in height.

2. In any Commercial or Industrial District, a loading/unloading space shall not be less than

ten (10) feet in width and sixty-five (65) feet in length and if a roofed space, not less than fifteen (15) feet in height.

Subject to the limitations of the next paragraph, a loading-unloading space may occupy all or any part of any required side or rear Setback, except the side Setback along a side street in the case of a comer lot. In no event shall any part of a required front Setback be occupied by such loading space. Any loading/unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless 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. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of the various uses computed separately.

All off-street loading/unloading facilities that make it necessary to back out directly into a public road shall be prohibited. Off-street loading space and access drives shall be paved, drained in accordance with County Water Resources Commission standards, lighted, and shall have appropriate bumper and wheel guards where needed and any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets.

Off-street loading/unloading requirements for multiple family dwellings, hotels, hospitals, mortuaries, public assembly, offices. retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicle, 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.

Where a use is not specifically mentioned, the requirements of a similar or related use shall apply, as determined by the Zoning Administrator or Planning Commission.

ARTICLE 5

SIGN REGULATIONS

5.01 General Sign Regulations

No sign shall be erected at any location, whereby reason of the position, size, shape, color, movement, or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal, or device that might interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as not to change the essential character of such area. The Township Board, upon recommendation of the Planning Commission, may require the applicant to post a compliance bond as provided in this Ordinance.

5.02 Procedure to Obtain a Permit

Application for a sign permit shall be submitted on forms provided by the Zoning Administrator or his/her designee, and shall contain at least the following:

1. Name, address, and telephone number of the applicant and that of the owner of the premises upon which the sign or billboard is to be erected and the name of the person, firm, corporation erecting the sign.

2. Location of the building, structure, or lot to which or upon which the sign or billboard is to be installed, attached, or erected.

3. Position of the sign in relation to nearby buildings, structures, and other signs or billboards.

4. A scaled drawing of the plans and specifications and the method of construction and attachments shall be submitted.

5. For signs more than twelve (12) square feet, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than thirty-five (35) pounds per square foot and shall be constructed to receive loads as provided in the Building Code.

6. The written consent of the owner of the structure or land upon which the sign or billboard is to be erected.

7. Position of the sign on the building, structure, or lot on which the sign is to be attached or installed.

8. Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights-of-way, existing or proposed.

9. Zoning district in which the sign is to be located.

10. Such other information as the Township may require showing full compliance with this and all other applicable laws of the Township, Calhoun County, and the State of Michigan.

11. Two (2) copies of the sign plans and specifications for method of construction and attachment to the building or in the ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline, and total face area with method of calculation. For signs exceeding forty (40) square feet or when public safety so requires, the

specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

If the sign is to be illuminated, the application for a sign permit shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine whether the same complies with the building code and the customary safe practices followed by the electrical profession.

The Zoning Administrator shall, upon the filing of an application for a sign permit, examine the plans, specifications, other data, and the premises upon which it is proposed to erect such sign or billboard. If the proposed structure complies with the requirements of this Ordinance, the provisions of any building code and state law, he shall then issue a sign permit.

Each applicant shall pay permit fees as established by resolution of the Township Board.

5.03 Regulations Applicable to all Signs

The following provisions apply to signs in all zoning districts:

1. **Height** - No sign shall extend above or exceed the highest roofline of the principal structure nor be more than 20 feet above the average grade level measured from the base of the sign.

2. **Building Access** - No sign shall be erected or located that might prevent free ingress to or egress from any window, door, or fire escape of or upon any building, nor shall any sign be attached to any fire escape.

3. **Message** - No lewd, vulgar, indecent, or obscene advertising matter shall be displayed upon any sign.

4. **Installation** - Signs shall be placed, constructed, and installed in accordance with good construction practices and shall be maintained in good condition and repair. All signs must be constructed of sign industry accepted materials that are long lasting, durable, and weather resistant and shall be maintained in good condition and repair.

5. **Traffic Interference and Clear Vision Areas**

    1. No sign or sign structure shall be installed at any location where it may interfere with, obstruct the view of, or be confused with an official authorized traffic sign, traffic marking, signal, or device. No sign shall use the words “stop”, “look”, “danger” or any word, phrase, symbol, or character in such manner to interfere with, mislead or confuse traffic.

    2. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign. No sign shall be placed in such a position that it could be dangerous to traffic on a street or in such a position that traffic will be obscured from view.

    3. Signs within the clear vision corner of an intersection shall be ground signs less than 30 inches in height or freestanding signs with a minimum of eight feet to the bottom of the sign. Sign supports within clear vision corners must be as narrow as possible while providing sufficient load bearing support.

6. **Location**

    1. All signs shall be placed at least five feet away from all property lines unless otherwise provided in this Article.

    2. A wall sign shall not extend past the face of the wall to which it is affixed. A sign shall pertain only to the business or activity conducted on the premises on which the sign is located or shall identify only the premises on which it is located, except as otherwise permitted by the terms of this Article.

7. **Illumination**

    1. If a sign is permitted to be illuminated, the source of light shall not be visible.

    2. Illuminated signs shall be constructed and operated in compliance with the Township electrical code. No sign, whether externally or internally illuminated, shall be illuminated by other than approved devices.

    3. Every electrical device and all electric wiring installed for any purpose upon any sign or placed within such sign or constructed on the outside of such sign shall conform to the requirements of the electrical Code and be ULI listed materials.

    4. Externally Illuminated Signs –

        i. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the sign face and shall not be aimed at adjacent streets, roads, or properties.

        ii. Light fixtures shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties.

        iii. External lighting shall be limited to light fixtures that do not blink, fluctuate, or move.

        iv. All lighting fixtures shall be night-sky friendly.

        v. To the extent possible, fixtures shall be mounted and directed downward (i.e., below the horizontal).

    5. Internally Illuminated Signs –

        i. Internal lights shall be limited to internal light contained within translucent letters and internally illuminated sign boxes, provided the background or field on which the copy and/or logos are placed is opaque. The area illuminated is restricted to sign face only.

        ii. The light source (bulb) of internal illumination shall be sufficiently shielded or obscured that the light source does not shine directly onto adjacent streets or other lands and shall not be of such intensity as to illuminate any adjacent residential property.

        iii. No sign, whether externally or internally illuminated, shall be illuminated by other than approved devices. No open spark or flame shall be used for display purposes.

iv. No sign or any pole or support structure of any type shall be located within, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this Ordinance.

8. No advertising device shall be installed or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse, or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

5.04 MEASUREMENT OF SIGN AREA

For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet. The area of a sign is the entire area within a single continuous perimeter composed of geometric shapes and polygons, which encloses the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space of a similar nature. The area of signs shall be computed as follows:

1. **Single Sided Signs** - The total area of a single face sign shall be computed as the number of square feet encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem, or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.

2. **Double Sided Signs** - For double-sided signs having two sides of equal size arranged and/or positioned back-to-back, parallel to each other, with no more than a twenty-inch space between the two sides; the area of the sign shall be computed as one-half the total area of the two sides. Otherwise, the area of both sides shall be included in determining the area of the sign.

3. **Multiple Sided signs** - Where a sign has three or four faces the area of the sign shall be calculated as 50 percent of the total area of all faces, provided the interior angle between adjacent faces is 90 degrees or less. Otherwise, the area of all sides shall be included in determining the area of the sign.

4. **Three Dimensional Signs** - For signs which are designed as a three dimensioned geometric form such as a sphere, cone, cylinder, or cube, the area shall be computed as one-half the total surface of the geometric form that is visible and used for signage purposes. Where statuary, is used as a sign, the area of said sign shall be the two times the vertical area of the geometric shape enclosing the figure most visible from the public right-of-way.

5. At the discretion of the Zoning Administrator, the following embellishments may or may not constitute sign area:

    1. Structural or decorative elements of a sign incorporating representations of the significant architectural features of the associated building or development.

    2. The necessary supports or uprights such as the frame or other material, color, or condition that forms an integral part of the display used to differentiate such sign from the wall or background on or against which such sign is placed that are not directly adjacent to the sign message itself.

5.05 SIGNS EXEMPT FROM PERMIT

The following signs shall not require a permit but are subject to all applicable provisions of this Article. Exempt signs shall not exceed twelve (12) square feet in size.

- Governmental signs
- Essential services signs
- Nameplate signs
- Political signs (removed within 7 days after election)
- Directional signs (not larger than 2 square feet)
- Construction signs
- Address signs
- Street signs
- Handicapped signs
- Placards
- Historic landmark signs
- Farm signs
- Seed Corn Signs
- Real estate signs - A non-illuminated sign advertising the sale or rental of the building or placed no nearer to the street line than one-half (1/2) the required front setback depth.
- Non-illuminated trespassing, safety directional, caution or announcement signs - Each not exceeding two (2) square feet in area. More than one sign shall be permitted provided they are placed no closer than fifty (50) feet to each other.

5.06 PROHIBITED SIGNS

The following signs are prohibited in all Districts:

- A sign not expressly permitted by the terms of this Ordinance
- Strings of light bulbs, pennants, streamers, ribbons, sequins, discs, spinners, pendants, and flashing or blinking lights and other devices used to attract public attention (except Christmas and other holiday decorations installed and maintained between November 15 and the following January 15)
- Balloon sign
- Any sign located in a public or private street right-of-way

- Any sign located in a clear-vision corner greater than 30 inches in height
- Roof-mounted sign that projects above the highest point of the roof
- Snipe sign (signs or posters placed on trees, fences, light posts, or utility poles)
- Billboard (Except a lawful existing billboard installed prior to the effective date of this Article and which fully complied with the sign regulations then in effect may continue as a lawful nonconforming use)
- Multi-vision sign (any sign composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to one of a multiple of positions)
- Vehicle sign
- Pedestrian sign (held or supported by a person)
- Any sign which is structurally or electrically unsafe
- Any sign structure or sign frame that no longer supports or contains a sign

5.07 Permitted Signs in "LD", "MD", "MF", "MH", and "RE" Districts

In any residential district only one (1) sign of each of the following type shall be allowed on each lot or parcel unless otherwise specified herein.

1. A non-illuminating sign announcing a Home-Based Business, service or produce offered on the premises, provided that such a sign shall be located no closer to the street line than one-half (1/2) the required front Setback depth.
2. One sign illustrating a recorded subdivision or development which shall be placed no closer to any street right-of-way than one-third (1/3) the minimum authorized front setback depth. Such sign shall be removed within one year after there is no one titleholder, who owns more than ten per cent (10%) of the lots or units within the subdivision.
3. One sign identifying a multiple family building, subdivision, or development, placed no closer to any right-of-way line than one-third (1/3) the minimum authorized front setback depth.
4. A sign or bulletin board identifying a church, school, park, or other authorized use 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.
5. Temporary signs for residential yard sales, garage sales and estate sales (not more than 10 days)

5.08 Permitted Signs in "AG", and "OC" Districts

In the "AG" Agricultural, and "OC" Open Space and Waterbody Conservation Districts, only one (1) sign of each of the following type shall be permitted on each lot or parcel unless otherwise specified herein.

1. 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

(1/2) the required front Setback depth.

2. A non-illuminating sign announcing a Home-Based Business, 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 (1/2) the required front Setback depth.

3. 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.

4. Temporary signs for residential yard sales, garage sales and estate sales (not more than 10 days)

5.09 Permitted Signs in the "MO" Marihuana Overlay, "CM" Commercial and "LI" Light Industrial Districts

A sign in the Marihuana Overlay, Commercial or Industrial District is permitted only when such sign occupies the same lot on which the building or structure is located and shall conform to the building setback and height requirements applicable to the district in which it is located except as modified by the following requirements.

1. A sign may be affixed flat against the wall of the building or may project there from 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.

2. 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.

3. 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 eighty (80) square feet in area, not be closer to the front, side, or rear property line, than one-third 1/3 the distance of the required building setback.

4. All signs may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangements or other devices shall be permitted.

5.10 Outdoor Advertising Signs

Outdoor advertising signs located along an Interstate or State Primary Highway shall be regulated by the provisions specified in Act 106, Public Acts of 1972. Outdoor advertising signs (billboards) located along roads maintained by the County Road Department shall be permitted under the following conditions:

1. Outdoor advertising signs (billboards) are permitted only in the Commercial and Industrial Districts.

2. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated. Such signs shall be located no less than five hundred (500) feet from and other free-standing sign on the same side of the street or road.

3. 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 (1000) feet apart. A double face, (back-to-back) shall be considered a single sign. No V-type signs shall be permitted.

4. The total surface area, facing the same direction of any outdoor advertising sign shall not exceed two hundred (200) square feet.

5. No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.

6. 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 provided that such illumination shall not be so placed as to cause confusion or a 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.

7. Outdoor advertising signs shall be designed, constructed, operated, maintained, and managed 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.

8. Outdoor name and identification signs are exempt from the provisions of this section provided that all such signs shall be flush with the building wall or roof.

5.11 Signs for Gasoline Service Stations

Notwithstanding other provisions of this Ordinance, 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 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 rigidly attached flat against a wall or said building, but in no case shall said sign cover more than twenty-five percent (25%) of the total exterior wall space of any gasoline service station.

5.12 Electronic Message Sign

An electronic changeable message sign is permitted if the rate of change between two static messages or images is not more frequent than one change per six seconds. All lights in a display shall activate simultaneously and deactivate in one second or less. Electronic message signs shall have ambient light monitors which continuously monitor and automatically adjust the

brightness level of the display based on ambient light conditions such that maximum brightness levels shall not exceed 0.3-foot-candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the Township showing that the sign has been preset to automatically adjust brightness as limited above. Re-inspection and recalibration may be periodically required by the Township at the applicant's expense to ensure correct brightness levels.

5.13 Non-Conforming Signs

All sign 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 non-conforming use or structure and shall adhere to the requirements of the Nonconforming Article of this ordinance.

ARTICLE 6

ZONING DISTRICTS AND ZONING MAP

6.01 Establishment of Districts

To promote the public health, safety, morals and general welfare of the Township, the Township is hereby divided into the following zoning districts, the number of districts, shape, kind, and area of each district, are deemed to be most suitable to carry out the purposes of this Ordinance:

AG - AGRICULTURAL DISTRICT
RE - RESIDENTIAL ESTATES
LD - LOW DENSITY RESIDENTIAL DISTRICT
MD - MEDIUM DENSITY RESIDENTIAL DISTRICT
MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT
MH - MANUFACTURED HOUSING COMMUNITY DISTRICT
CM - COMMERCIAL DISTRICT
LI - LIGHT INDUSTRIAL DISTRICT
OC - OPEN SPACE AND WATERBODY CONSERVATION DISTRICT
OP - OPEN SPACE PRESERVATION OVERLAY DISTRICT
MO - MARIHUANA OVERLAY DISTRICT

6.02 Provision for Official Zoning Map

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

"Zoning Map of Marengo Township"

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

6.03 Changes to Official Zoning Map

If, in accordance with the provisions of this Ordinance and of P.A. 110 of 2006, as amended, a change is made in the zoning district boundary, such change shall be made by the Zoning Administrator promptly after the ordinance authorizing such change shall have been adopted and published by the Township Board. No change of any other nature shall be made unless authorized by the Zoning Board of Appeals.

6.04 Authority of Official Zoning Map

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

6.05 Replacement of Official Zoning Map

If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map.

The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Marengo Township", adopted on June 28, 2022, which replaces and supersedes the Official Zoning Map adopted on February 22, 1977, as amended.

6.06 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:

1. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad, or easement shall be construed as following such centerline.

2. A boundary indicated as approximately following a recorded lot line, bounding a parcel, section line, quarter section line, or other survey line shall be construed as following such line.

3. A boundary indicated as approximately following the corporate boundary line of a city, village or township shall be construed as following such line. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in a shoreline shall be construed as following the actual shoreline.

4. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.

5. A boundary indicated as parallel, or an extension of a feature indicated in this section shall be so construed.

6. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. 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.

6.07 Application of Regulations

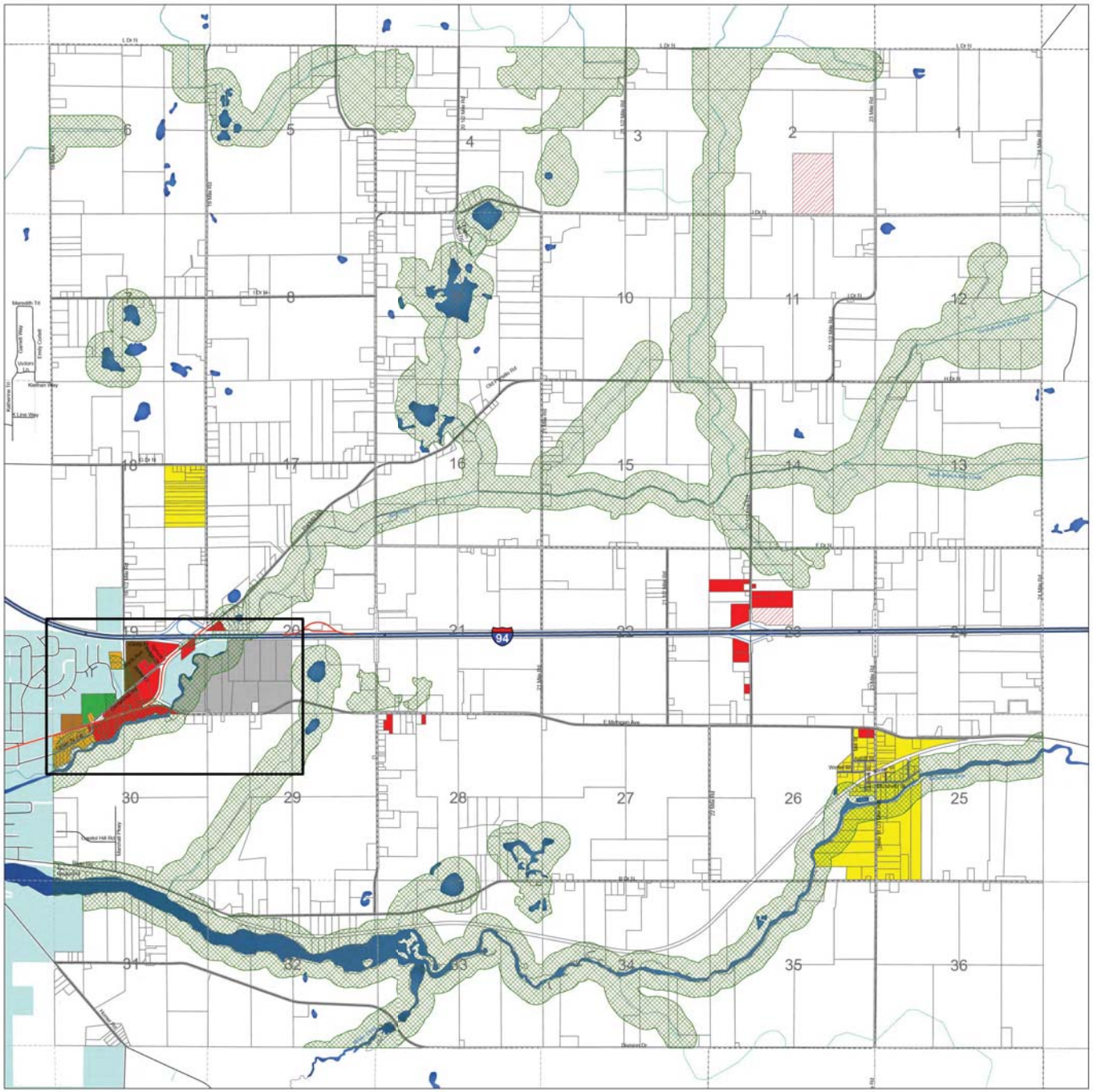
The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings, and structures throughout each district. Where there 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.

Marengo Township

Calhoun County, Michigan

Zoning Map

Effective: July 29, 2025



- AG - Agricultural
- CM - Commercial
- LI - Light Industrial
- LD - Low Density Residential
- MD - Medium Density Residential
- MF - Multiple Family Residential
- MH - Manufactured Housing Community
- RE - Residential Estates
- MO - Marijuana Overlay
- OP - Open Space Preservation
- OC - Open Space & Waterbody Conservation
- City of Marshall

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Miles

Map Created for Marengo Township
by Calhoun County GIS
315 W Green St, Marshall MI 49068
269-781-0749

Source: Calhoun County GIS, Marengo Township, 2022

ARTICLE 7

"AG" AGRICULTURAL DISTRICT

7.01 Purpose

The purpose of this district is to protect and stabilize the essential character of agricultural areas within the Township, and to ensure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are agricultural in nature, and which are most appropriate for present and future agricultural activity. The requirements of this district are designed so as not to impede non-agricultural expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting irreplaceable agricultural resources, environment, and economy. It Is essential that non-agricultural expansion in areas which are agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the Township. This district also provides for limited areas where more intensive agricultural activities may occur.

7.02 Principal Uses Allowed by Right

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

1. One Family Dwelling***s***

2. General and specialized farming and agricultural activities, including, but not limited to, the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs and any building or structure may be located thereon and used for the day-to-day operation of such activities for the quartering, storage, or preservation of said crops, livestock, poultry, or other animals, products and foodstuffs raised on said lot or in said structure.

3. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.

4. Essential Service Structures and Buildings

5. Veterinary clinic, animal hospital or similar facilities for the care of animals

6. Community and governmental buildings

7. Church, synagogue, cathedral, mosque, temple, or other building used for public worship or a cemetery

7.03 Accessory Uses, Buildings and Structures (to allowed Principal Uses)

1. Adult Foster Care Family Home (6 or fewer)

2. Adult Foster Care Small Group Home (6 or fewer)

3. Roadside stand provided most of the products to be sold are raised on the premises and all the nursery stock or other agricultural products are raised on the premises

4. Family Day Care Home (6 or fewer)

5. Storage of not more than two (2) nonresidential type recreational vehicles provided that such units shall be completely within the side and rear yards.

6. A sign only in accordance with the Sign regulations specified in this ordinance.

7. Foster Family Home (4 or fewer)

8. Foster Family Group Home (6 or fewer)

9. Home-Based Businesses: Customary Home-Based Businesses such as hairdressing, millinery, dress-making, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one professional practitioner, provided that such Home-Based Business shall satisfy the following conditions:

   A. The Home-Based Business shall be only incidental to the primary residential use of the property.

   B. The Home-Based Business shall be limited to no more than thirty (30) percent of the total floor area of the principal structure and/or fifty (50) percent of an accessory building.

   C. Other than the members of the immediate family residing on the premises, there shall be no more than one (1) employee.

   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.

   F. No Home-Based Business shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.

   G. For the purposes of this provision, principal and accessory farm occupations shall not be considered Home-Based Businesses.

   H. No structural alterations or additions, either interior or exterior, shall be permitted to accommodate a Home-Based Business.

7.04 Special Land Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a Special Land Use permit as provided in this ordinance.

1. Adult Foster Care Group Home (7-12), Large Group Home (13-20), and Congregate Facility (>20)

2. Agricultural/Agri-tainment

3. Bed and breakfast inns

4. Children's Camp and Adult Foster Care Camp

5. Expanded Home-Based Business

6. Group Day Care Home (7-12)

7. Public and private educational facilities including nursery school; primary and secondary school business school, college, and university

8. Parcels of Less Than 10 Acres

9. Private landing strip

10. Public and Private Parks, Campgrounds, Lodges, Hunting Lodge

11. Mining & Extraction of Natural Resources

12. Sand and Gravel Mining

13. Electric Infrastructure

14. Wind Energy Conversion Systems

7.05 Site Development Regulations

The following regulations shall apply to every lot, building or structure in the "AG" Agricultural District:

1. **LOT AREA**: No building or structure shall be established on any lot less than ten (10) acres.

2. **LOT WIDTH**: The minimum lot width shall be two hundred (200) feet.

3. **LOT COVERAGE**: The maximum lot coverage shall not exceed fifteen (15) percent.

4. **MINIMUM FIRST 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.

5. **SETBACK REQUIREMENTS**:

    A. **Front Setback**: Not less than sixty (60) feet from the right-of-way as verified by the Calhoun County Road Department. No building hereafter erected shall set closer to the front line than the required front setback or the average front setback of all buildings located within three hundred (300) feet of each side of the proposed structure, whichever is lesser.

    B. **Side Setback**: Not be less than fifty (50) feet; except in the case of a corner lot where the longer frontage side yard on the road or street may be not less than 25 feet.

    C. **Rear Setback**: Not less than fifty (50) feet.

6. **HEIGHT**: The following height requirements shall apply in this district:

    A. For Dwelling and Non-farm Dwelling and Structure: No dwelling or non-farm building or structure shall exceed a height of three (3) stories of forty (40) feet.

    B. Farm dwellings shall not exceed a height of three (3) stories or forty (40) feet.

No building or structure shall be located within one hundred (100) feet of any existing residence dwelling on an adjacent property.

The above requirements shall apply to all buildings and structures but shall allow for the fencing of pasture or cropland along the parcel boundary.

ARTICLE 8

"RE" RESIDENTIAL ESTATES RESIDENTIAL DISTRICT

8.01 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 not be served by public water-sewer service for an extended period. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas, 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.

8.02 Principal Uses Allowed by Right

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

1. One family dwelling
2. General and specialized farming and agricultural activities providing there is no storage of manure or other odor producing materials or activities
3. A lot may be used for the raising or growing of plants, trees, shrubs, and nursery stock.
4. Essential Service Structures and Buildings
5. Roadside stands for the display and sale of products raised on the lot or parcel

8.03 Accessory Uses, Buildings and Structures (to allowed Principal Uses)

1. Home-Based Businesses as prescribed by the General Provisions Article of this ordinance
2. A sign, only in accordance with the regulations specified in the Sign Article of this ordinance.
3. Adult Foster Care Family Home (6 or fewer)
4. A Family Day Care Home (6 or fewer)
5. Foster Family Home (4 or fewer)
6. Foster Family Group Home (6 or fewer)

8.04 Special Land Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a Special Land use permit as provided in the Special Land Use Article of this ordinance:

1. Adult Foster Care Group Home (7-12), Large Group Home (13-20), and Congregate Facility (>20)
2. Riding academy or stable

3. Golf course, golf driving range, country club, swimming and recreation club, public and private park, and playground

4. Community and Governmental Buildings including Churches

5. Public and private educational facilities including nursery school; primary and secondary school

6. Planned Unit Development

7. Roadside stands

8. Adult Foster Care Group Home (7 to 12)

9. Two family Dwellings

10. Group Day Care Home (7 to 12)

11. Sand and Gravel Mining

8.05 Regulations

The following regulations shall apply in all "RE" Residential Estates Districts:

1. No building shall be established in this district on any lot less than five (5) acres

2. The minimum lot width shall be three hundred (300) feet

3. The maximum lot coverage shall not exceed twenty (20) percent

4. **SETBACK REQUIREMENTS**:

   A. **Front Setback**: fifty (50) feet

   B. **Side Setback**: thirty (30) feet

   C. **Rear Setback**: fifty (50) feet

   D. **Waterfront**: one hundred fifty (150) feet

5. **MINIMUM FLOOR AREA**: The minimum floor area shall not be less than nine hundred (900) square feet

6. **HEIGHT**:

   A. **For Buildings and Structures**: No building and no structure shall exceed a height of two and one-half (2-1/2) stories or thirty-five (35) feet.

   B. **For Detached Accessory Buildings**: No detached accessory building shall exceed a height of twenty-five (25) feet.

ARTICLE 9

"LD" LOW DENSITY RESIDENTIAL

9.01 Purpose

The purpose of this district is to provide areas for outlying single-family 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 not be served by public water and/or sewer service for an extended period. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas, 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.

9.02 Principal Uses Allowed by Right

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

1. Single-Family dwellings

9.03 Accessory Uses, Buildings and Structures (to allowed Principal Uses)

1. Home-Based Businesses as prescribed by the General provisions Article of this ordinance
2. A sign, only in accordance with the regulations specified in the Sign Article of this ordinance.
3. Adult Foster Care Family Home (6 or fewer)
4. Family Childcare Home (6 or fewer)
5. Foster Family Home (4 or fewer)
6. Foster Family Group Home (6 or fewer)

9.04 Special Land Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a Special Land use permit as provided in the Special Land Use Article of this ordinance:

1. Adult Foster Care Group Home (7-12), Large Group Home (13-20), and Congregate Facility (>20)
2. Golf Course/Driving Range, Country Club, Athletic Club
3. Community and Governmental Buildings including Churches
4. Essential Service Structures and Buildings
5. Public and private educational facilities including nursery school; primary and secondary school business school, college, and university
6. Planned Unit Development

7. Private Streets
8. Two family dwellings
9. Group Day Care Home (7 to 12)
10. Sand and Gravel Mining

9.05 Regulations

The following regulations shall apply in all LD Low Density Residential Districts:

1. **LOT SIZE**: Not less than 100,000 square feet
2. **LOT WIDTH**: The minimum lot width shall be two hundred (200) feet
3. **LOT COVERAGE**: The maximum lot coverage shall not exceed twenty (20) percent
4. **MINIMUM FLOOR AREA**: The minimum floor area shall not be less than nine hundred (900) square feet
5. **SETBACK REQUIREMENTS:**
    A. **Front Setback**: Not less than fifty (50) feet
    B. **Side Setback**: Not less than thirty (30) feet
    C. **Rear Setback**: Not less than fifty (50) feet, except when the rear yard abuts a waterbody, then not less than one hundred fifty (150) feet.
6. **HEIGHT**:
    A. **For Buildings and Structures**: No building and no structure shall exceed a height of two and one-half (2-1/2) stories or thirty-five (35) feet.
    B. **For Detached Accessory Buildings**: No detached accessory building shall exceed a height of twenty-five (25) feet.

ARTICLE 10

"MD" MEDIUM DENSITY RESIDENTIAL DISTRICT

10.01 Purpose

The purpose of this district is to provide a stable environment for medium to high density single-family residential areas with suitable open space. This district shall 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.

10.02 Principal Uses Allowed by Right

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

1. Single family dwelling and any use, building or structure accessory thereto.
2. Two family dwelling and any use, building or structure accessory thereto.
3. Essential Service Structures and Buildings

10.03 Accessory Uses, Buildings and Structures (to allowed Principal Uses)

1. Home-Based Businesses as prescribed by the General Provisions Article of this ordinance
2. A sign, only in accordance with the regulations specified in the Sign Article of this ordinance.
3. Adult Foster Care Family Home (6 or fewer)
4. Family Childcare Home (6 or fewer)
5. Foster Family Home (4 or fewer)
6. Foster Family Group Home (6 or fewer)

10.04 Special Land Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a Special Land use permit as provided in the Special Land Use Article of this ordinance:

1. Adult Foster Care Group Home (7-12), Large Group Home (13-20), and Congregate Facility (>20)
2. Community and Governmental Buildings including Churches
3. Public and private educational facilities including nursery school; primary and secondary school
4. Planned Unit Development
5. Private Streets

6. Multiple-Family Dwellings

7. Group Day Care Home (7 to 12)

8. Sand and Gravel Mining

10.05 Regulations

The following regulations shall apply in all MD - Medium Density Residential Districts:

1. **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 thirty thousand (30,000) square feet of lot area for each single-family dwelling unit and one acre of lot area for each two-family dwelling unit. The minimum lot area for all other buildings and structures shall be two (2) acres.

2. **LOT WIDTH**: The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be sixty (60) feet. Where a lot is not so served, the minimum lot width shall be one hundred twenty (120) feet.

3. **LOT COVERAGE**: The maximum lot coverage shall not exceed thirty (30) percent.

4. **MINIMUM FIRST FLOOR AREA**: The minimum first floor area shall not be less than seven hundred (700) square feet per dwelling unit.

5. **SETBACK REQUIREMENTS**

    A. **Front Setback**: Not less than twenty-five (25) feet

    B. **Side Setback**: Least width of either Setback shall not be less than eight (8) feet, but the sum of the two side Setbacks shall not be less than twenty (20) feet; except in the case where the side yard is on the road or street side shall not be less than twenty-five (25) feet:

    C. **Rear Setback**: Not less than thirty (30) feet.

6. **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.

7. **REQUIRED OFF-STREET PARKING**: As required in the Parking Article of this ordinance.

ARTICLE 11

"MF" MULTIPLE FAMILY RESIDENTIAL DISTRICT

11.01 Purpose

The purpose of this District is to provide for various types of multiple family residential dwellings and group developments at a high density, but under specific density controls. The requirements of this District are intended to recognize that various forms of site development are desirable to provide a wide range of choices of living environments, but at the same time to regulate such development to prevent congestion of the public streets, reduce hazards to life and property, provide desirable light and air, and to provide for adequate open spaces and basic amenities. These districts will be in areas of concentrated urban development on or near major streets and should be served by public sewerage systems and other appropriate urban facilities and services, particularly fire protection systems. Provisions are made to accommodate multiple dwellings in areas of transitional development on larger lots than is required where public sewer facilities are not presently available. It would be anticipated that these transitional areas would be provided with the public facilities soon. There is not intent to promote by these regulations a district of lower quality of desirability than any other residential district, although a greater variety of dwelling types are permitted.

11.02 Principal Uses Allowed by Right

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

1. Multiple Family Dwellings, including Group Housing and Garden Apartment providing that only public sewerage systems shall be utilized

2. Two-Family Dwellings

3. Planned Unit Residential Development, subject to the conditions of the Special Land Use Article of this ordinance.

11.03 Accessory Uses, Buildings and Structures (to allowed Principal Uses)

1. Home-Based Businesses as prescribed by the General provisions Article of this ordinance

2. Garages

3. Signs in accordance with the regulations specified in the Sign Article of this ordinance.

4. Adult Foster Care Family Homes (6 or fewer)

5. Family Day Care Homes (6 or fewer)

6. Foster Family Homes (4 or fewer)

11.04 Special Land Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a Special Land use permit as provided in the Special Land Use Article of this ordinance:

1. Community and Governmental Buildings including Churches

2. Essential Service Structures and Buildings

3. Public and private educational facilities including nursery school; primary and secondary school

4. Adult Foster Care Group Home (7 to 12)

5. Group Day Care Home (7 to 12)

6. Sand and Gravel Mining

11.05 Minimum Lot Area

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 not less than specified as follows, unless otherwise provided herein.

1. Two acres for the first dwelling unit of each multiple family dwelling structure.

2. Six thousand (6,000) square feet for each additional dwelling unit containing two (2) or more bedrooms.

3. Four thousand (4,000) square feet for each additional dwelling unit containing less than two (2) bedrooms.

11.06 Minimum Lot Width

All interior lots shall have a minimum width of three hundred (300) feet along the street upon which such lot principally fronts, except in the case where a curvilinear street pattern results in irregularly shaped lots with non-parallel side lot lines, a lesser frontage width at the street line may be permitted, provided that in no case shall the frontage width be less than two hundred (200) feet nor shall the lot width at the building lot line be less than three hundred (300) feet.

11.07 Maximum Lot Coverage

All buildings, including accessory buildings shall not cover more than fifty (50) percent of the net area of land. In determining net area, the area used for private access drives shall not be included, but parking shall be.

11.08 Minimum Setback Dimensions

1. **FRONT SETBACK**: There shall be a front setback having a depth of no less than thirty-five (35) feet, provided that where established buildings on adjacent lots vary from this minimum, a new building shall be constructed with a front Setback of no less depth than the average front Setbacks for those buildings located on each side of the proposed building; provided further that this provision shall not be interpreted to require a front setback of more than forty (40) feet nor less than twenty-five (25) feet.

2. **SIDE SETBACK**: There shall be a minimum side setback of twenty (20) feet, provided that no building shall be located less than forty (40) feet from the boundary of the single-family residential district, except in the case of a comer lot where the street side setback shall be no less than the minimum residential front Setback requirement along such street.

3. **REAR SETBACK**: There shall be a rear setback of no less than thirty-five (35) feet.

11.09 Other Yard and Open Space Requirements

The following requirements shall apply to housing projects when two or more apartment buildings, or mixture of housing types are located on the same lot.

1. 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 for buildings one (1) story in height and shall be increased by no less than five (5) feet for each additional story in height.

2. The horizontal distance between ends of buildings shall be no less than twenty-five (25) feet. Where the end of one 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.

3. The horizontal distance between corners of adjacent buildings that do not face one another or overlap in any way shall be no less than thirty (30) feet.

4. Courts completely enclosed by walls shall not be permitted. Screens or fences not exceeding eight (8) feet in height shall not be deemed enclosing features unless they are not solid and do not block vision.

5. No building shall be closer than twenty-five (25) feet to any street, private access drive, driveway, or parking area.

6. Off-street parking as required in this Ordinance.

7. Consistent modifications of the foregoing requirements may be made by the Planning Commission to accommodate site plans which are not conventional in design and to which these provisions do not practicably apply.

11.10 Maximum Building Height

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

11.11 Minimum Interior Living Space

The minimum square footage of interior living space, exclusive of any area contained within attached garages, porches, balconies, or common hallways, required for each family shall be as specified in the following schedule:

1. Two-family Dwellings: Six hundred (600) square feet of floor area at ground level per family for single story dwellings, and three hundred sixty (360) square feet of floor area at ground level per family for dwellings over one (1) story in height, provided that the total area shall not be less than six hundred (600) square feet per family.

2. Multiple Family Dwellings of three or more dwelling units: The minimum square footage of living space shall Include the following, in addition to a bath, utility room, storage space, and other general space requirements, and exclusive of closets, halls and offset entrances:

Number of Bedrooms	**Square feet of Floor Area**
Studio	350 square feet
1 Bedroom	450 square feet
2 Bedrooms	600 square feet
3 Bedrooms	800 square feet
4 Bedrooms	1,000 square feet

ARTICLE 12

"MH" MANUFACTURED HOME COMMUNITY DISTRICT

12.01 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. Such areas shall be consistent with areas in the Marengo Township Master Plan designated for mobile home park 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.

12.02 Principal Uses Allowed by Right

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

1. Mobile home park.

2. Manufactured housing community.

12.03 Accessory Uses, Buildings and Structures (to allowed Principal Uses)

3. Accessory buildings, uses and structures, including clubhouse facilities.

12.04 Special Land Uses

The following uses of parcels are permitted in this district subject to obtaining a Special Land Use permit as provided for in this ordinance:

1 . Essential Service Structures and Buildings

2 . A public or private park, playground, golf course or other recreational facility compatible and secondary to the primary residential use within the development.

3. Private Streets

4. Sand and Gravel Mining

12.05 Regulations

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

1. Parcel Area: The minimum parcel area shall be twenty (20) acres.

2. Parcel Width: The minimum width of the parcel fronting on a public street or road shall be three hundred and thirty (330) feet.

3. 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

"CM" COMMERCIAL DISTRICT

13.01 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 along major highways, near the intersections of major routes, and adjacent to highway interchanges, and which provide the necessary goods and services for the private and commercial traffic along such routes; and at the same time to discourage the dispersion of such activities on individual sites throughout the Township. These areas will typically not be served by public water service utilities; thus, large lot areas and yards will be required 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.

13.02 Principal Uses Allowed by Right

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

1. Athletic club

2. Retail establishments selling principally new merchandise or foodstuffs.

3. Personal and business service.

4. Banks

5. Drive-in and automobile-oriented establishments similar in character to drive-in restaurants, cafes, and banks, but not including auto-washes and drive-in theaters.

6. Souvenir and gift shops

7. Tourist information centers

8. Food and garden stores, nursery stock sales and greenhouses.

9. Motels, provided that:

    A. Minimum lot area of one (1) acre with a minimum lot width of one hundred and fifty (150) feet shall be required.

    B. A minimum of fifteen hundred (1,500) square feet of lot area shall be required for each guest unit.

    C. All buildings, including accessory buildings, shall not occupy more than twenty-five (25) percent of the total lot area.

10. Community and governmental buildings

11. Essential Service Structures and Buildings

12. Nursing homes

13. Homes for the aged, Senior Housing, Extended Care facility

14. Hospitals

15. Hospitals for the mentally ill or a facility for the developmentally disabled operated by the department of health and human services.

16. Facilities operated by a county department of health and human services.

17. Child Caring Institution, Children's Camp, Child Care Center, Intergenerational Day Care, Adult Foster Care Group Home, Adult Foster Care Congregate Facility, Adult Day Care, or foster family group home

18. Alcohol or a substance use disorder rehabilitation center

19. Residential facilities for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

20. Professional Offices

13.03 Accessory Uses, Buildings and Structures (to allowed Principal Uses)

1. Signs: Only in accordance with the regulations in this ordinance.

13.04 Special Land Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted subject to obtaining a Special Land use permit as provided in this ordinance.

1. Adult Foster Care Group Home (7-12), Large Group Home (13-20), and Congregate Facility (>20)

2. Animal Clinic/Veterinarian Services

3. Commercial Recreation

4. Commercial Kennel

5. Contractor's Establishment

6. Shopping Centers

7. Gasoline Service Station

8. Marihuana Safety Compliance Facility

9. Marihuana Secure Transporter Facility

10. Open Air Business and Display

11. Vehicles Sales, Service and Repair of motor vehicles (including farm machinery and marine

vehicles)

12. Transportation Terminal/Trucking Facility

13. Wholesale Service Business/Outdoor Storage

14. Sand and Gravel Mining

13.05 Regulations

The following regulations shall apply in all Commercial Districts:

1. **LOT AREA**: In this District every building hereafter constructed or structurally altered shall be located on a lot of not less than thirty thousand (30,000) square feet in area.

2. **LOT WIDTH**: All interior and corner lots shall have a minimum width of one hundred fifty (150) feet along the street upon which such lot principally fronts.

3. **LOT COVERAGE**: All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the total lot area, except as otherwise specified herein.

4. **SETBACK REQUIREMENTS:**

   A. **Front Setback**: Not less than forty (40) feet.

   B. **Side Setbacks**: The minimum side Setback on each side of a building shall be twenty-five (25) feet. Street side Setbacks shall comply with the minimum front Setback dimensions.

   C. **Rear Setback**: Not less than thirty (30) feet.

   D. **Side and rear setback** may be used for parking, provided that a fence or masonry wall of not less than four (4) feet nor greater than eight (8) feet shall be constructed on the perimeter of such parking area if abutting a residence.

5. **HEIGHT**: No building or structure shall exceed twenty-five (25) feet in height, unless each required Setback (front, sides, and rear) is increased on (1) foot for each additional one foot in height above twenty-five (25) feet.

6. **LIGHTING**: All lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which it may be located.

7. **VEHICULAR APPROACH**: No establishment in the Commercial District shall have more than two (2) driveways, each of which shall not exceed twenty- five (25) feet in width, except as otherwise provided herein. No driveway shall be located closer than fifty (50) feet from an intersection and no closer than one hundred fifty (150) feet from the point that the edge of an interstate highway ramp right-of-way merges with the right-of-way of the intersecting highway.

8. **OFF STREET PARKING**: As required in the Parking and Loading Article of this ordinance.

9. **MULTIPLE USES**: More than one principal use or accessory use may occur in the same building or in more than one building on a single parcel of record.

ARTICLE 14

"LI" LIGHT INDUSTRIAL DISTRICT

14.01 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 of noise, glare, odor, dust, vibration, air, and water pollutants, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this District, have been excluded.

14.02 Principal Uses Allowed by Right

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

1. Research and Development uses

2. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature

3. Packaging of previously prepared materials (but not including the baling of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth, or other similar materials)

4. Printing, lithographic, blueprinting, and similar uses

5. Retail storage facilities, wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building

6. Light manufacturing industrial use which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from objectionable or dangerous nuisance or hazard including any of the following goods and materials: drugs, jewelry, musical instruments, sporting goods, glass products, small household appliances, electronic products, baked and dairy products, frozen food lockers, advertising displays, tents and awnings, brushes and brooms, cameras and photographic equipment and supplies, wearing apparel, leather products and luggage but not including tanning, and products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, corn, rubber, shell or yarn

7. Bus, truck, taxi, and railroad terminals, including similar uses where such vehicles are stored or running awaiting departure

8. Open air display areas for the sale of manufactured products, such as or like 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, household equipment, pneumatic transit cement mixers, wheelbarrows, rollers and similar products or equipment

9. Contractor's Establishment

10. Trucking or cartage facilities, truck, and light equipment storage yard, repairing and washing equipment

11. Trade and industrial schools

12. Wholesale Service Business/Outdoor Storage

13. Professional Offices

14.03 Accessory Uses, Buildings and Structures (to allowed Principal Uses)

The following buildings, structures, and uses are permitted in this district, only in conjunction with permitted or Special Land Uses:

1. A sign only in accordance with the regulations in this ordinance

2. Restaurants or cafeteria facilities for employees within an industrial building

3. 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 so that storage is not visible from any abutting residential use or district or from any public street

14.04 Special Land Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted subject to obtaining a special land use permit as provided in this ordinance.

1. Essential Service Structures and Buildings

2. Gasoline Service Station

3. Marihuana Grower Marihuana Grower Facility

4. Marihuana Processor Facility

5. Marihuana Safety Compliance Facility

6. Marihuana Secure Transporter Facility

7. Sand and Gravel Mining

8. Solar Energy Facility

9. Telecommunication Towers and Antennae

10. Electric Infrastructure

11. Wind Energy Conversion Systems

14.05 Regulations

The following regulations shall apply in all LI - Light Industrial Districts:

1. **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 public water supply system and a public sanitary sewerage system, in which case there shall be provided a minimum lot area of twenty thousand (20,000) square feet.

2. **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 fifty (150) feet.

3. **LOT COVERAGE**: The maximum lot coverage shall not exceed thirty-five (35) percent.

4. **SETBACK REQUIREMENTS**:

   A. **Front Setback**: Not less than eighty-five (85) feet.

   B. **Side Setback**: Least width of either setback shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side setback on the road or street shall not be less than thirty-five (35) feet.

   C. **Rear Setback**: Not less than thirty-five (35) feet.

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

5. **HEIGHT**: Except as is otherwise provided in the Ordinance, no building or structure shall exceed a height of forty-five (45) feet.

6. **REQUIRED OFF STREET PARKING**: As required in this ordinance.

7. **GREENBELT BUFFER**: A greenbelt buffer shall be provided in accordance with the regulations specified in this ordinance. 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.

8. **MULTIPLE USES**: More than one principal use or accessory use may occur in the same building or in more than one building on a single parcel of record.

ARTICLE 15

"OC" OPEN SPACE AND WATERBODY CONSERVATION OVERLAY DISTRICT

15.01 Purpose

The purpose of this Article is the proper management and utilization of the natural resources of certain open areas within the Township. In order that these resources, be maintained and their use encouraged, this Ordinance has established, based upon a well-considered plan and a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots. This zoning district is intended to protect 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 loses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, such areas being shown as flood plain by soil types as compiled by the U.S. Soil Conservation Service. This overlay zoning district applies to any part of any parcel lying within the designated overlay zoning district. The underlying zoning district shall apply to any part of any parcel that is not within the overlay zoning district.

15.02 Principal Uses Allowed by Right

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

1. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources

2. 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 maintained as to prevent soil erosion by wind or water

3. Drives and parking areas

4. Essential Service Structures and Buildings

5. One family dwelling (not within floodplain)

15.03 Accessory Uses, Buildings and Structures (to allowed Principal Uses)

1. A sign, only in accordance with the regulations specified in the Sign Article in this Ordinance.

15.04 Special Land Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this District, subject to obtaining a Special Land use permit as provided in the Special Land Use Article of this Ordinance:

1. Public or private forest preserve, game refuge, golf course, park, camping grounds,

playground, or other recreation purpose.

2. 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.

3. County clubhouse, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use.

4. All buildings and structures accessory and incidental to permitted uses in this district.

5. Planned unit residential development.

15.05 Regulations

The following regulations shall apply in all OC - Open Space and Waterbody Conservation Overlay District.

1. **LOT AREA**: No building or structure shall be established on any lot less than three (3) acres in area.

2. **LOT WIDTH**: The minimum lot width shall be three hundred (200) feet.

3. **LOT COVERAGE**: The maximum lot coverage shall not exceed ten (10) percent.

4. **SETBACK REQUIREMENTS**:

   A. **Front Setback**: Not less than sixty (60) feet from the right-of-way line.

   B. **Side Setback**: not less than thirty (30) feet; except in the case of a comer lot where the setback on the road or street side shall not be less than sixty (60) feet.

   C. **Rear Setback**: Not less than fifty (50) feet. The above requirements shall apply to every lot, building or structure.

5. **HEIGHT**: The following height requirements shall apply in this District - No building and structure shall exceed three (3) stories or forty (40) feet.

6. **PRESERVATION OF ENVIRONMENTAL QUALITY AND FLOOD PLAINS**: In a floodplain, the construction or location of bridges, bleachers or other outdoor equipment or appurtenances and the storage of materials and equipment is prohibited unless same would not cause any significant obstruction to the flow of or reduction in the impoundment capacity of the flood plain.

7. **STATE AND COUNTY REVIEW REQUIRED**: Review by the Calhoun County Water Resources Commissioner and the State of Michigan is required for any earth disturbance within 500 feet of a lake or stream.

ARTICLE 16

"OP" OPEN SPACE PRESERVATION OVERLAY DISTRICT

16.01 Purpose

The establishment of this overlay district is to satisfy the requirements of P.A. 177 of 2001 (commonly referred to as the Open Space Preservation Act). It requires that qualified townships provide, at the option of the landowner, for the clustering of residential units on a portion of the property provided fifty percent (50%) or more of the land is preserved in permanent open space. This district is an overlay over those existing districts that have a residential density of three (3) units per acre or less (with public sewer) or two (2) units per acre or less (without public sewer). This shall be a development option for landowners within the following districts: "OC", "AG", and "RE".

16.02 Principal Uses Allowed by Right

All permitted residential uses within the underlying district are permitted within the "OP" Overlay District. At the landowner's option, single family dwellings shall be permitted within residential clusters subject to the following:

16.03 Application Procedure

An application shall be filed identifying the landowner's desire to exercise the open space preservation development option. With the application, the landowner shall submit a comparison plan that adheres to site development requirements for the underlying zoning district. This can be in the form of a proposed plat establishing lots, a land division plan creating parcels or a planned unit residential development creating sites and/or units. This comparison plan shall determine the number of dwelling units that can be developed within the open space preservation plan. This application and comparison plan may be reviewed administratively with the applicant prior to the submission of a site plan.

A site plan, adhering to the standards within the Site Plan Review Article of this ordinance, shall be submitted for review and approval by the Planning Commission. It shall be titled "Open Space Preservation Plan" and a copy of the comparison plan shall be included with the site plan. A copy of these plans shall be submitted to the Calhoun County Water Resources Commission by the applicant for their review and any correspondence received from them shall be submitted by the applicant to the Township.

The Planning Commission shall review the site plan and determine compliance with the ordinance standards for:

1. site plan review

2. requirements within the underlying zoning district; and

3. requirements of this overlay district.

They may approve the site plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the ordinance standards.

The applicant shall submit a timeline for development and identify any phases that may require further Township review and approval. The Planning Commission may impose conditions on this

development and in no case can required open space in each phase not meet a minimum of 50% of the area for that phase.

16.04 Conditions for Approval

The required conditions shall be based upon the layout and design of the dwelling units and preservation of the open space as follows:

1. **Layout/Design Provisions**: The layout and design of the dwelling units shall be in a manner that achieves the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It shall balance what is economically feasible for efficient cluster development with the need to preserve the character of the area. Individual parcels, lots or sites within the residential cluster shall meet the following:

2. **Lot Width**: The parcels, lots, or sites (units) shall have a minimum lot width of no less than fifty percent (50%) of the lot width within the underlying zone or seventy-five (75) feet, whichever is greater.

3. **Lot Area**: The parcels, lots, or sites (units) shall have a minimum lot area of twenty-five percent (25%) of the lot area within the underlying zone or 7,500 square feet, whichever is greater.

4. **Lot Coverage**: The parcels, lots, or sites (units) shall have a maximum lot coverage of twenty-five percent (25%), including accessory buildings.

5. **Floor Area**: The minimum floor area for the dwelling unit shall meet the minimum standard within the underlying zone.

6. **Setbacks**: The dwelling units shall meet the following setback provisions:

   A. **Front**: Fifty percent (50%) of the underlying zone but no less than thirty (30) feet.

   B. **Side**: Fifty percent (50%) of the underlying zone but no less than fifteen (15) feet.

   C. **Rear**: Fifty percent (50%) of the underlying zone but no less than twenty-five (25) feet.

7. **Height**: The maximum height shall meet the maximum height standard within the underlying zone.

8. **Open Space Provisions**: The intent of this overlay district is to preserve the character of the area consistent with that of the underlying zone. To achieve this intent, the following conditions shall apply:

   A. To comply with the Act, the following definition shall be used to describe the nature of the open space to be preserved: "**Undeveloped State -** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to use of the public."

   B. The applicant shall provide calculations for the open space area and documentation of the means to preserve the open space, whether in the form of a conservation easement, deed restriction or similar method, and the party responsible for maintenance of the open

space area. If proposed for dedication to the public, a letter of support from the public entity, indicating acceptance and responsibility for maintenance, shall be included with the application. A single entity, such as a private association, non-profit organization, or a public body, shall have responsibility for maintaining the land in permanent open space.

C. No part of the parcels, lots or sites shall be counted toward the open space, nor any land devoted to roadways or other impervious surfaces, other than those of a recreational. nature (such as bike paths, tennis, or basketball courts, or for pavilions or picnic shelters).

D. The open space shall be arranged in a manner so that it is contiguous and accessible by residents within the residential cluster. It shall also be arranged to connect to other open space areas on adjoining properties and/or connected to pedestrian or non-motorized trails.

E. The Planning Commission may seek to approve the preservation of those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.

16.05 Special Land Uses

No Special Land use within the underlying zoning district shall be allowed unless such use is processed separately under the Special Land use process for review and approval.

16.06 Site Development Regulations

The following regulations are based upon the relationship of the residential cluster(s) and the restricted open space to the adjoining properties, including the road right-of-way:

1. Setback and Access

   A. **Cluster Setback**: The placement of any residential cluster shall be setback fifty (50) feet from any abutting property line and one hundred (100) feet from any existing public road right-of-way. This area may be included within the calculated open space.

   B. **Access**: Access to the dwelling units within the residential cluster may be in the form of a public road or private road, with any private road adhering to those standards within the ordinance.

ARTICLE 17

MO – MARIHUANA OVERLAY DISTRICT

17.01 Purpose

The Marihuana Overlay District ("MO District") is intended to provide opportunities for the development of certain Marihuana Facilities or Establishments permitted under the MMFLA and MRTMA and to require compliance with this Ordinance, to maintain the public health, safety, and welfare of the Township. This Article proposes to accomplish this through the implementation of regulations that promote the use of land within the MO District for certain Commercial Marihuana Facilities and Establishments.

17.02 Marihuana Overlay District Boundary

The MO District is established as an overlay zoning district over portions of the AG Agricultural District in Section 2 (an area north of J Drive), and Section 23 (an area at exit 115 on 22 ½ Mile Road and I-94) of Marengo Township. Land located within such overlay district may be developed according to the provisions of the underlying zoning district or according to the provisions of this Section.

17.03 Special Land Uses

The following uses are permitted in the MO District with a Special Land Use Permit granted by the Planning Commission, in accordance with the provisions for Special Land Use Permits in this ordinance:

1. Grower Facilities and Marihuana Grower Establishments

2. Processor Facilities and Marihuana Processor Establishments

17.04 Setbacks

Each building used as a marijuana facility or establishment shall be setback a minimum distance from any lot line, public road or recorded right-of-way not owned by the Licensee:

1. Front setback: Not less than 85 feet.

2. Side setback: Not less than 50 feet.

3. Rear setback: Not less than 50 feet.

ARTICLE 18

NON-CONFORMING BUILDINGS AND USES

18.01 Non-Conforming Uses of Land

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

1. No such non-conforming 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 or adoption of this Ordinance.

2. Any non-conforming use of land abandoned for a period of more than ninety (90) days shall subsequently conform to the requirements of this Ordinance.

18.02 Non-Conforming Uses of Buildings

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 be continued, subject to the following:

1. 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, 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.

2. When a non-conforming 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.

18.03 Legal Non-Conforming Buildings

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 of area, lot coverage, height, setbacks, 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:

1. No such structure may be enlarged or altered in a way which increases its non-conformity.

2. 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 it is moved.

18.04 Illegal Non-Conforming Uses and Buildings

Those alleged nonconforming uses of land and uses of buildings and buildings which cannot be proved conclusively to have existed prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal non-conforming uses of land, nonconforming uses of buildings, and nonconforming buildings and shall be discontinued upon written notification from the Zoning Administrator.

18.05 Restoration and Repair

1. All repairs and maintenance work required keeping a nonconforming building or structure in sound condition may be made, but the nonconforming building or structure shall not be structurally altered to permit the use of such building or structure beyond its natural life. Repairs and maintenance include painting, siding, roofing, doors, or windows, but not repairs to the foundation, trusses, or loadbearing supports.

2. If a nonconforming structure becomes physically unsafe or unlawful or poses a threat to the public health, safety, and welfare due to a lack of repairs or maintenance, the structure shall be declared by the building official to be unsafe or unlawful due to physical condition. Such structure shall not thereafter be restored, repaired, or rebuilt except in a manner that will bring the structure into conformity with the provisions of the zoning district in which it is located.

18.06 Damage or Destruction Non-Conforming Residential Buildings Destroyed

Should any nonconforming dwelling or nonconforming residential accessory building be destroyed by any natural or accidental casualty, whether in whole or in part, such nonconforming dwelling or nonconforming residential accessory building may nevertheless be restored, rebuilt, or otherwise re-established if the resulting dwelling or the resulting residential accessory building is no more nonconforming than before. However, any such restoration, rebuilding or re-establishing of the nonconforming dwelling or nonconforming residential accessory building must be completed within eighteen (18) months of the date of the destruction or partial destruction of the dwelling or the accessory building. If such restoration, rebuilding or re-establishing of the dwelling or the accessory building is not completed within such time, then such dwelling or accessory building shall be considered not in compliance with this Ordinance and must be removed. However, if the building is demolished by the owner or by casualty that is not of natural or accidental occurrence, the requirements of the zoning ordinance must be met.

18.07 Non-Conforming Use Discontinuance

The nonconforming use of a building or structure or of any land or premises shall not be re-established after discontinuance, abandonment, vacancy, and lack of operation or otherwise. Any of the following actions or inactions shall constitute abandonment of a nonconforming use:

1. Disconnection of utilities

2. Removal of building fixtures necessary to the nonconforming use

3. Allowing the property to fall into disrepair

4. Discontinuing postal service

5. Removal of signs

6. Demolition of buildings or structures

No nonconforming use may be re-established after it has been changed to a conforming use.

18.08 Damage or Destruction of Lawfully Nonconforming Non-residential Building or Structure

If a lawfully nonconforming building or structure, which does not conform to the dimensional requirements of the district in which it is located, is damaged by wind, fire or other casualty, to such extent that the cost of reconstruction or restoration is not more than 60% of the value of the building or structure prior to the occurrence of the casualty, as determined by the most recent Township assessment of the value of the building or structure, then such reconstruction or restoration shall be permitted, provided that:

1. a building permit for the same is issued within ninety (90) days and such repairs shall be completed not later than one year after the occurrence of the casualty, and

2. if the reconstruction or restoration then proceeds diligently to completion.

However, if the cost of such reconstruction or restoration exceeds 60% of the value of such building or structure as described above, then such reconstruction or restoration shall be permitted only if the result thereof shall be to cause the nonconforming building or structure to be fully conforming with the terms of this Ordinance.

18.09 Damage or Destruction of Conforming Building or Structure Used for A Nonconforming Use

If a building or structure which conforms with the dimensional provisions of this Ordinance, but which is used for or occupied by a nonconforming use, is damaged by fire, wind or other casualty to the extent that the cost of reconstruction or restoration exceeds 60% of the value of the building or structure prior to the occurrence of the casualty, as determined by the most recent Township assessment of the true cash value of the building or structure, then such building or structure may be reconstructed or restored only if the use thereof fully complies with the provisions of this Ordinance. However, if the cost of reconstruction or restoration of such building or structure is 60% or less of the value of the building or structure as described above, then such building or structure may be reconstructed or restored upon issuance of a building permit not later than one year after the occurrence of the casualty, and if the reconstruction or restoration then proceeds diligently to completion, in which event the existing nonconforming use may continue in accordance with the provisions of this Ordinance.

18.10 Nonconforming Lots

1. Nonconforming Parcels of Record –A nonconforming lot or parcel of land, which is platted or otherwise of record as of the effective date of this ordinance, that does not comply with the area and/or width requirements of its zoning district, may be used for a principal use in the zoning district in which it is located, if:

    A. the lot or parcel has an area of at least 5,000 square feet,
    B. the building or structure complies with all current minimum setback requirements of the zoning district in which it is located,
    C. the lot or parcel has frontage on a public or private street.

2. Common Ownership of Nonconforming Lots - If a nonconforming lot or parcel, which is platted or otherwise of record as of the effective date of this ordinance, does not comply with the area and/or width requirements of its zoning district, and if it is adjacent to another lot or parcel in common ownership, no permits shall be issued for any alterations or improvements until such lots or parcels are combined so that the lots or parcels created by this combination comply or come closer to compliance with the minimum requirements of this ordinance.

3. Creation of Nonconforming Lots Prohibited - No lots or parcels in common ownership and no court, parking area, or other space shall be reduced to less than the minimum required under this ordinance. No lot, parcel or other area shall be further reduced if already less than the minimum required in this ordinance. No portion of an existing lot or other parcel of record shall be sold if the newly created lot(s) or parcel(s) does not comply with the area and other dimensional requirements of the district in which it is located.

ARTICLE 19

ADMINISTRATION AND ENFORCEMENT

19.01 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 this Ordinance and amendments thereto.

19.02 Administration

The Township Board shall employ a Zoning Administrator and Enforcement Officer (may be the same person at the discretion of the Township Board) to act as its officers to effect proper administration of this Ordinance. The Individuals selected, the terms of employment. and the rate of compensation shall be established by the Township Board. For this Ordinance, the Enforcement Officer and Zoning Administrator shall have the powers of a police officer.

The Township Board shall assign specific duties to the Enforcement Officer and Zoning Administrator, based on qualifications or to insure for the most cost-effective administration of this ordinance. In the absence of the Enforcement Officer or Zoning Administrator, the Township Clerk or other Township officer as designated by the Township Board, shall assume all the powers and duties of the Enforcement Officer or Zoning Administrator. In addition, the Township Board may reassign duties, provided for in this Article, to other appropriate officials or staff on as needed basis.

19.03 Duties of a Zoning Administrator

1. Review all applications for Zoning Permits and/or Use Permits and approve or disapprove such application based on compliance with the provisions of this Ordinance and other codes and ordinances adopted by the Township Board and approve issuance of the permit if the use and the requirements of this Ordinance and other laws are fulfilled.

2. Receive all applications for Special Land Use permits, conduct field inspections, surveys, and investigations. Prepare maps, charts, and other pictorial materials, when necessary or desirable, and otherwise process applications to formulate recommendations, and notify the applicant, in writing, of any decision of the Planning Commission.

3. 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 to the Zoning Board of Appeals for determination.

4. 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 to formulate recommendations and report to the Planning Commission on all such applications together with recommendations.

5. Be responsible for updating the Township Zoning Map and keeping it current.

6. Prepare and submit to the Township Board and Planning Commission a written record of all Zoning Permits issued during each month. The record shall state the owner's name, location

or property intended use and estimated cost of construction for each permit.

7. Maintain written records of all actions taken by the Zoning Administrator.

8. Be responsible for providing forms necessary for the various applications to the Planning Commission, Township Board or Zoning Board of Appeals as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission and Zoning Board of Appeals.

19.04 Zoning Permits

No building, structure, or land shall be used or occupied, and no building or structure shall be erected, moved, placed, reconstructed, extended, enlarged, demolished, or altered unless a zoning permit has been issued by the Zoning Administrator. A change from one allowed use to another allowed use shall require a zoning permit. The zoning permit shall be required even if there is no change in building size or any change to the site. However, Site Plan Review by the Planning Commission may be required at the discretion of the Zoning Administrator.

An application for a permit shall be in writing and upon forms furnished by the Township. A permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavations, erection, alteration, or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Administrator and shall be furnished upon request. If the application is approved, the Zoning Administrator shall so mark both copies of the application over his/her signature and file one copy with the Building Official or Township Clerk and return the other copy to the applicant. Zoning Permits shall not be required for any of the following:

1. Sidewalks, patios, driveways, etc., that are not more than twelve (12) inches above adjacent grade

2. Annual and perennial plants, shrubs, trees, etc.

3. Vegetable and flower gardens

4. Mailboxes

5. Yard lights

6. Exterior building renovations such as windows, doors, siding, roofing, etc., that do not change the existing footprint or the use or function of the building and do not require a building permit

7. Interior renovations of a minor nature that do not change the use or function of the building such as painting and general maintenance and upkeep which do not change the use, internal floor plan, occupancy, area, structural strength, fire hazard, fire protection, exits, light and ventilation of a building or structure and do not require a building permit

8. Other similar activities as determined by the Zoning Administrator

19.05 Zoning Permit Application

Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator 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 Zoning Permits one copy of a site layout or plot plan showing:

1. The address, shape, area, and legal description.
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 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. Any information deemed necessary by the Zoning Administrator to determine compliance with and provide for the enforcement of this Ordinance.
11. Certified permit from the County Health Department stating that the proposed on-site water and sewer system is in conformance with the County Sanitary Code.
12. A Special Land Use permit, if required by this Ordinance.
13. All other licenses and permits required by law for the construction and enlargement, alteration, conversion or moving of the building or structure for which a building permit is being applied under this Ordinance.

If the information shown on the site layout complies with the above requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning permit upon payment of the required Zoning permit fee.

19.06 Expiration and Revocation of Permit

Any Zoning permit granted under this section shall be null and void unless the development proposed shall have obtained a building permit or made significant progress in a project not requiring a building permit within one hundred eighty (180) days from the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that he is liable for voiding action before voidance is declared. The Zoning Administrator may suspend or revoke a permit issued in error on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.

19.07 Occupancy Permit

No lot, building or structure for which a Zoning permit, Special Land Use permit or other permit was, or should have been obtained under this Ordinance or other law, shall be occupied, or used until an Occupancy Permit shall have been issued by the Building Inspector. The Zoning Administrator shall inspect the lot, building or structure which is the subject of an application for a

Zoning Permit at the time of completion of the work and at other such times as are required, and shall determine on such inspections whether or not the construction or alteration of the building or structure of the use or occupancy of the lot conforms to the site plan and other information provided in the application for the Zoning Permit, the Special Land Use Permit, and the provisions of this Ordinance and all other laws relating to the construction, alteration conversion or moving of the building or structure. It shall be the duty of the holder of every Zoning Permit and every Special Land Use Permit to notify the Zoning Administrator of when the lot, building or structure Is ready for inspection.

Following inspection, the Zoning Administrator shall notify the holder of such permit, or his agent, as to whether the construction complies with the application and this Zoning Ordinance at the time of inspection. Should the Zoning Administrator determine that the use, building, or structure is not in compliance with the application of this Ordinance, further construction, or use of the lot, building or structure or any part thereof, shall cease until such lot, building or structure following notice and/or request for re-inspection and reinspection duly made by the Zoning Administrator.

Should a permit holder fail to comply with the requirements of this Ordinance, the Zoning Administrator shall report in writing such failure to the Township Clerk and Building Inspector, so that an Occupancy Permit is not issued. No further work upon said construction shall be undertaken or shall be permitted until the issuance of a new permit after reapplication in accordance with the provisions of this Ordinance. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the current permits requiring the issuance of new permits before construction may proceed.

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

19.08 Fees, Charges and Expenses

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for Zoning or Special Land Use Permits, appeals, variances, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Office of the Township Clerk and may be altered or amended by the Township Board only. No permit, certificate, Special Land Use approval or variance shall be issued until such costs, charges, fees, or expenses 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.

19.09 Violation - Nuisances Per Se

Any use of land, building or structure erected, constructed, reconstructed, altered, converted, maintained, or changed in violation of any provisions of this Ordinance is prohibited and hereby declared to be a nuisance per se.

19.10 Penalties

Any person, firm or corporation that violates any provision of this ordinance, as amended, shall be guilty of a municipal ordinance violation and shall be subject to the process and proceedings, including fines, as established within the Marengo Township Civil Infraction Ordinance.

19.11 Enforcement of Zoning by Township Board

In addition to all other remedies provided herein, the Township Board, may, following the expiration of thirty (30) days, undertake to correct the violation and to assess the land or premises for the cost thereof. Said assessment shall become a lien upon said property and shall be collected in the same manner as township taxes in accordance with the law. This remedy shall only be used after notice of intent to proceed under this section is given to the owner of record or said land or premises at the last address shown on the records of the township, and only in the event the Township determines that a structure erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained, changed or abandoned is in violation of any provisions of this Ordinance.

19.12 Compliance/Performance Surety

In authorizing any Zoning or Special Land Use Permits, appeals, or variance, the erection of any sign, or the issuance of any permit, the Planning Commission, Township Board, or Zoning Board of Appeals, may require that a surety be furnished in favor of the Township to ensure compliance with the requirements, specifications, conditions, regulations, and provisions of the variance or permit.

ARTICLE 20

SPECIAL LAND USES

20.01 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, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but 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, on account of their peculiar type, location, need, or the nature of the service offered, may have to be allowed only as a Special Land Use rather than be allowed as a use allowed by right.

Where uses are not specifically listed within and district yet are consistent with a specific use defined within the zoning ordinance, the Zoning Administrator may process the request for such use as a Special Land Use within the district in which the defined use is listed. The Zoning Administrator may also request such interpretation from the Zoning Board of Appeals if the applicant does not agree with such determination. The approval of such use shall be subject to the general standards for Special Land Uses and any specific conditions imposed for that defined use or as needed to bring compatibility between the proposed use and surrounding land use and zoning.

20.02 Authority to Grant Permit

The Planning Commission shall have the authority to grant Special Land Use permits, subject to such conditions of design and operation, safeguards, and time limitations as it may determine for all Special Land Uses specified in the various district provisions of this Ordinance.

20.03 Application and Fee

Application for any Special Land Use Permit permissible under the provisions of this Ordinance shall be made to the Planning Commission by filling in the official Special Land Use Permit application form, submitting required information and depositing a fee in accordance with the requirements of this ordinance.

20.04 Data, Exhibits, and Information Required in Applications

An application for a Special Land Use permit shall contain: (1) the applicant's name and address in full, and, if the applicant is not the property owner, written authorization that the owner is in agreement with the application, (2) the address of the property involved, (3) an accurate survey drawing of said property, showing the existing and proposed location of all buildings and structures thereon, and types and uses thereof, as required in the site plan review section of this ordinance, (4) a detailed narrative statement describing the proposed Special Land Use and supporting data, exhibits, information, and evidence, regarding the required findings and standards set forth in this Article. In addition, the applicant shall submit a landscape plan showing the existing and proposed location of all plant materials and the type thereof, access drives and parking lot layout.

20.05 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 in accordance

with Public Act 110 of 2016, and 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. The notice shall:

1. Describe the nature of the request.

2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the request will be considered.

4. Indicate when and where written comments will be received concerning the request.

20.06 Findings by the Planning Commission

The Planning Commission, following the public hearing, shall review the circumstances and facts of each application, shall consider 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 of this Article and with respect to the applicable specific conditions for the Special Land Use for which application has been made.

20.07 General Standards for all Special Land Uses

The Planning Commission shall review the circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence shown in that a use on the proposed site, lot, or parcel:

1. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.

2. Will be designed, constructed, operated, maintained, and managed to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

3. Will be served by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services.

4. Will not be hazardous or disturbing to existing or future neighboring uses.

5. Will not create excessive additional requirements at public cost for public facilities and services.

Based upon the findings and information, the Planning Commission may impose additional conditions on the use to achieve compatibility between the proposed use and surrounding land use and zoning. Such additional conditions shall be based upon these general standards established above.

20.08 Compliance/Performance Surety

The applicant shall post surety with the Township Clerk when deemed necessary and upon recommendation from by the Planning Commission. The amount of said surety shall be determined by the Planning Commission to ensure that all provisions of this Ordinance are complied with.

20.09 Duration of Permit

If construction is not commenced within 24 months and completed with due diligence, the Special Land Use Permit shall expire. However, if construction is not completed but has commenced within 24 months and is proceeding with due diligence, the permit may be extended on good cause shown from the property owner or permit holder for an additional 24 months by action of the Planning Commission. After issuance of the Special Land Use Permit, the Special Land Use Permit applicant or holder shall submit quarterly written progress reports on the status of the project as requested by the Zoning Administrator, until a final occupancy permit is issued.

20.10 Continued Validity of Permit: Revocation

The Issuance of a Special Land Use Permit shall entitle the owner to continue to operate the Special Land 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 Special Land Use Permit, if such a Special Land 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 Special Land Use Permit.

In the event the owner or occupant of the property for which a Special Land Use Permit has been issued, shall violate any provision of this Ordinance or any term, condition, limitation, regulation or safeguard contained in the Special Land Use Permit, the Special Land 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 Special Land Use Permit as provided in this Ordinance. In addition to all other remedies provided herein, if such Special Land 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.

In the event the owner or occupant of the property for which a Special Land 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 be scheduled.

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 Special Land Use Permit. Service shall be made at least ten (10) days prior to the hearing. 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.

20.11 Specific Conditions and Requirements -Special Land Uses

In addition to the general standards outlined for all Special Land Uses, some Special Land Uses shall also be subject to specific conditions for approval. In addition to those listed, the Planning

Commission may impose further conditions based upon concerns related to the compatibility of the Special Land Use in relation to surrounding land uses and zoning districts. The following uses are listed with the associated zoning district in which they are allowed:

Special Land Uses

1. Adult Foster Care Group Home (7-12), Large Group Home (13-20), and Congregate Facility (>20) (AG, RE, LD, MD, CM)
2. Agri-Business/Agri-tainment (AG)
3. Animal Clinic/Veterinarian Services (CM)
4. Bed and breakfast Inns (AG)
5. Commercial Kennel (CM)
6. Commercial Recreation (CM)
7. Community and Governmental Buildings including Churches (RE, LD, MD, MF)
8. Contractor's Establishment (CM)
9. Essential Service Structures and Buildings (LI)
10. Expanded Home-Based Business (AG)
11. Gasoline Service Stations (CM, LI)
12. Golf Course/Driving Range, Country Club, Athletic Club (RE, LD, OC)
13. Group Day Care Home (AG, RE, LD, MD, MF)
14. Marihuana General Regulations (CM, LI, MO)
15. Marihuana Grower Facility (LI, MO)
16. Marihuana Processor Facility (LI, MO)
17. Marihuana Safety Compliance Facility (CM, LI)
18. Marihuana Secure Transporter Facility (CM, LI)
19. Multiple-Family Housing (MD)
20. Open Air Business and Display (CM)
21. Parcels of Less Than 10 Acres (AG)
22. Planned Unit Development (RE, LD, MD, OC)
23. Private Landing Strip (AG)
24. Private Streets (LD, MD, MH)

25. Public and private parks, campgrounds, Lodges, hunting lodge (AG, MH, OC)

26. Public and private educational facilities including nursery school; primary and secondary school business school, college, and university (AG, RE, LD, MD, MF)

27. Riding Academy or Stable (RE)

28. Sand and Gravel Mining

29. Roadside Stand (RE)

30. Shopping Centers (CM)

31. Telecommunication Towers and Antennae (LI)

32. Transportation Terminal/Trucking Facilities (CM)

33. Two family Dwellings (RE, LD)

34. Vehicle Sales, Service & Repair (including farm machinery and marine vehicles) (CM)

35. Renewable Energy (Wind, Solar, and Storage)

36. Electric Infrastructure

1. Adult Foster Care Group Homes, Camps, Congregate Facilities

Adult Foster Care camp (with the approved capacity to receive more than 4 adults, or Adult Foster Care congregate facility (with the approved capacity to receive more than 20 adults) are allowed as follows:

1. May be located not closer than 1,500 feet to any of the following (measured along a road or street:

   A. Another similar Facility.

   B. A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

   C. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the authority of the department of corrections.
   D. Has appropriate fencing for the safety of the children in the group childcare home as determined by the local unit of government.

   E. Maintains the property consistent with the visible characteristics of the neighborhood.

   F. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group childcare home between the hours of 10 p.m. and 6 a.m.

   G. Meets regulations, if any, governing signs used by a group childcare home to identify itself.

H. Meets regulations, if any, requiring a group childcare home operator to provide off-street parking accommodations for his or her employees.

2. Agri-Business/Agri-tainment

A Provided that such uses be permitted as a Special Land Use only in the AG - Agricultural District.

Such uses and their associated buildings, structures, lots, parcels, or parts thereof which provide services, goods, storage, transportation, or other activities related to the production of agricultural commodities. Uses may include, but are not limited to:

1. Farm machinery, sales, service, rental, and repair.
2. Grain elevators for storage, drying and sales
3. Bulk feed and fertilizer outlets and distribution centers
4. Seed dealership outlets and distribution centers.
5. Grain and livestock trucking and cartage facilities
6. Slaughterhouses
7. Auctions for livestock
8. Dairy products production and processing operation
9. Apple orchards, pumpkin patches, U-pick fruit
10. Seasonal displays associated with agricultural products (cider mill, corn maze or similar activities) where the sale of agricultural products is combined with attractions or as an entertainment destination.
11. Milk processing operations such as cheese and cream
12. Equestrian facilities for public showing and competition
13. Education and training facilities with accommodations for students

3. Animal Clinic/Veterinarian Services

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

4. Bed & Breakfast Inns

Bed and breakfast inns when the following conditions are met:

1. Inn is the private residence of the owner and sleeping accommodations are rented to guests in five (5) or fewer rooms.
2. The innkeeper may serve breakfast to guests and shall not have a restaurant or gift shop, store or public meeting rooms open to the public.

3. Inn shall comply with all parking requirements in the Parking and Loading Article in the ordinance.

4. Inn shall comply with the sign Article in this ordinance.

5. No portion of the bed and breakfast inn shall be operated in any 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 Special Land Use approval shall be accompanied by a site plan which complies with the provisions of the Site Plan Review Article of this ordinance.

5. 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:

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).

All buildings shall be soundproofed and secured by perimeter fencing.

Landscaping on the outside of the perimeter fencing shall be required where the fencing is within two hundred (200) feet of any adjacent residence.

6. Commercial Recreation

Such facilities and uses shall include bowling alleys, theaters, drive-in theaters, dance halls, skating rinks, miniature golf courses, go-carts, batting cages, bumper boats, trampolines, stand-alone driving ranges, including domed facilities and other similar public amusement facilities where facilities and services are provided for profit.

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 required landscaping provisions of this ordinance.

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.

7. Community and Governmental Buildings including Churches

Facilities within the community that provide for uses or activities for the benefit of residents and nonresidents alike are subject to Special Land Use approval when located within agricultural or single-family residential districts. The intent is to integrate such uses within proximity of these residential areas subject to the following conditions:

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.

Lighting shall be directed away from adjacent residences and clearly shown on the required site plan.

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

8. 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 in the side or rear year and not be visible from the street or road right-of-way.

9. Essential service structures and buildings

Electrical substations, gas regulator stations, utility pump and metering stations gasoline or oil pipelines and other above-ground public utility or governmental unit facilities, shall meet the following standards:

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall a minimum of six (6) feet high and adequate to obstruct passage of persons or materials.

2. Public utility or governmental unit facilities shall be constructed and maintained in a neat and orderly manner.

3. All buildings shall be landscaped and conform to the general character of the architecture of the surrounding neighborhood.

10. Expanded Home-Based Business

It is the intent of this section to create expanded Home-Based Businesses beyond those allowed within the principal residence. In general, a Home-Based Business is an accessory use so located and conducted that the average neighbor, under normal circumstances would not be aware of its existence other than an announcement or identification sign in accordance with this ordinance. The standards for expanded Home-Based Businesses are intended to ensure compatibility with other permitted uses as clearly secondary and incidental to the residential use of the principal building as the criteria for determining whether a proposed accessory use qualifies as an expanded Home-Based Business.

An accessory use of a service or professional nature, which is clearly secondary to living purposes and does not change the character of the dwelling. The expanded Home-Based Business's provision allows employees, who are not members of the household, and allows additional square footage for the Home-Based Business.

Adequate parking spaces shall be provided on the premises for persons patronizing the establishment and employees working there. Parking shall meet the space requirements of this ordinance.

Expanded Home-Based Businesses are allowed only in the AG - Agricultural District.

The following standards shall apply to expanded Home-Based Businesses:

1. No more than four (4) persons other than members of the immediate household permanently occupying such dwelling shall be employed on the site at any one time in the Home-Based Business.

2. Where permitted by the State Construction Code the principal building may be devoted to Home-Based Businesses not to exceed 30% of the floor area. Where permitted by the State Construction Code, 100% of accessory buildings may be devoted to expanded Home-Based Businesses.

3. The outdoor storage of materials shall be completely screened or fenced to obstruct the view of material to be stored. The adequacy of such screen or fence shall be approved by the Planning Commission.

4. Dwelling units other than single family residences housing Home-Based Businesses which generate traffic and result in customers, shall have an exterior entrance which is exclusive to that occupation dwelling unit and accessible to the public.

5. No Home-Based Business shall create noise, dust, vibration, smell, smoke, glare, electrical interference, excessive vehicle traffic, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in any average agricultural district under normal circumstances where no Home-Based Business exists.

6. An identification sign in accordance with this Ordinance shall be permitted.

7. No use shall be permitted which would change the fire rating of the structure.

8. The Home-Based Business shall be conducted in fully enclosed buildings.

9. The incidental sale of farm produce is permitted from a roadside provided that the sale is temporary or seasonal, the sale is of the produce grown on the property, all temporary displays and signs are removed after the sale season, and other retail sales are subject to the conditions for approval of a roadside stand within this ordinance.

10. Persons requiring the use and storage of backhoes and other heavy equipment, trucks, well digging rigs, and other similar equipment pertinent to their business operation and for their livelihood, shall be permitted to store such equipment outdoors without screening.

11. Adequate parking area shall be provided, and its design, surfacing and other requirements shall be approved by the Planning Commission.

12. Not more than one type of business shall be established as an expanded Home-Based Business on a given parcel.

11. Gasoline Stations

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 performed. In addition, all vehicles parked on such premises shall have current year license plates.

5. No installations except permitted walls, fences, and lighting structures, shall be permitted nearer than twenty-five (25) feet to the front property line.

6. No more than two (2) driveway approaches shall be permitted directly from a major street, not more than one (1) such approach from a minor residential street, each of which shall not exceed twenty-five (25) feet. Driveway approaches shall be located as far from the street intersections as practicable, but in no case be located less than fifty (50) feet.

7. The operation of such use shall not create a hazardous or otherwise objectionable traffic condition.

8. 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.

12. Golf Course/Driving Range, Country Club

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 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.

Site Development

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

Lot Width: Minimum lot width shall be six hundred and sixty (660) feet.

The golf course, driving range or similar recreational use may 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 open space or residential districts.

13. Group Childcare Home

A group childcare home if the group childcare home meets all the following standards:

1. Is located not closer than 1,500 feet to any of the following measured along a road, street, or place maintained by this state or a local unit of government and open to the public as a matter of right for the purpose of vehicular traffic, not including an alley:

   A. Another licensed group childcare home.

   B. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

   C. A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

D. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the authority of the department of corrections.

2. Has appropriate fencing for the safety of the children in the group childcare home as determined by the local unit of government.

3. Maintains the property consistent with the visible characteristics of the neighborhood.

4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group childcare home between the hours of 10 p.m. and 6 a.m.

5. Meets regulations, if any, governing signs used by a group childcare home to identify itself.

6. Meets regulations, if any, requiring a group childcare home operator to provide off-street parking accommodations for his or her employees.

14. Marihuana Facilities General Regulations

The following regulations apply to all Marihuana Establishments or Facilities within the Township, unless a more specific provision of this Article applies:

1. Location and Lot Requirements

A. Lot Area: No building or structure shall be established on any lot less than one (1) acre in area.

B. LOT WIDTH: The minimum lot width shall be one hundred fifty (150) feet.

C. LOT COVERAGE: The maximum lot coverage shall not exceed twenty-five (25) percent.

D. RESIDENTIAL SETBACK: No Facility or Establishment building shall be located within three hundred (300) feet from any residential dwelling unit if such uses are in existence at the time the Facility or Establishment is issued an initial permit, with the minimum distance between uses measured horizontally between the corner of the nearest building containing a residential dwelling unit and the nearest Facility or Establishment building.

E. HEIGHT: Except as is otherwise provided in the Ordinance, no building or structure shall exceed a height of forty-five (45) feet.

F. DRIVES: All access drives for a Facility or Establishment shall be at least 10 feet on each side of the centerline and shall extend directly from a public street right-of-way or private street right-of-way. All access drives are further subject to the approval of the Calhoun County Road Department.

G. GREENBELT BUFFER: A greenbelt buffer shall be provided in accordance with the regulations specified in the Landscape and Buffering requirements of this Ordinance between any Facility or Establishment and any public or private street and any adjacent use other than a Facility or Establishment. Any 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. All trees and shrubbery used for landscaped screening of Facility or Establishment shall be planted

and maintained through standard husbandry techniques, including but not limited to fertilization, mulching, and pruning, so that the vegetation shall reach maturity as soon as practical and so that maximum foliage density may be achieved. Dead or diseased vegetation shall be promptly removed and replanted at the next available planting time. Plants or grasses on the property that are outside of the greenbelt buffer may not exceed 12 inches in height, except for agricultural crops, and must be regularly maintained.

2. General Operating Conditions

A. location of operation. Each Marihuana Establishment or Facility shall be operated from the Permitted Premises on the Permitted Property. No Marihuana Establishment or Facility shall be permitted to operate from a moveable, mobile, or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter the Permitted Premises without a parent or legal guardian.

B. Security. Permit Holders shall always maintain a security system that meets State law requirements, and shall also include the following:

i. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and

ii. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week: and

iii. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Establishment or Facility overnight, except for Marihuana actively grown in a Grower Establishment or Facility; and

iv. All Marihuana in whatever form stored at the Permitted Property shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, displayed, or dispensed outside the Permitted Premises; and

v. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement upon request for inspection.

vi. A Facility or Establishment shall be entirely fenced as shown on the site plan, compliant with applicable fire code, building code, and any other applicable code or regulation, with a gate that is locked when not in use by the operator of the facility or the operator's agents. The fence shall be a chain link fence or other type designed and installed to prevent unauthorized access. If the fence consists entirely of opaque material, and if it is at least six feet high but not more than eight feet high, then setbacks from the public street or private street may be reduced by 50%. Fencing must be maintained in good safe condition throughout the life of the installation.

C. Completion Date. A Facility or Establishment must commence operation on the Permitted Premises on or before the completion date in their initial application.

D. Required Spacing. No Facility or Establishment shall be located within two thousand (2,000) feet from any educational institution or school, college or university, church, house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Facility or Establishment is issued an initial permit, with the

minimum distance between uses measured horizontally between the nearest property lines.

E. Co-location. Subject to underlying zoning restrictions, the Facility or Establishment shall be the only principal use located on the Permitted Property, except that the following co-location is permitted:

   i. A Grower Facility, Processor Facility, or Secure Transporter Facility may operate from within a single facility also operating with a Grower Establishment, Processor Establishment, or Secure Transporter Facility operating pursuant to the MMFLA, MRTMA, and applicable rules promulgated by the Department of Health and Human Services.

   ii. A Grower Establishment, Processor Establishment, or Secure Transporter Establishment may operate from within a single facility operating pursuant to the MRTMA and applicable rules promulgated by the Department of Health and Human Services.

   iii. If there is a conflict with the minimum parcel size of any co-located facility or establishment, the larger parcel size is required.

F. STACKING. An applicant for a Grower Facility or Establishment may apply to stack another Grower permit at the Establishment, Facility, or Permitted Premises. Permits or Licenses may only be stacked consistent with the MRTMA, MMFLA, and the rules and regulations promulgated by the Department of Health and Human Services.

G. Amount of Marihuana. The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Establishment shall not exceed that amount permitted by the state License or the Township's Permit.

H. Sale of Marihuana. The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. A Facility or Establishment is prohibited from selling, soliciting, or receiving orders for Marihuana or Marihuana Products over the internet, except to another Facility or Establishment.

I. Sign Restrictions. No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words "Marihuana," "cannabis" and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.

J. Use of Marihuana or Other Substances. Smoking or consumption of Marihuana or controlled substances on the Permitted Premises is prohibited. The sale, consumption, or use of alcohol or tobacco products on the Permitted Premises is prohibited, except as may be permitted by rules or regulations of the Department of Health and Human Services or this Ordinance.

K. Indoor Operation. All activities of a Facility or Establishments, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors.

L. LIMITED IMPACT. The Facility's or Establishment's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and

operating an air filtration system or other available technology so that no odor related to the permitted use is detectable at the property line of the Permitted Premises.

M. Distribution. No person operating a Facility or Establishment shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.

N. Other Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, harvesting, or testing of Marihuana are located. Code and other permit approval may require, without limitation, the National Electric Safety Code, the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization if the similar certification organization is approved by the Township.

O. Waste Disposal. The Permit Holder, owner and operator of any Facility or Establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit, including:

   i. Ensuring proper handling, use, and disposal of all nutrients, pesticides, and other chemicals used at, in connection with, or arising out of the Establishment or Facility.

   ii. Ensuring proper disposal of all Marihuana and related byproducts that will be used at, in connection with, or arising out of the Establishment or Facility.

   iii. Ensuring the proper use, management, and disposal of all water and other liquids used at, in connection with, or arising out of the Establishment or Facility.

P. Transportation. Marihuana may be transported by a Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:

   i. By Persons who are otherwise authorized by state law to transport Marihuana.

   ii. In a manner consistent with all applicable state laws and rules, as amended.

   iii. In a secure manner designed to prevent the loss of the Marihuana.

   iv. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words "Marihuana", cannabis" or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase, or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.

   v. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.

Q. Utility Lines. On-site utility lines shall be placed underground to a depth as specified by the appropriate utility company requirements

R. Light Pollution and Lighting Plan

i. All lighting shall be subject to the following general operating standards:

1) All lighting shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect adjacent properties or driver visibility on adjacent public roads.

2) All lighting shall be shielded to the extent possible to reduce glare and visibility.

3) No flashing lights will be permitted.

4) Grow lights shall not be used before 6:00 a.m. local time and shall not be used after 9:00 p.m. local time.

ii. An external lighting plan for each Permitted Property shall be approved by the Township Board as part of the Site Plan review, after review and recommendation by the Planning Commission, to ensure the general operating standards set forth in this subsection will be satisfied. The lighting plan shall include, but is not limited to the location, dimensions, light color, and types of fixtures to be used for all external lighting, including but not limited to lighting for parking lots, driveways, security lighting or other external illumination, or the illumination of signs, and its overall area of illumination. The Township Board or Planning Commission may request additional detail(s) and information as part of its review. The Planning Commission Township Board may approve a lighting plan if it believes it conforms to the general operating standards as set forth in this subsection, unless a reasonable person would expect the lighting plan to create, cause, or compound the substantial likelihood that injury would result to the public health, safety, or general welfare.

S. Unpermitted Growing. A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.

T. Site Plan. Each Facility or Establishment shall comply with all Site Plan and Special Land Use Permit requirements of this Ordinance. The Site Plan shall include the surrounding area and identify any residential dwelling units within 1,500 feet of the Permitted Premises at the time of Application. The Site Plan shall include an interior floor plan and shall be signed and sealed by a Michigan registered architect, surveyor, or professional engineer.

15. Marihuana Grower Facility

All marijuana facilities must comply with the Marihuana Facilities General Regulations as provided in this Article. The following regulations apply to all Grower Establishments or Facilities whether Class A, B, or C within the Township:

1. Lot Area. No Grower building or structure shall be established on any lot less than fifteen (15) acres in area.

2. Setbacks. Except for uses within the Commercial District or Light Industrial District, each building or structure shall be setback a minimum distance at the time of initial siting and permit issuance from any lot line, right-of-way, or easement:

A. Front Setback: Not less than 85 feet.

B. Side Setback: Not less than 50 feet.

C. Rear Setback: Not less than 50 feet.

3. ODOR AND OTHER IMPACTS. Each Grower Facility or Establishment shall submit its plan and methods for controlling odor and other impacts to adjacent uses, including air filtration systems and other enforceable assurances that no odor created by the use will be detectable at the property line of the Permitted Premises. These obligations are continuing upon any Facility or Establishment, which may be required to plan, construct, or implement, additional methods for controlling odor and other impacts on adjacent uses.

4. CHARACTER OF BUILDINGS. The size, nature, and character of the buildings and structures to be used shall be harmonious with the character of the surrounding land uses and land use classifications.

5. BUILDING SPACING. The buildings and structures shall be appropriately spaced relative to adjoining properties to ensure safety and avoid congestion and there shall not be less than 20 feet between each building.

6. DRIVES AND TRAFFIC. The location of entrances and drives shall be designed to avoid potential traffic congestion or hazards that may be caused by the land use and sufficient parking and vehicle flow shall be provided on the site.

7. HOURS OF OPERATION. Hours of operation shall not create an unreasonable disturbance or nuisance that disrupts the quiet, comfort or repose of a reasonable person of normal sensitivities on adjoining properties or the surrounding neighborhood or that injures or endangers the health, peace, or safety of the public within the Township.

16. Marihuana Processor Facility

All marijuana facilities must comply with the Marihuana Facilities General Regulations as provided in this Article. The following regulations apply to all Processor Establishments or Facilities within the Township:

1. Lot Area. No Processor building or structure shall be established on any lot less than ten (10) acres in area.

2. Setbacks. Except for uses within the Commercial District or Light Industrial District, each building or structure shall be setback a minimum distance at the time of initial siting and permit issuance from any lot line, right-of-way, or easement:

   A. Front Setback: Not less than 85 feet.

   B. Side Setback: Not less than 50 feet.

   C. Rear Setback: Not less than 50 feet.

3. SEPARATION DISTANCE. Any building or structure used for specialty processing methods, including but not limited to hydrocarbon processing, must be setback no less than 100 feet from any other building or structure.

4. ODOR AND OTHER IMPACTS. Each Processor Facility or Establishment shall submit is plan and methods for controlling odor and other impacts to adjacent uses, including air filtration systems and other enforceable assurances that no odor will be detectable at the property line of the Permitted Premises. These obligations are continuing upon any Facility

or Establishment, which may be required to plan, construct, or implement, additional methods for controlling odor and other impacts on adjacent uses.

5. OTHER PERMITS AND LICENSES. Each Processor Facility or Establishment shall hold and remain in good standing with any other professional or occupational license or designation required for any means or methods employed for Marihuana processing at the Permitted Property.

6. CHARACTER OF BUILDINGS. The size, nature, and character of the buildings and structures to be used shall be harmonious with the character of the surrounding land uses and land use classifications.

7. BUILDING SPACING. The buildings and structures shall be appropriately spaced relative to adjoining properties to ensure safety and avoid congestion and there shall not be less than 20 feet between each building.

8. DRIVES AND TRAFFIC. The location of entrances and drives shall be designed to avoid potential traffic congestion or hazards that may be caused by the land use and sufficient parking and vehicle flow shall be provided on the site.

9. HOURS OF OPERATION. Hours of operation shall not create an unreasonable disturbance or nuisance that disrupts the quiet, comfort or repose of a reasonable person of normal sensitivities on adjoining properties or the surrounding neighborhood or that injures or endangers the health, peace, or safety of the public within the Township.

17. Marihuana Safety Compliance Facility

All marijuana facilities must comply with the Marihuana Facilities General Regulations as provided in this Article. The following regulations apply to all Safety Compliance Establishments or Facilities within the Township:

1. CHARACTER OF BUILDINGS. The size, nature, and character of the buildings and structures to be used shall be harmonious with the character of the surrounding land uses and land use classifications.

2. BUILDING SPACING. The buildings and structures shall be appropriately spaced relative to adjoining properties to ensure safety and avoid congestion and there shall not be less than 20 feet between each building.

3. DRIVES AND TRAFFIC. The location of entrances and drives shall be designed to avoid potential traffic congestion or hazards that may be caused by the land use and sufficient parking and vehicle flow shall be provided on the site.

4. HOURS OF OPERATION. Hours of operation shall not create an unreasonable disturbance or nuisance that disrupts the quiet, comfort or repose of a reasonable person of normal sensitivities on adjoining properties or the surrounding neighborhood or that injures or endangers the health, peace, or safety of the public within the Township.

18. Marihuana Secure Transporter Facility

All marijuana facilities must comply with the Marihuana Facilities General Regulations as provided in this Article. The following regulations apply to all Secure Transporter Establishments or Facilities within the Township:

1. CHARACTER OF BUILDINGS. The size, nature, and character of the buildings and structures to be used shall be harmonious with the character of the surrounding land uses and land use classifications.

2. BUILDING SPACING. The buildings and structures shall be appropriately spaced relative to adjoining properties to ensure safety and avoid congestion and there shall not be less than 20 feet between each building.

3. DRIVES AND TRAFFIC. The location of entrances and drives shall be designed to avoid potential traffic congestion or hazards that may be caused by the land use and sufficient parking and vehicle flow shall be provided on the site.

4. HOURS OF OPERATION. Hours of operation shall not create an unreasonable disturbance or nuisance that disrupts the quiet, comfort or repose of a reasonable person of normal sensitivities on adjoining properties or the surrounding neighborhood or that injures or endangers the health, peace, or safety of the public within the Township.

19. Multi-Family Housing

Two or more multiple dwelling structures may be constructed upon a single lot subject to the following conditions:

1. Buildings shall be for residential purposes and customary accessory use only.

2. Only public sewerage systems shall be utilized.

3. Any site development for group housing shall not be less than five (5) acres in gross area: shall be developed and maintained as one unified design; and shall remain under the ownership of one legal person.

4. All private access drives and parking areas shall be paved. Minimum paved width of such access drives shall be twenty-two (22) feet. Paved areas for each parking space shall not be less than eight and one-half (8-1/2) feet in width nor less than eighteen (18) feet in length.

5. There shall be two (2) parking spaces provided for each dwelling unit.

6. No access drive cul-de-sac shall be more than three hundred (300) feet in length. Minimum paved turning diameter of fifty (50) feet shall be provided at the terminus of each access drive cul-de-sac.

7. No dwelling unit in a development shall be located more farther than one hundred twenty-five (125) feet from a street or private access drive.

8. Off-street parking spaces shall not be closer than twenty (20) feet from any street right-of-way 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.

20. Open Air Business and Display

The minimum lot area for any business shall be two (2) acres. The display area shall be specifically shown on the site plan and shall not impede vehicle or pedestrian movement.

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.

Lighting of the site shall not impact on adjacent properties or create a traffic hazard in and around access points.

The Planning Commission 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 in the Sign Regulations in this ordinance.

21. Parcels of Less Than 10 Acres

The Planning Commission may allow parcel sizes less than 10 acres in the agricultural district for one single-family dwelling if the parcel on which the dwelling is to be located is poorly suited for agricultural production and any three of the following conditions are met:

1. Soil Conditions: Prime agricultural soils are not the predominate soil type of the parcel.

2. Slope: The parcel contains slopes greater than 10%.

3. High Groundwater Table, Floodplain, or Wetlands: A portion of the parcel is comprised of floodplain, wetlands, or having a static ground water level within 4 feet of the surface.

4. Natural Vegetation Such as Mature Stands of Trees or Thick Brush: It must be demonstrated that residential construction activities will not destroy critical habitat or woodlots.

5. Size, Shape, Orientation, or Physical Features: It must be demonstrated that the size, shape, orientation, or physical features of the parcel make the parcel difficult or impractical to farm.

The Planning Commission, in making its determination, may consider factors such as, but not limited to:

1. Past and present use of the parcel and adjoining parcels.

2. Past productivity, vegetation, and the difficulty in making the parcel suitable for farming.

3. The likelihood of conflicts arising between the residential use and the surrounding agricultural activities.

4. The precedent set by allowing the residential use in the circumstances under consideration will not adversely affect the long-term plans and development policies of the Township.

The parcel size shall not exceed three (3) acres and must conform to the site development Regulations of the Low-Density Residential Zoning District.

The parcel is limited to use as one single-family home and associated accessory uses.

22. Planned Unit Developments

The owner or owners of any tract of land in the LD, MD, or OC districts comprising an area of not less than twenty (20) acres may submit to the Township Planning Commission a site plan for the use and development of the tract as a Planned Unit Development (PUD).

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 PUD site is located. Net development area is determined by subtracting water, muck, and peat areas, including wetlands and floodplain areas. Any dispute regarding the calculation may require the applicant to submit a wetland and floodplain delineation by a consultant specialized in that field. In addition, areas set aside for churches, schools and similar facilities and the area proposed for streets shall be deducted from the gross development area. The area of land set aside for common land, open space, or recreation, except as above indicated, shall be included as a part of the net development area.

2. The proposed development will be served by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use. shall be able to provide 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 of development.

4. The common open space, any other common properties, individual properties, and all other elements of the planned unit development are so planed that they will achieve a unified environment scheme, with open spaces, and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.

5. In view of the "Special Land Use" nature of the PUD amendment procedure, deed restrictions and covenants entered or proposed to be contracted for, by the developer become an appropriate consideration of the Township Planning Commission. The Planning Commission shall consider the way the lawful contractual techniques can augment lawful zoning techniques in attaining the objectives of the PUD amendment 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.

6. The mix of uses within the PUD shall be defined by the permitted and Special Land Uses within the zoning district in which the PUD is proposed. In addition, other permitted uses within any residential district may be considered if they do not exceed ten percent (10%) of the total number of residential units or of the total land area. Such uses shall be centrally located on the site to minimize conflict with surrounding land use.

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 Planned Unit Development and inconsistent with the best interests of the entire Township.

2. The applicant may be required to dedicate land for street or parking purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the PUD) 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.

The applicant shall then review his application and plan in final approved form and sign a statement that the planned unit residential development plan in its final form shall be binding on the applicant, his heirs, successors, and assignees. Upon final approval by the Planning Commission, a Special Land Use permit shall be issued for the PUD even though the size of lots, the depth of yards and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

23. Private landing strip

The following conditions shall be met:

1. The 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.).

2. The location of the runway (landing strip), hangers or any other storage buildings or parking areas shall be setback two hundred (200) feet from any adjoining property line.

24. Private Streets

A private street shall adhere to the following standards:

1. The owner(s) of property over which such private street is to be constructed shall be required to record an easement having a width of at least sixty-six (66) feet for roadway purposes dedicating the use of the same for ingress and egress from a public street for the benefit of the owner and users of the property or properties involved.

2. The roadway agreement, easement and deed restrictions shall be recorded in the County Register of Deeds, providing for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. The easement agreement shall include a provision which provides that owners of all property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with the normal ingress and egress, and the use of the road by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the private street.

3. All lots served by the private street must meet the zoning district requirements in which they exist. Setbacks shall be measured from the edge of the private street right-of- way.

4. The entire private street shall be constructed to conform with the same requirements prescribed by the Calhoun County Road Department for that portion of the private street which is within the Calhoun County Road Department's right-of-way. Additionally, an engineer shall be hired at the expense of the developer, who shall provide documentation to the Township that the road Is constructed to the standards for a paved road as specified by the Calhoun County Road Department. The private street shall have a name and street sign consistent with the Calhoun County Road Department standards. A location map of the private street and the street name shall be submitted to the Township Fire Department, Calhoun County Sheriff Department and any emergency service organization serving Marengo Township.

5. Prior to the commencement of any private street development, the developer shall submit in writing to the Township Planning Commission all the foregoing required documents, construction plans, and private street location with respect to nearby public roads and the parcels to be served by such private street for the Planning Commission's review with respect to the granting or denial of a Special Land Use permit. The Planning Commission shall conduct a public hearing for such Special Land Use in accordance with the provisions of this Zoning Ordinance.

6. Public Hearing Required - Following the submittal of a completed application for a private street, the planning commission shall advertise and hold a public hearing. Notice of the hearing shall be provided to all taxpayers of record within 300 feet of the private street and one notice shall be published in the newspaper of local circulation. If the private street is included in a proposed planned unit development, Special Land Use, site condominium, or other land development requiring Planning Commission consideration, then the Commission may consider approval of the private street as a part of the proceedings for the development.

7. Application - An applicant wishing to construct a private street must make application to the Township for a permit. This application will include complete sets of plans for the private street to be constructed and maintained such that in all weather conditions the private street shall be passable and shall readily afford emergency access to the dwellings, buildings or other structures serviced by the private street.

8. Procedures for Approval of a Private Street - The Planning Commission shall review the application for the private street, and shall approve the application if, in its discretion, the Planning Commission determines that the following standards have been satisfied:

    A. That the private street complies with Site Plan Review and all other applicable requirements of this Ordinance.

    B. That the private street is designed in accordance with the Marengo Township Design and Construction Standards.

    C. That the private street would not create conditions that may be detrimental to the health, safety, or welfare of persons or property, through their creation of hazardous or potentially hazardous situations.

    D. In approving an application for a Private Street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction, and use of the private street, consistent with the terms of this section and other applicable Township Ordinances.

9. Authorization to Construct –

    A. Authorization to begin construction of the proposed private street shall be granted by the Zoning Administrator. No private street shall be constructed until written permission has been issued. In determining whether to issue a construction permit, the Zoning Administrator or his or her designee, shall consider the approval of the private street by the Planning Commission, whether the private street can be constructed safely and without serious adverse effects upon adjacent or nearby lands or property interests and whether the private street meets the design standards of this section.

B. The private street must be under construction within twelve (12) months and completed within twenty-four (24) months. Failure to complete construction within twenty-four (24) months shall constitute forfeiture of escrow.

10. Periodic Inspection - From time to time the Township Engineer or his/her designee may inspect the private street construction associated with the approved site plan for the development. If during any inspection, the Township Engineer, or his/her designee determines that work is not acceptable and according to the approved site plan, the Owner will be advised in writing of specific defects to be remedied. The Owner will have thirty (30) days to file an appeal to the Township's remedy notification.

11. Final Inspection and Compliance –

    A. Upon completion of construction of a private street, the Township Engineer, or his or her designee, shall inspect the completed construction to determine whether it complies with the approved plans and specifications for the street, the approval given therefore by the Planning Commission, and the terms of this section and other applicable provisions of this Ordinance.

    B. The applicant shall provide the Township with a set of "as-built" drawings, bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of this section and other provisions of this Ordinance and with the terms of approvals given by the Planning Commission.

    C. After receiving the certified as-built drawings, on-site inspection of the completed construction, and written approval of the private street by the Township Engineer, the Zoning Administrator shall issue and submit to the applicant a certificate of compliance. The certificate shall state that based upon the inspection of the construction the private street complies with this section, other applicable provisions of this Ordinance and the Planning Commission approvals.

    D. If the completed private street does not satisfy the requirements of this section, other applicable provisions of this Ordinance or approvals given by the Planning Commission, the applicant shall be notified in writing of such noncompliance and shall be given a reasonable period in which to correct the stated deficiencies.

    E. No zoning permits or other permits shall be issued for any dwelling, or other building, structure or use, the primary access to which is to be provided by a private street, until the private street has been approved in accordance with this section.

12. Surety - If a private street has not yet been completed and approved in accordance with this section and other applicable provisions of this Ordinance, but the applicant has submitted to the Township a performance surety, with acceptable surety, or a letter of credit, conditioned upon the timely and full completion of the private street in accordance with this section, then one building permit may be issued for a dwelling or for other principal building, structure or use, the primary access to which is to be provided by the private street; provided, however, that no such permit shall be issued unless the Township Engineer also determines that persons and vehicles may traverse the incomplete private street in sufficient safety. In such a case, the further construction of the private street shall be pursued diligently to completion.

    As a condition of approval of a private street, the Township may require that the applicant provide a performance surety, letter of credit, or other acceptable surety, conditioned upon

the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given for the private street by the Planning Commission.

13. Certificate of Occupancy - A Certificate of Occupancy for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been laid out and constructed with sufficient width, surface, and grade to assure the safe passage and maneuverability of fire, police, ambulance, and other emergency service vehicles.

    If the private street is proposed as part of a Planned Unit Development or a Special Land Use, the provisions of this section may be modified by the Planning Commission and Township Board (where Township Board approval is otherwise required) upon a determination that the requirements of the Planned Unit Development or Special Land Use and the requirements of this section would nevertheless be sufficiently accommodated.

14. Existing Private Streets and Easements - The provisions of this Ordinance shall apply to existing private streets to the extent stated in this subsection.

    Notwithstanding the provisions of this Ordinance, a building or structure may be erected upon a lot or parcel abutting a private street or easement created or constructed adjacent to that property before the effective date of this Ordinance if:

    A. The lot or parcel was platted or otherwise of legal record as an individual lot or parcel as of the effective date of this Ordinance.

    B. The private street has a cleared area of at least sixteen (16) feet, graded to be passable by emergency vehicles, and has sufficient gravel or other surface to be passable by vehicles on a year-round basis.

Notwithstanding the other provisions of this Ordinance, if a building or structure is proposed to be erected upon a lot that was not platted or otherwise of legal record as an individual lot or parcel as of the effective date of this Ordinance, and if the private street abutting the lot or parcel was constructed before the effective date of this Ordinance, then the building or structure may be erected if that part of the private street which from its intersection with the public right-of-way, and extending across or adjacent to the lot or parcel on which the building or structure is to be constructed, is brought into compliance with the requirements of this Ordinance.

No private street, which does not meet the requirements of this Ordinance, shall be extended in length, unless the entire length of the private street, both the existing portion, and the new, extended portion, is brought into compliance with the provisions of this Ordinance.

At the end of the private street, a turn-around shall be provided, in accordance with the requirements of the Marengo Township Design and Construction Standards.

25. Public and Private Parks, Campgrounds, Lodges, Hunting Lodge

Including private and semi-private camps and lodges for active and passive recreation uses, provided that such activity shall comply with the following provisions:

1. No commercial activity shall be conducted on the premises, except as an accessory use. Such use shall be located on a site of not less than one (1) acre in size.

2. Building shall not exceed thirty (30) feet in height and shall be located no nearer to any property line than forty (40) feet. Setbacks may be utilized for parking provided that such

parking shall not be 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.

3. 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 area from adjacent properties may be planted and maintained at a height of not less than four (4) feet.

26. Public and private educational facilities including nursery school; primary and secondary school business school, college, and university

When owned and operated by a public school system or nonprofit organization and when authorized by the Planning Commission as a Special Land Use unless such requirement is preempted by state law. In considering such authorization, the Planning Commission shall consider the following standards:

1. The size, nature, and character of the proposed use.

2. The necessity for such use for the surrounding neighborhood.

3. The proximity of the proposed use to adjoining properties, specifically including proximity to occupied dwellings.

4. The parking facilities provided for the proposed use.

5. Any traffic congestion or hazards which will be occasioned by the proposed use.

6. How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

7. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

27. Riding Academy or Stable

Riding academy or stable for the keeping of horses or ponies or other similar livestock whether for profit or pleasure may be allowed as follows:

Must be on a lot having an area not less than five (5) acres and a width not less than two hundred (200) feet.

The 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.

28. Sand and Gravel Mining

Sand and Gravel Mining ("**SGM**") provisions authorize the mining of mineral material exceeding one thousand (1,000) cubic yards from lands within the Township through the Special Land Use approval process, and for authorizing a “Reclamation Plan”, after the completion of Sand and Gravel Mining removal operations. Under the terms of any SLU permit, Sand and Gravel Mining shall be accomplished without serious adverse consequences to other lands and other land uses in the vicinity and elsewhere in the Township.

Land, including the buildings and structures thereon, that is subject to a SLU permit may be

used only for Sand and Gravel Mining and/or for the uses permitted herein and shall take place only in accordance with the provisions of this section. Any resulting use, following Sand and Gravel Mining activities and operations, shall conform to Township Zoning. Proposed SGM uses shall be considered for approval under this section only if all the following conditions for eligibility and requirements permit applications are met.

No lands shall be considered for an SGM unless they are located at least five hundred (500) feet from any dwelling.

A. **Application for SMG Permit** – Applicants proposing an eligible SGM shall apply for a SLU permit, together with the required application fee, to the Township. The application accompanied by all required fees and escrow deposit into an account for reimbursement of Township expenses shall include the following:

   i. A legal description of the lands proposed for the SGM.

   ii. Twelve (12) copies of a SGM plan, drawn and sealed by a registered civil engineer, and including the following:

      a. A North arrow, scale, and date.

      b. Shading or other markings showing the lands on which Mineral Removal operations and activities will take place.

      c. The location, width, and grade of all easements or rights of way on or abutting the lands.

      d. The location and nature of all structures on the lands.

      e. The identification, location and direction of all watersheds, streams, and other water courses whether on or off the mining site and storm water drainage areas and flow ways on the lands, and all water courses and storm water drainage areas or flow ways on other lands which may be affected by the Mineral Removal operations.

      f. Existing elevations of the lands at contour intervals of not more than five (5) feet.

      g. Copies of logs of all existing water supply wells on the Mineral Removal lands and on all adjacent lands.

      h. Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material located in or on the lands, and the groundwater table.

      i. Mineral processing and storage areas including areas for stockpiling mineral material.

      j. Proposed fencing, gates, parking areas and signs.

      k. Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust, dirt and other debris generated by Mineral Removal activities and movement of vehicles.

      l. A map showing access routes between the subject lands and the nearest major streets, and the streets and routes proposed to be used for the hauling of mineral material and the return of trucks to the site.

m. Areas to be used for ponding or other accumulation of water.

The application shall include a narrative description and explanation of the proposed Mineral Removal operations and activities. The narrative shall contain:

i. The date of commencement.

ii. Proposed hours and days of operation.

iii. Estimated type and quantity of mineral material to be removed.

iv. Description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof.

v. A detailed listing and description of the potential serious adverse consequences that may result from the proposed Mineral Removal operations and activities.

vi. The measures proposed, if any, for the avoidance or moderating of such adverse consequences.

vii. A summary of the procedures and practices that will be used to ensure compliance with the provisions of this section.

The application shall include a site reclamation plan containing the following:

i. A description of the restoration, reclamation and improvement of the lands, and the proposed resulting uses for the lands after Mineral Removal activities have ended, including any phasing of proposed site reclamation and the timing thereof.

ii. A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all land features, improvements, streets, and other aspects of the proposed uses for the lands after completion of Mineral Removal operations.

iii. A description of all adverse effects, whether anticipated or possible, on the groundwater table and other underground sources of water supply, together with copies of reports or studies analyzing the effect, if any, of the Mineral Removal operations on the underground water supply of the subject land and adjacent and nearby lands.

iv. A description of proposed methods or features which will ensure that the resulting uses are feasible and shall comply with the Township Comprehensive Plan and all applicable requirements of this Ordinance.

The application shall include an environmental impact statement, including the following:

i. A current aerial photograph (at a scale of not less than one hundred (100) feet to one inch) displaying the lands to be mined and all other lands within one thousand (1,000) feet thereof. The aerial photograph shall also show the location of current land uses, types and extent of existing natural features, topography, soils, vegetation, wildlife habitat and other items or land features noted in the environmental impact statement.

ii. A description of the type and extent of significant vegetation on the lands proposed for rezoning, including trees and endangered plant species.

iii. A detailed description of any known, anticipated, or possible adverse or detrimental

effects upon any aspect or element of the environment, including lands proposed for rezoning and adjacent and nearby lands.

Such other studies, reports, and assessments that may be requested by the Township, including though not limited to the following:

i. A traffic impact study.

ii. A listing of known existing Mineral Removal operations within the Township and within reasonable proximity of the Township, including estimated quantity and type of mineral material available for mining and other aspects of such operations; and

iii. Other reports, studies or information that may be requested by the Township with respect to the proposed SGM operations.

B. **Standards of Review for SGM** – Before consideration by the Planning Commission shall review each SGM application. In such review, the Planning Commission shall consider, among other matters, the intent, and purpose of this section and the Zoning Ordinance. The Planning Commission shall recommend approval of a SGM application, and shall consider the same for approval, only if all the following standards, conditions, and requirements are satisfied by the application, SGM plan, Site Reclamation Plan and other materials required to be submitted under the terms of this section.

C. Operations and activities for mining, extracting, excavating for, processing, mining and transport of mineral materials shall be located only as follows:

i. They shall be at least one hundred (100) feet from any property line and five hundred (500) feet from any adjacent structure.

ii. They may be located without any setback from a boundary line of adjacent lands for which a SLU permit has been granted if such adjacent lands are owned by the owner or operator of the subject lands. If such zero-setback is approved, or if some other setback is approved, by the Planning Commission and Township as a provision in the SGM permit.

iii. There shall be not more than one (1) entrance to and exit from the site of SGM operations, from and to a public street, unless additional entrances or exits are approved as a part of the SLU permit. Any such entrance and exit shall be subject to the approval of the Calhoun County Road Department. If reasonably feasible, the locations of entrances and exits shall be placed so that the travel of mineral transport vehicles over primarily residential streets is avoided.

iv. Not more than twenty (20) acres of land shall be authorized for SGM operations or activities at any one time and land previously excavated must be rehabilitated in accordance with the Site Reclamation Plan.

D. There shall be an inspection by the Township Zoning Administrator of each completed phase to verify compliance with the terms of this section.

Upon the completion of each phase, the applicant shall notify the Township that the phase is ready for inspection, and the Township shall make the inspection within a reasonable time. Until such inspection is made, and until approval of the completed phase has been given by the Township, the applicant shall not commence work on any subsequent phase.

Any work or other action undertaken by the applicant in or with respect to a subsequent

phase, before the Township inspection and approval of the previous phase, shall be a violation of the SLU permit and a violation of the Zoning Ordinance. In that event, the Township may take all appropriate enforcement measures, including issuance of an order for the stopping of all work within the SGM, until all required inspections have been made and Township approvals given.

E. Each Site Reclamation Plan shall be reviewed by the Planning Commission and comply with all the following standards and requirements:

i. Topsoil shall be replaced on the site to a depth of not less than six inches, except where the resulting uses do not involve the growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed resulting use. The plan shall indicate any phasing of site reclamation; if site reclamation is to be phased, topsoil shall be replaced, and slopes shall be graded, stabilized, and seeded before Mineral Removal operations are commenced in another area of the SGM site. The placing of topsoil and the grading, stabilization and seeding of slopes shall take place not only at the end of SGM operations at the site, but also upon the conclusion of each Mineral Removal phase, as described in this section.

ii. Final slopes shall have a ratio of not greater than one foot of elevation within each three feet of horizontal distance, at the conclusion of SGM operations at the site and at the conclusion of each individual phase of Mineral Removal as described in this section.

iii. Final surface water drainage courses and areas of surface water retention shall be designed and constructed at such locations and in such manner as to avoid adverse effects on adjacent or nearby lands because of storm water runoff. Erosion or other damage to the lands, at the end of SGM operations at the site and at the conclusion of each Mineral Removal phase shall be avoided.

iv. **Planting/Landscaping –**

a. Plantings of grasses, shrubs, trees, and other vegetation shall be located on the site to maximize erosion protection, and enhance the natural beauty of the site, and for the screening of view from other lands.

b. Landscaping shall be planted and maintained, and where appropriate earthen berms shall be constructed, to screen less attractive areas or resulting uses. In addition, landscaping and/or earthen berms may be required to screen SGM operations and activities from view from other lands and to moderate noise levels from operations of equipment and vehicles.

c. Trees and shrubbery shall be planted sufficiently close together and shall be of such height that when planted they serve as effective screening of the view from adjacent lands and to moderate noise levels from operations. Dead or diseased trees and other vegetation shall be promptly removed and replaced, to ensure the continuance and effectiveness of any landscaped screening.

d. The site reclamation plan, both at the end of SGM operations at the site, and with respect to each Mineral Removal phase, shall not include the storage or dumping of stumps, concrete, asphalt, discarded materials or any other materials, objects or debris not associated with the Mineral Removal operations. Further, no such storage or dumping of any such materials shall occur at any other time during SGM operations, unless authorized in the SGM permit or the plan.

In reviewing proposed resulting uses, the Planning Commission shall require

compliance with the requirements of the zoning district that authorizes land uses having the greatest similarity to the resulting uses proposed in the Site Reclamation Plan, including requirements relating to density, location, bulk, area, and height of buildings and structures.

The Planning Commission shall not recommend approval of an application for a SGM operation, unless the applicant sufficiently demonstrates that the proposed mining operations and activities will not create any very serious adverse consequences or serious environmental impact on the adjacent area or nearby lands.

F. The Planning Commission, in considering whether any such very serious adverse consequences or serious environmental impact would result from the proposed mining operations and activities, shall determine the degree and extent of public interest in the mining of the minerals from the applicant's land. The Planning Commission shall consider the type of resource involved, the market demand, and availability of supply, and other relevant factors and conditions that determine the relative benefit to the public from the proposed mining operations and activities.

The Planning Commission shall approve such permit, only after considering:

i. Whether the proposed mining operations and activities result in very serious adverse consequences or serious environmental impact.

ii. Safety concerns and additional noise occasioned by the proposed operations, including additional truck traffic.

iii. The possibility of decreased air quality caused by dust and odors from the operations and truck traffic.

iv. The possible diminution of nearby property values.

v. The possible decrease in residential or other development in the area.

vi. The nature and extent of public benefit from the resource mining.

vii. The possible loss of property tax revenues.

G. **Operating Conditions on Mineral Removal Operations and Activities** – The Planning Commission's approval of any SGM, shall include provisions requiring compliance with specified conditions relating to Mineral Removal activities and operations. Such conditions shall include the following:

i. Mineral Removal operations shall be approved for a duration of not more than three years, unless the Planning Commission determines there are extraordinary circumstances which justify a mining period of greater duration.

ii. Upon or prior to the expiration of a SLU permit, the Planning Commission may approve renewals of the permit for successive periods of not more than three years each in duration, if the applicant demonstrates that there are extraordinary circumstances justifying renewal of the SLU permit.

iii. In considering whether the SGM be renewed, the Planning Commission may, but need not, convene a public hearing.

iv. In the case of any Planning Commission public hearing on the proposed renewal of any SGM, the public notice for any such hearing shall be the same as that required for the original granting of an SLU permit.

v. Other matters concerning renewal of an SGM as provided herein.

vi. Mineral Removal, processing and transport operations and activities shall commence not earlier than 7:00 a.m. and shall not continue after 5:00 p.m., Monday through Friday only, except that there may be minor equipment maintenance work at the site on Saturdays from 9:00 a.m. to not later than 3:00 p.m., but such minor equipment maintenance shall be limited to maintenance work that does not generate noise which carries beyond the SGM lands; and provided further that the Planning Commission may place additional limitations on the hours and days of operation in order to avoid serious adverse consequences upon adjoining or nearby lands. Mineral Removal activities of all types are prohibited on Sundays and on the following legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas.

vii. Equipment for the processing of mineral material which emits noise louder than eighty (80) decibels, measured at fifty (50) feet from said equipment when operating, shall not be located closer than one-quarter mile from the nearest occupied dwelling, unless the Planning Commission authorizes other noise emission requirements.

viii. Access to and from a Mineral Removal site, and the routes to be taken by vehicles hauling mineral material from the site and returning to the site shall be only by means of those streets designated on the approved SGM Plan. Other routes as may be specified by the Planning Commission as a part of the operating conditions attached to the SGM.

H. **Non-Operating Hours** – During activities and operations for the mining of mineral material, no mineral material, or other excavated material, shall be left during weekends or overnight in such condition or manner as to constitute a danger to persons who may enter the mining area.

i. After operations each day, all banks of excavated material shall be graded to slopes that are not steeper than one foot of elevation for each two feet of horizontal distance, unless the Planning Commission authorizes some other daily grading requirement and if the applicant takes approved measures so as to prevent harm to persons who may enter into the area of steep slopes, by constructing and maintaining a substantial fence, of at least four feet in height, so as to fully enclose all the areas of steep slopes. Alternatively, the Planning Commission may approve other measures deemed sufficient to protect persons from harm within the mining area during times when operations are not occurring.

ii. All entrance and exit roads and other routes into or from the SGM site shall be securely gated. Such gates shall extend across the entire width of any entrance or exit road or route, and they shall be locked securely when SGM operations are not occurring. The placement of any such gates shall be at such locations as will prevent unauthorized vehicles from entering the SGM lands.

iii. All roads, trails or other areas used by vehicles in Mineral Removal operations or activities shall have gates at specified locations. Measures to control dust and dirt arising from Mineral Removal operations shall be undertaken in accordance with conditions included in the SGM permit. Such dust control measures may include the application of dust inhibiting solvents or similar non-polluting surface treatments, particular road-surfacing measures or other actions as specified in the SGM permit.

I. Storm water drainage on and from the Mineral Removal site shall be controlled so adjacent or nearby lands shall not be adversely affected by surface water drainage, erosion, or other similar effects. The Mineral Removal site shall be contoured and graded to avoid the unintended impoundment of water, except where ponds or other bodies of water are proposed in an approved site reclamation plan.

J. Unless authorized by the terms of a SGM permit, no storage of soil from lands outside the Mineral Removal area, nor the dumping, disposal, storage, or stockpiling of stumps, concrete, asphalt, discarded building materials or other waste or discarded material may take place on the Mineral Removal site.

K. Before the commencement of mineral extraction activities on the SGM site, 4" x 4" white painted posts, a minimum of five feet in height above grade, shall be placed along the designated setback lines around the site. Such posts shall be placed at a distance, not to exceed three hundred (300) feet, from each post. The post should be placed at intervals so that, from the location of any post, two additional posts are visible.

L. Any processing plant and all equipment for sorting, crushing, loading, weighing, and other operations shall not be located closer than two hundred (200) feet from any property line, three hundred (300) feet from a public highway, measured from a centerline, and five hundred (500) feet from any existing dwelling.

M. Any processing plant shall be located within the excavation area, and if possible, shall be located at a point lower than the general level of the surrounding terrain, to reduce the visual and sound impact of the processing plant.

N. Before the commencement of Mineral Removal activities, a fence of a type approved by the Planning Commission shall be erected around the perimeter of the site, in locations approved by the Planning Commission, and it shall be maintained in good condition until all mineral extraction activities have been completed.

O. The Planning Commission may require the posting of "keep out - danger" or similar signs installed and spaced one hundred fifty *(*150*)* feet apart along the entire perimeter.

P. No blasting shall be allowed at any time as part of any Mineral Removal activities.

Q. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this section. Such conditions may include, though are not limited to, weed control; erosion and sedimentation controls; measures to prevent the tracking of dirt and other debris onto public streets; fencing and other visual screening; groundwater monitoring wells; preservation of trees and other vegetation; and limitations on the loading or storage of fuel for vehicles and equipment.

R. **Public Hearing Procedures** – No SGM permit shall be granted unless and until a public hearing is conducted in accordance with the following requirements:

   i. The Planning Commission shall convene a public hearing before recommending action by the Township on any application for an SGM.

   ii. The giving of public notice for the public hearing and the convening of the hearing shall proceed in accordance with this Ordinance.

   iii. In its discretion, the Township may convene a public hearing upon any application for a SGM permit or an application for the renewal of a SGM permit, after receiving the recommendation of the Planning Commission on the same. If the Township convenes a

public hearing, public notice and the procedures therefore shall be in accordance with the standards above.

S. **Approval and Issuance of SGM Permit** – Applications for and issuance of SGM shall be approved only in accordance with the following procedures:

   i. Planning Commission - After the public hearing as required above, the Planning Commission shall approve, deny, or approve with conditions the application for an SGM.

T. **Issuance of Permit** – The Zoning Administrator shall issue an SLU permit, without further public hearing, if such permit is granted.

U. **Performance Bond** – An applicant for a SLU permit shall submit a performance bond, with an approved surety, in an amount approved by the Township. The performance bond shall be conditioned upon the timely and faithful performance by the applicant of all the terms and conditions of the SGM plan and the SLU permit.

   i. The performance bond shall not be refunded or reduced until the Mineral Removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection and approval by the Township.

   ii. If the applicant proposes to create a pond or lake on all or part of the SGM premises, the Planning Commission may nonetheless require the applicant to submit a performance bond in an amount sufficient to restore the area of the pond or lake to its original grade.

   iii. If the performance bond is revoked or if it expires and is not renewed, the Township shall immediately suspend and shall not thereafter reinstate or approve the renewal of the SGM permit, until such bond has been satisfactorily reinstated.

V. **Insurance** – Prior to the issuance of a SLU permit, the applicant shall file with the Zoning Administrator a site-specific liability insurance policy of not less than Two Million and no/100 Dollars ($2,000,000.00) per occurrence for all liability claims arising out of the Mineral Removal activities. The liability insurance shall cover property damage and bodily injury resulting from surface and/or subsurface Mineral Removal activities and shall name Marengo Township, its elected and appointed officials, and employees as additional named insureds. Said insurance shall provide an endorsement that provides that the general aggregate limit of the operator's commercial and general liability applies separately to the site. Failure of the operator, or any persons, firm or corporation named in a policy to maintain such insurance policy shall be cause for revocation of the SGM permit.

W. **Transferability of Permits** – No permit authorized by this section shall be transferred to a person or party other than the applicant to whom it was issued unless such transfer is first considered and approved by the Planning Commission and Township.

X. **Expiration of Permits** – Mineral Removal operations and activities authorized by the terms of any SGM permit shall be commenced no later than one year after issuance of such permit and shall be diligently pursued thereafter unless the SGM permit provides otherwise. In the absence of timely commencement and diligent prosecution of such operations and activities, the SLU permit shall be of no further force or effect. Mineral Removal activities or operations shall not thereafter be commenced unless a new SGM permit has been obtained pursuant to the procedures set forth in this section.

Y. **Re-Application for Permit** – An applicant whose application for a SGM permit has been denied, in whole or in part, by the Township shall not re-submit an application covering the

same lands, or substantially the same lands, within eighteen (18) months after the date of such denial, except that a new application may be submitted and considered if there are significantly changed conditions which are determined by the Planning Commission and Township to be sufficient to justify reconsideration of the application.

Z. **Existing Permits** – Upon the effective date of this section, existing Special Land Use permits which have been previously issued under this ordinance shall continue in effect until, but not after, the authorized amount of mineral material has been removed and any required site reclamation completed. In the case of such Special Land Use permits, such permits shall continue in effect for the remainder of the time for which they were issued or last renewed. Mineral Removal activities and operations shall not thereafter be conducted on the lands covered by the Special Land Use permit.

AA. **Application Fee; Surveillance Fee** –

i. An applicant for an SGM shall pay the established application fee and shall deposit the required amount into a zoning escrow account when the application is filed with the Township.

ii. The applicant shall also pay to the Township annually a fee (the "surveillance fee") to defray the Township's cost of administration, surveillance, and enforcement of the SGM, including but not limited to costs for review of applications, testing, monitoring, sampling, surveying, personnel expenses, enforcement, legal, engineering, and other consultant fees, and other related costs and expenses. The fee shall be $.06 per ton of mineral material removed during the entire mining operation.

iii. Funds received from the application fee shall be deposited in the Township's general fund, or in such other Township fund as is established for other zoning application fees. Funds received from the surveillance fee shall be accounted for separately on the books of the Township, as to each SGM.

iv. The surveillance fee, at the above-stated rate of mineral material removed, shall be paid by the applicant annually. Not later than January 31 of each year, the Township shall notify the applicant in writing to submit copies of load tickets or other written proof accurately showing the total amount of mineral material removed during the preceding year (or during any such lesser preceding period, in the case of the recent commencement or termination of an SGM permit). Such notification by the Township shall indicate a period for response by the applicant, and the requested information shall be submitted by the applicant to the Township within that time.

v. Based upon the amount of mineral material removed as stated in the written response received from the applicant, the Township shall calculate the amount of surveillance fee due and shall then send to the applicant an invoice in that amount. The applicant shall promptly pay to the Township the amount indicated on the invoice. If the Township desires further or more complete information as to the amount of mineral material removed, the Township shall notify the applicant accordingly, and the applicant shall respond promptly and fully.

BB. When the SGM permit expires, the Township shall also notify the applicant to provide in writing a statement of the amount of mineral material removed, since the last previous such statement, and the Township shall then prepare and forward a final invoice for payment of the surveillance fee based upon the above-stated per-ton rate, and the applicant shall promptly pay the amount indicated on the invoice. If an expired or soon-to-expire SGM is renewed, the Township may retain any surveillance fee amounts then on hand and apply them to defray the costs of review of the application for renewal and for applicable costs

subsequently incurred following renewal of the SGM permit. As in the case of annual surveillance fee payments, the applicant shall furnish to the Township any requested load tickets or other written proof with respect to the amount of mineral material removed during the last mining period before expiration of the SGM permit.

After expiration of a SGM without renewal, the Township shall refund, without interest, any unused surveillance fee amounts that have been received from the applicant.

In its discretion, the Township may request from the applicant, and the applicant shall promptly provide, load tickets or other written proof of mineral material removed, at times other than the annual surveillance fee payment period.

As to each SGM permit, the Township shall maintain a record of surveillance fee payments made by the applicant and expenditures made by the Township with respect to the SGM operation.

Surveillance fee payments made by the applicant shall not limit the applicant's liability for civil infraction penalties, damages, or other sanctions for violation of a SGM permit, Township Ordinances or other laws or regulations.

CC. **Renewal of SGM** – This subsection applies only to the renewal of SLU permits for mineral removal from the same location or locations as permitted under an existing SLU permit. Applications for permission to expand Mineral Removal operations beyond the location approved under an existing SGM permit shall comply with the procedure set forth in this section for issuance of a new SGM permit.

If renewal of a SLU permit is desired, an applicant shall apply for such renewal at least one hundred twenty (120) days before the expiration of the existing SGM permit.

All the applicant's rights and privileges arising under the permit shall terminate at the expiration thereof, if the permit has not then been renewed, and in that event, all SGM operations covered by the expiring permit shall then cease, except approved emergency operations required to protect the public safety and excepting as stated in this subsection.

The termination of rights and privileges under a SGM permit, at the time of expiration of the permit, shall take place even though an applicant may have applied for renewal thereof and even though proceedings for such renewal may have commenced, unless the Planning Commission in its discretion votes by majority vote of those present to temporarily extend an expiring SGM permit during the period required for proceedings to consider renewal of the permit (however, such vote for temporary extension of the permit may be rescinded in the event that the applicant unduly delays such proceedings, whether by action or inaction.)

Upon the conclusion of proceedings for renewal of a SLU permit, if the permit is renewed, SGM operations may be resumed if and to the extent covered by the SLU permit as renewed. An application for SGM renewal shall consist of the following:

i. The Zoning Administrator's Compliance Report, as described below.

ii. A copy of the original application for a SGM permit, with addendum updating the information from the original application and supplying any information missing on the original application.

iii. A revised SGM plan, drawn and sealed by a registered civil engineer, showing the areas of the site which are currently under excavation, which are in the process of reclamation, and which have been reclaimed.

iv. A narrative describing the extraordinary conditions that justify renewal of the permit beyond the time provided in the original permit.

v. The required application fee and any required deposit of funds into an escrow account for reimbursement of Township expenses.

vi. The Township may require additional information, if necessary, in the consideration of the requested renewal or the Township may waive any of the above-stated application requirements, but the requirement of the Compliance Report shall not be waived.

Neither the Planning Commission nor Township shall consider an application for renewal unless the applicant submits a Compliance Report signed by the Township Zoning Administrator, which states that the Mineral Removal operation follows the present SGM and all Township ordinances, and that all required Mineral Removal fees and escrow deposits have been paid.

Upon request by an applicant for a Compliance Report, the Township shall promptly arrange to have the SGM operation reviewed and inspected. If the Zoning Administrator finds that the operation is complying, the Zoning Administrator shall issue a Compliance Report. The Compliance Report shall also describe any past violations, which have been rectified.

If the Zoning Administrator finds that the operation is not currently in compliance, the Zoning Administrator shall notify the applicant of the steps necessary to cure such deficiency.

The issuance of a Compliance Report does not require the Planning Commission or Township to recommend approval of or to approve a renewal of the SGM permit.

In making decisions regarding renewal, the Planning Commission and the Township shall apply the standards for approval applicable to new permits under this Ordinance, taking into consideration current conditions in the vicinity, the operational history under the previous SGM permit, any complaints, or comments about the SGM operation, and whether there are extraordinary conditions justifying the renewal. In their discretion, the Planning Commission and/or Township may convene public hearings on the SGM permit renewal application. Conditions may be attached to the renewals which are in addition to or different from those contained in the previous permit.

DD. **Enforcement** –

Enforcement of the terms of a SLU permit may be directed against the SGM applicant and all operators acting or purporting to act under such permit, or any of them. Full and timely compliance with all the terms of this section and all of the terms of the applicable SGM permit is a condition for the continued effectiveness of the permit or for any renewal thereof.

In the enforcement of the provisions of this section and those of any SGM permit, a Township may avail itself of all procedures and remedies described in the penalties Chapter of this Ordinance and all other remedies provided by law.

The Township Zoning Administrator or other designated Township representative shall act as the agent of the Township in the administration, supervision, and enforcement of SGM permits.

The Township Zoning Administrator shall be entitled to access to the applicant's SGM lands during reasonable business hours, for verifying compliance with the SGM District requirements.

The Zoning Administrator is authorized to demand compliance with the terms of this section and the SGM permit. In the absence of such compliance, the Zoning Administrator may issue an order directing the applicant and any operator to cease immediately Mineral Removal work on or from the premises and all other operations relating thereto.

Upon the issuance of a stop work order, the applicant and any SGM operator shall have no further right or privilege to continue or to conduct any SGM operations, except permitted emergency operations required to protect the public safety and except any authorized limited operations that may be authorized by any such order.

29. Roadside Stand

Roadside stands for the display and sale of products not raised on the lot or parcel are allowed as follows:

1. Such buildings and structures shall be in conformance with all minimum Setback requirements; and no more than one (1) such roadside stand shall be permitted on each lot or parcel. 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.

2. No more than two (2) non-resident employees shall be permitted

3. Off-street parking shall be capable of accommodating at least four (4) vehicles, with such parking areas arranged to restrict any backing movements onto the roadway. no hazardous traffic conditions shall result from such activity. 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.

4. Signage shall adhere to the standards for Home-Based Businesses.

5. 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.

30. Shopping Centers

Such centers shall be permitted as a Special Land Use in the CM - Commercial District and shall comply with the following provisions:

1. Site Development

2. Such development shall occupy a site of not less than three (3) acres with not less than three hundred (300) feet of street frontage.

3. No unattached building shall be located nearer to the shopping center than a distance equal to twice the height of said building.

4. No building shall exceed the height limitation specified in the zoning district in which it is located.

5. Screening

When such development is 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 the General Provisions Article of this ordinance.

6. Lighting

All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.

7. 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.

8. Parking and circulation

There shall be provided no less than four (4) square feet of parking and circulation space for everyone (1) square foot 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 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.

31. Telecommunication Towers and Antennae

Height: Towers for any transmission of RF frequencies and relay towers shall be located so any setback from any adjacent or adjoining property lines equal to or greater than the height of the tower. The maximum height shall be the minimum demonstrated to be necessary by a radio frequency engineer. However, in no case shall the height of the tower exceed 300 feet.

Construction: All towers shall be self-collapsing and comply with all Michigan building code regulations. The applicant shall provide all appropriate engineering information site plans, and drawings to the Township Planning Commission at the date of application. No buildings other than associated support buildings, sidewalk, parking lots or other area with anticipated pedestrian or vehicular traffic shall be permitted within the self-collapsing of "safe fail" area.

Compatibility: The entire facility must be aesthetically and architecturally compatible with the surrounding environment. The use of residentially compatible materials such as wood, brick and stucco are required for associated support buildings which shall be designed to architecturally match the exterior of structures within the neighborhood. The structure shall be located and constructed in compliance with the following criteria:

Location Criteria

Facilities shall be sited to minimize views from residential areas or the public right-of-way.

Concentration of support structures will be limited in all geographic areas to avoid excessive visual impacts.

Minimum spacing between towers shall be three (3) miles

Development and Design Standards

Support structures shall be located as to be screened from view by sitting them near tall buildings or placed near tall trees.

Whenever possible all support structures shall be of a monopole design.

Support structures shall be located a minimum of three hundred (300) feet from any adjoining property line.

Support structures shall be painted in unobtrusive colors.

Support structures shall be designed to prevent unauthorized climbing.

When lighting is required and is permitted by the FAA or other federal or state authority, the Planning Commission shall approve all lighting on the tower and/or any light for associated support building. Ground or building mounted lighting shall be oriented inward so as not to project onto surrounding properties.

The Planning Commission may require anti-climbing devises and security lighting to prevent access to the associated building, tower, and guy wires.

Signs and logos are prohibited on the tower.

All signal and remote-control conductors of low energy extending horizontally above the ground between a tower, shall be at least eight (8) feet above the ground at all points, unless buried underground.

Towers shall be located so that they do not interfere with reception in nearby residential areas.

Existing on-site vegetation shall be preserved to the maximum extent practicable.

There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with the applicable local statutes, regulations, and standards.

Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.

Safety Standards: All new wireless communication facilities shall be designed with applicable ANSI standards.

Collocation and Construction: Any proposed tower shall be designed and constructed to accommodate future collocation. Towers must be designed to allow for future arrangement of antennae upon the tower and to accept not less than three (3) antennae mounted at various heights by different carriers. Whenever possible, proposed wireless communication facilities shall co-locate on existing buildings, structures, and existing wireless communication structures: If a provider fails to or refuses to permit co-location, such a structure shall be a nonconforming structure and shall not be altered or expanded in any way.

Airport and Helipad Setbacks: All towers over fifty (50) feet in height shall be setback from any airport runway or designated helicopter landing site that distance required by the FAA based upon

the height of the tower.

Discontinuance: When a wireless communication structure has not been used for a period of ninety (90) consecutive days after new technology is available which permits the operation of a facility without the necessity of a wireless communication structure, all parts of the structure shall be removed within one hundred and sixty (160) days. The removal of antennae or other equipment from the structure of the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. Marengo Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent notice to the operator stating the need to remove the structure. In securing the removal of the structure the Township may charge up to one hundred percent (100%) of the removal cost to the operator and/or landowner.

32. Transportation Terminal Trucking Facilities

A wide range of uses may involve the short-term parking of vehicles or trucks or similar uses as a secondary and accessory use to their primary use, where buses or trucks are stored or running awaiting departure. However, if the Zoning Administrator determines that the storage or parking of vehicles or trucks is the primary use, the Planning Commission may require a Special Land Use permit for such use shall be required according to the following conditions:

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 setback or in front of the building line, whichever is greater.

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.

The parking area shall be setback no less than one hundred (100) feet from any existing residence.

No repair activities shall occur outside the enclosed building or garage and all vehicles must always be licensed and fully operable.

33. Two family Dwellings

Two family dwellings shall be allowed subject to a minimum lot area of sixty thousand (60,000) square feet.

34. Vehicle Sales, Service and Repair, including farm machinery and marine vehicles

The sales, service and repair of vehicles shall be conducted entirely within an enclosed principal building, except for designated lots for sales, which may be in the front yard no closer to the road than the front setback. Exterior storage for vehicles to be repaired is limited to the rear yard and shall be effectively screened from any adjoining residence. A current license issued by the State of Michigan shall be required before approval of the application.

1. An outdoor display area can be utilized with the boundaries of the display area to be set by the Planning Commission.

2. Wrecked or partially dismantled vehicles are prohibited. In addition, all vehicles parked or stored on such premises shall have current year license plates.

3. No installations except permitted walls, fences, and lighting structures, shall be permitted nearer than twenty-five (25) feet to the front property line.

4. No more than two (2) driveway approaches shall be permitted directly from a major street, not more than one (1) such approach from a minor residential street, each of which shall not exceed twenty-five (25) feet in width. Driveway approaches shall be located as far from the street intersections as practicable, but in no case be located less than fifty (50) feet.

5. The operation of such use shall not create a hazardous or otherwise objectionable traffic condition.

6. No such use shall be located within fifty (50) feet of any Residential District unless separated 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.

35. Renewable Energy (Wind, Solar, and Storage) -

1. Before beginning construction of an energy facility, an ELECTRIC PROVIDER or INDEPENDENT POWER PRODUCER shall submit a zoning application containing all of the following:

   A. The complete name, address, and telephone number of the applicant.

   B. The planned date for the start of construction and the expected duration of construction.

   C. A description of the energy facility, including a site plan containing:

   D. The location and a description of the energy facility.

   E. A description of the anticipated effects of the energy facility on the environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.

   F. Additional information required by the Planning Commission that directly relates to the site plan.

   G. A description of the expected use of the energy facility.

   H. Expected public benefits of the proposed energy facility.

   I. The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.

   J. Information on the effects of the proposed energy facility on public health and safety.

   K. A description of the portion of the community where the energy facility will be located.

   L. A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws.

   M. Evidence of consultation, before submission of the application, with the department of environment, Great Lakes, and energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the department of natural resources and the department of agriculture and rural development.

N. The soil and economic survey report under section 60303 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.60303, for the specific location where the proposed energy facility will be located.

O. Interconnection queue information for the applicable regional transmission organization.

P. If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.

Q. If the energy facility is expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact.

R. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the ELECTRIC PROVIDER or INDEPENDENT POWER PRODUCER. The applicant shall make reasonable efforts to consult with the county drain Planning Commissioner before submitting the application and shall include evidence of those efforts in its application.

S. A fire response plan and an emergency response plan.

T. A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition like that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance may be posted in increments as follows:

   i. At least 25% by the start of full commercial operation.

   ii. At least 50% by the start of the fifth year of commercial operation.

   iii. 100% by the start of the tenth year of commercial operation.

   iv. Other information determined by the Planning Commission to be instrumental.

2. An energy facility will comply with the following standards, as applicable:

   A. For a solar energy facility, all the following:

      i. The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and	300 feet from the nearest point on the outer wall

dwellings on nonparticipating properties	
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way.
Nonparticipating parties	50 feet measured from the nearest shared property line

ii. Fencing for the solar energy facility complies with the latest version of the National Electric Code as of the effective date of the amendatory act that added this section, or any applicable successor standard approved by the Planning Commission as reasonable and consistent with the purposes of this subsection.

iii. Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

iv. The solar energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

v. The solar energy facility will implement dark sky-friendly lighting solutions.

vi. The solar energy facility will comply with any more stringent requirements adopted by the Planning Commission. Before adopting such requirements, the Planning Commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.

B. For a wind energy facility, all the following:

i. The following minimum setback distances, measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied community buildings and residences on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

houses or outbuildings

ii. Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.

iii. Each wind tower blade tip does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

iv. The wind energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

v. The wind energy facility is equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Planning Commission may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

vi. The purpose of the exemption.

vii. The proposed length of the exemption.

viii. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.

ix. The technical or economic reason a light-mitigating technology is not feasible.

x. Any other relevant information requested by the Planning Commission.

xi. The wind energy facility meets any standards concerning radar interference, lighting, or other relevant issues as determined by the Planning Commission.

xii. The wind energy facility will comply with any more stringent requirements adopted by the Planning Commission. Before adopting such requirements, the Planning Commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.

C. For an energy storage facility, all of the following:

i. The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings	300 feet from the nearest point on

and dwellings on nonparticipating properties.	the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way.
Nonparticipating parties	50 feet measured from the nearest shared property line

ii. The energy storage facility shall not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

iii. The energy storage facility shall implement dark sky-friendly lighting solutions.

3. The applicant shall provide evidence that they have considered and addressed impacts to the environment and natural resources, including, but not limited to, sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, historic and cultural sites, and threatened or endangered species, and that the proposed energy facility will not unreasonably diminish farmland, including, but not limited to, prime farmland and, to the extent that evidence of such farmland is available in the evidentiary record, farmland dedicated to the cultivation of specialty crops, and that the proposed energy facility does not present an unreasonable threat to public health or safety. In meeting this requirement, the applicant shall refer to Figure 11 Agricultural Analysis, Figure 9 Wetlands, Figure 8 Limitations to Development, and Figure 3 Lakes, Creeks, and Wetlands of the Township Master Plan dated December 2019.

4. The Planning Commission shall approve or deny the application within 120 days after receiving the application. The applicant and township may jointly agree to extend this deadline by up to an additional 120 days.

5. Construction of the proposed energy facility must begin within 5 years after the date the permit is granted and any challenges to the grant of the permit are concluded. The township may extend this timeline at the request of the ELECTRIC PROVIDER or INDEPENDENT POWER PRODUCER without requiring a new application. The township shall not revoke a permit issued under subsection (3) except for material noncompliance with the permit by the ELECTRIC PROVIDER or INDEPENDENT POWER PRODUCER.

6. Nothing in this section shall be construed to limit remedies available to an applicant to appeal a denial by the township under any other law of this State.

36. Electric Infrastructure.

1. Substations and switchyards shall be enclosed with a fence having a minimum of six (6) feet high and adequate to obstruct passage of persons or materials.

2. Electrical Infrastructure is exempt from the site development regulations of the underlying District. The Planning Commission may recommend, and the Township Board may impose reasonable conditions as needed to protect the public health, safety, and welfare.

3. Construction and landscaping shall conform to the general character and architecture of the surrounding area to the extent possible.

4. Applicant shall comply with federal and state regulations to protect Electrical Infrastructure from damage due to physical intrusion or tampering, cyberattacks, and natural disasters.

ARTICLE 21

SITE PLAN REVIEW

21.01 Intent and Purpose

The purpose of this Article is to provide standards and procedures, under which applicants would submit, and the Township would review, site development plans for specified types of land uses within the Township. Such review of proposed site plans by the Township, and the approval thereof under appropriate terms and conditions, will help to assure compliance with the terms of this Ordinance and implementation of the goals and policies of the Township Master Plan.

Among other matters, this Article provides standards under which the Township may consider the approval of site plans, including standards with respect to effect on existing land uses; vehicle traffic patterns; impact on natural features and natural resources; storm water drainage; access from public and private streets; placement of buildings and off-street parking areas; adequate water supply and wastewater disposal; the providing of open space; and a variety of other aspects of land development, including signs, exterior lighting, alteration of grades, fire protection and the like.

21.02 Land Uses Requiring Site Plan Review

Site plan review by the Planning Commission shall be required for the following land uses and in the following circumstances:

1. Any principal building, except for a one-family dwelling, a two-family dwelling, or agricultural building on a single lot.

2. Any principal building with a parking lot for five (5) or more vehicles constructed in the MF, CM, LI, or OC Districts.

3. All building additions which require off street parking in addition to that already provided on the site.

4. Special Land Uses

5. Site condominium and condominium subdivisions

6. Planned unit developments

7. Private Streets

8. Any use or development for which the submission of a site plan is required by any provision of this ordinance.

9. A change or alteration to an existing site plan, whether such change is in whole or in part, where the new, revised or augmented land use is subject to site plan review under the terms of this Article or elsewhere in this Ordinance (whether or not site plan approval was given for any part of the existing land use) including, but not limited to a change in the existing site plan that is more than a minor change (and that does not qualify as a minor change as defined in this ordinance in or with respect to any of the following:

   A. The principal building(s) or other principal structure(s)

B. The means or location of vehicle access to the land

C. An increase or decrease in area of the land

D. The addition of a building or structure

E. The addition of one or more land uses, including the addition of an additional business or commercial use

F. A change in the principal building or principal structure, including a change in area, height, façade, or other significant aspect thereof

G. An increase or reduction in the size or configuration of off-street parking area

H. A change in, addition to or reduction in outdoor lighting fixtures, devices, or equipment

I. Any other change in the existing land use that does not qualify as a minor change under the terms of this Ordinance

10. Amendments to approved site plans, except that the Zoning Administrator may approve minor modifications to approved site plans which will not significantly alter or will not conflict with the conditions of the site plan approval. The Zoning Administrator shall provide a copy of any approved, minor modification to the Planning Commission.

21.03 Land Uses Exempt from Site Plan Review

The following land uses are exempt from site plan review:

1. Single family and two-family detached dwellings.

2. Farms, farm buildings and farm structures.

3. Permitted residential accessory buildings, except those for which Special Land Use approval is required.

21.04 Sketch Plan

Sketch Plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to formal Site Plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Township to inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs that might be necessary for formal Site Plan approval.

21.05 Sketch Plan Submissions and Content

Applicants shall prepare and submit to the Zoning Administrator three (3) copies of a sketch plan. The Zoning Administrator shall promptly transmit two (2) copies of this plan to the Planning Commission. This plan shall set forth, in general terms, the proposed uses to be developed and include the following specific information.

Sketch Plans shall include the following:

1. Basic layout of existing and proposed project elements

2. The location of natural features such as woodlots and surface water

3. The legal description and the common or popular description of the site, together with the legal description of all easements benefiting or encumbering the site

4. A small-scale locational map of the Township showing the approximate location of the site including adjacent properties, streets, and use of land within one-half mile of the area

5. The size of the site in acres and square feet

6. The location and dimensions of all existing and proposed drives, curb openings, signs, and curbing

7. Additional information as may be requested by the Planning Commission that is necessary to evaluate the proposed development of the site.

8. A generalized map to scale showing any existing or proposed arrangement of the following:

    A. Streets

    B. Lots

    C. Access points

    D. Other transportation arrangement

    E. Buffer strips screening

    F. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests, and similar natural assets.

    G. Signs; location and lighting

    H. Buildings

9. A narrative containing, at a minimum, a statement as to the type of proposed use as well as all expected accessory uses, representations as to design standards for the development, and the expected needs of the development, both in terms of time and capacity, for public and private utilities and transport. The narrative describing the overall objectives of the proposed development shall include the following:

    A. The overall objectives of the proposed development

    B. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space

    C. Square footage of dwellings or buildings by type

    D. Proposed method of providing sewer and water service, as well as other public and private utilities

    E. Proposed method of providing storm drainage

F. Number of acres allocated to the proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space

G. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition

H. Method of financing, financial commitment, business plans, etc.., to determine the ability of the applicant to complete the project

I. The period within which the project will be completed

J. Proposed staging of the project if any

In addition to the above said applicant shall submit the Sketch Plan Review fee in accordance with the established fee schedule to cover the normal and specially incurred expenses of the review.

21.06 Application for Sketch Plan Review

If the applicant chooses to submit a Sketch Plan, the Township Zoning Administrator will submit their plans to the Planning Commission. The PC may request comments from other Township officials such as the Fire Chief, Attorney, Township Engineer, Planning Consultant, and Assessor, if appropriate and base their recommendations on those review comments, as well as the purposes, objectives, and requirements in this Ordinance. The Planning Commission shall review the sketch plan and make recommendations to the applicant based on (1) the requirements of this Ordinance and (2) the following specific considerations where applicable.

1. The following considerations shall be applicable:

   A. A scaled drawing accurately depicting all elements of the site

   B. The general shape, size, and location of all existing structures and improvements on the site and on all adjoining properties

   C. Required setbacks

   D. General compatibility with adjacent properties

   E. Refuse and service areas

   F. Proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with adjoining properties and properties in the area

   G. Yards and other open spaces

   H. Ingress and egress through the property and proposed structures thereon with reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency

   I. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development

J. Sanitary sewer and water, (well and septic), and storm drainage and all public utilities with reference to locations, availability, and compatibility

K. Screening and buffering with reference to type, dimensions, and character

L. Signs and their proposed lighting, relative to glare, traffic safety, economic effect, compatibility, and harmony with adjoining properties

M. The general purposes and spirit of this Ordinance and the general guidelines of the Township's Master Plan, as well as compatibility with other ordinances and statutes that regulate land development.

2. The Planning Commission shall review the sketch plan based on the following considerations:

A. Eligibility Requirements - Whether the site meets the eligibility requirements of this Article.

B. Access - Whether there will be adequate and safe access onto and from the site.

C. Environmental Harm - Whether the proposed mineral removal from the site will threaten any endangered or threatened species of plants or animals, wetlands, body of water, or otherwise create an unusually adverse or detrimental effect upon the environment.

D. Open Space - Whether the proposed use will maintain Setbacks and open space as required in this Ordinance.

E. Access To the Property - Whether the proposed use will have adequate and safe access from and onto the public streets of the Township, with reference to vehicle and pedestrian safety and convenience, traffic flow and control, traffic volume, and emergency access in case of fire or another catastrophe.

F. Access To Utilities - Whether the proposed use will have adequate access to all public and private utilities necessary or desirable for its or their development in accordance with the preliminary plan, with reference to locations, availability, and compatibility.

G. Storm Water Retention and Drainage - Whether the site and the proposed use will have adequate access to public drainage systems and safe storm water retention capability or will be able to provide for adequate storm water retention on site so that drainage patterns or the amount of drainage off the site from the site after development of the end use proposed for the site will not increase or decrease the drainage burden upon adjoining properties.

21.07 Application for Formal Site Plan Review

An application for site plan review shall be submitted to the Zoning Administrator, together with a site plan complying with the requirements of this section and other applicable provisions of this Ordinance.

1. Contents of Application - The application for site plan review shall include at least the following information:

A. The applicant's name, business address and telephone number

B. The name and address of the owner(s) of record if the applicant is not the owner of record and the signature of the owner(s)

C. The address and property tax identification number of the property

D. The name and address of the registered engineer, architect, landscape architect or surveyor who prepared the site plan; alternatively, the name and address of other or non-registered professional with expertise in the preparation of site plans, including but not limited to a land use planner or similar qualified professional person

E. A location sketch drawn at a scale of 1"= 100’ with North arrow

F. A completion time schedule of proposed construction; proposed phases of development

G. A written statement describing impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands

H. The property owners signed consent for Township representatives to enter and inspect the property for plan review purposes

2. Required Contents of Site Plan - The following information shall be included on the site plan:

A. 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

B. Date, north arrow, scale, existing zoning, zoning on adjacent properties, legal descriptions of the property, easements and name of the person preparing the site plan

C. 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, and building setback lines

D. 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 (including square footages) and structures

E. A finished floor elevation and exterior building elevation drawing shall be submitted with the site plan.

F. The location and size of all existing and proposed electric, natural gas, telephone, cable TV, and solid waste disposal facilities must be shown

G. The location, height, area or illumination and fixture details of all existing and proposed lighting shall be provided. All lighting shall be located and oriented to have minimal impact on adjacent properties type of illumination and shielding measures used

H. The size, height, location, and illumination of all existing and proposed signs shall be provided to ensure ordinance compliance

I. The location of existing natural features such as wooded areas, flood plains, wetlands, drainage courses, and a topographic survey or spot elevations of the site. Significant existing vegetation and other significant natural features

J. The area (in acres) of the property shall be stated (1) as the total acreage of the entire property; and (2) the area within the property that is proposed to be developed and, secondly, the area or areas of the property that are proposed to remain undeveloped. Such undeveloped areas shall include all areas which, under the terms of this Ordinance, are not permitted to be developed, whether by reason of water bodies or wetlands, areas of steep slopes, street rights-of-way, private easements or otherwise.

K. Proposed uses of buildings and other structures

L. Existing and proposed topographic contours at two-foot intervals.

M. Fences, walls, and other screening features

N. Refuse and service areas, including screening measures for trash receptacles

O. Existing public and private streets, and street rights-of-way, existing easements

P. Proposed streets and drives; curb cuts and access easements; acceleration, deceleration and passing lanes and sidewalks

Q. Existing uses, buildings, structures, driveways, and off-street parking areas within three hundred (300) feet of the subject property

R. Boundaries and zoning of abutting lands

S. Proposed off-street parking areas, off-street loading, and unloading areas

T. Existing and proposed water supply and sanitary sewage disposal facilities, including proposed septic systems and drain fields, and proposed public or community sanitary sewer and/or water supply systems and the components thereof

U. Proposed storm water management systems, including storm sewers, retention and/or detention ponds, storm water discharge areas, and other storm water management measures for 25-year storm event

V. Proposed snow removal storage areas

W. Seal of the registered engineer, architect, landscape architect, or surveyor who prepared the site plan, if the site plan was prepared by such registered professional person. If not prepared by one of the above-named professionals, the site plan must have the appearance of having been prepared professionally.

X. The Planning Commission, at its discretion, may waive site plan requirements that are determined to be not applicable or unnecessary

3. Discretionary Contents of Site Plan - The site plan shall depict the following as may be determined by the Planning Commission:

A. Location and type of existing soils and locations of soil borings

B. Buildings and other facilities for public or community use

C. Proposed landscaping including proposed size of new trees and other plantings and description and location of existing landscaping to be retained shall be indicated

D. Open space and recreation areas

E. Identification of any significant scenic views into or from the site and to or from adjoining lands

F. Delineation of the 100-year floodplain and any proposed uses therein and a determination of state-regulated wetlands, if any

G. Typical elevation views of the front, side, and rear of each building

H. Preliminary architectural sketch of buildings and structures and/or a written description of the type of construction and exterior materials to be used in proposed buildings and structures

I. Calhoun County Road Department approval or Michigan Department of Transportation approval for street entrances may be required

J. Additional information the Township may request that is necessary to evaluate the site plan

4. The Planning Commission, in its discretion, may waive any element, component, or other matters otherwise required to be included in a site plan or a site plan application, if such matters are not deemed necessary for the Planning Commission's review and consideration of the land use which is the subject of the site plan.

5. An environmental impact study may be required by the Planning Commission, in its discretion.

6. A site plan need not include such detail with respect to buildings, structures, utility and storm water systems and other features as would require preparation of detailed construction drawings or other highly detailed submissions, such as would normally be required for issuance of building permits. However, the Planning Commission may require more detailed submissions with respect to buildings, structures, or other features if such more detailed information is necessary for a sufficient review of the proposed land use.

21.08 Procedure for Consideration and Review of Site Plans

The procedure for considering site plans shall be as follows:

1. One (1) copy of a completed application form and twelve (12) copies of a proposed site plan shall be submitted to the Zoning Administrator. One (1) copy of the application form and the proposed site plan shall be submitted to the Township fire chief and may be submitted to the Township engineer and other Township consultants. The required application fee shall be paid, and the required zoning escrow deposit shall be made, at the time of submission of the application and the site plan.

2. The application and the site plan shall be reviewed by the Zoning Administrator to determine whether the plan sufficiently complies with this section, and thus whether it is complete for consideration by the Planning Commission.

3. After review of the site plan and the application by the Zoning Administrator, and upon the Zoning Administrator's determination that the submitted materials are complete, the site plan shall be forwarded to the Planning Commission for inclusion on the agenda of a Planning Commission meeting.

4. The Zoning Administrator may make a written recommendation to the Planning Commission as to whether the plan should be approved or denied, in whole or in part.

5. The site plan shall be considered by the Planning Commission at a public meeting. The Commission may continue its consideration of the site plan during subsequent meetings.

6. The Planning Commission may approve the site plan, disapprove the plan, or approve the plan with conditions. The Planning Commission decision on a site plan shall be made by majority vote of the members present, a quorum being present. The Planning Commission may waive certain provisions required by the section if it determined they are not applicable or not relevant to the site plan being considered.

7. The decision by the Planning Commission may be included in a motion or in a separate resolution, but in either event, the terms and conditions of approval or the grounds for denial shall be included. Either the minutes of the meeting shall include a summary of the action and the terms and conditions of approval or the grounds for denial, or alternatively, the minutes may refer to the contents of a separate resolution adopted by the Commission.

8. All terms and conditions of site plan approval, and required revisions or modifications of the plan, shall be deemed a part of the site plan. If the site plan is approved, the plan shall be promptly redrawn or otherwise revised, to reflect any terms, conditions and modifications required by the Planning Commission, and the revised plan shall then be promptly submitted to the Zoning Administrator, in ten (10) copies or in such additional number as may be required by the Zoning Administrator. If the revised plan accurately reflects all the required terms, conditions and modifications, the Zoning Administrator shall then approve it.

9. To indicate such approval of the plan as revised to reflect all Township requirements, the Zoning Administrator shall mark such approval on the Township's original copy of the plan. One copy each of the site plan as thus approved shall be forwarded to the building department, one copy shall be forwarded to the Township engineer, and two copies shall be retained by the Zoning Administrator. One copy shall be returned to the applicant.

10. No construction or other work at the site shall commence until the Zoning Administrator has so approved the site plan.

11. All subsequent actions relating to the land use shall be consistent with the approved site plan, unless subsequent changes therein are approved by the Planning Commission, or in the case of minor changes approved by the Zoning Administrator. Any construction, land use or other activity carried out contrary to or not in conformity with an approved site plan shall be a violation of this Ordinance. Building permits and all other required permits shall be issued only in accordance with the approved site plan.

12. In the event of construction work or other activity that does not comply with an approved site plan, the Township may issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, or all work specified in the stop work order shall cease, until the order is withdrawn or cancelled by the Township. A violation of a stop work order is a violation of this Ordinance.

21.09 Standards for Review of Site Plans

1. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Article and shall be reviewed by the Zoning Administrator prior to submission to the Planning Commission for compliance with the minimum zoning standards of this Article. The Zoning Administrator may, refer the site plan to other officials, consultants or agencies for their review and comment. Fees for the review of site plans shall be established and may be amended by resolution of the Township Board.

2. In the process of reviewing the site plan, the Planning Commission shall consider:

   A. The location and design of driveways providing vehicular ingress and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic. The Planning Commission may require a traffic impact analysis for any use or development projected to generate more than fifty (50) vehicular trips per day.

   B. The traffic circulation features within the site and location or automobile parking areas; and may make such requirements with respect to any matters as will assure:

      i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

      ii. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

   C. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use which they are appurtenant.

   D. In those instances, wherein, the Planning Commission finds that an excessive number of ingress and/or egress 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.

   E. Occupancy permits shall not be issued until all improvements shown on the approved site plan are provided, or moneys equal to the cost of those improvements not completed have been deposited with the Township Clerk to guarantee completion.

The Planning Commission shall approve a site plan if it determines that the plan:

1. Complies with the requirements of this Ordinance

2. Is consistent with the intent and purposes of this Ordinance

3. Will be compatible with adjacent land uses, the natural environment and the current capacities of public services and facilities

4. Will be consistent with the public health safety and welfare

5. Complies with the following requirements of other reviewing agencies, as applicable:

A. Requirements of the Calhoun County Health Department and state and county requirements for soil erosion and sedimentation control.

B. Driveway and traffic safety standards of the Township and the Calhoun County Road Department.

C. Requirements of the Calhoun County Water Resources Commission.

D. Private streets shall comply with Township private street requirements.

E. Public streets shall comply with Calhoun County Road Department requirements.

6. In addition, the site plan shall comply with the following minimum requirements:

A. Basic Elements of the Site - All elements of the site plan shall be organized harmoniously and efficiently in relation to topography, the size, and nature of the land parcel, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site plan shall comply in all respects with applicable provisions of this Ordinance, including but not limited to the minimum provisions of the zoning district and any applicable overlay district and all applicable provisions of the Zoning Ordinance.

B. Buildings and Structures - Building and structures shall be located and arranged in compliance with zoning district requirements and other applicable provisions of this Ordinance.

C. Traffic Circulation - The number, location, and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site and circulation within the site. In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties and may require that provision be made for shared access with adjacent properties.

D. Sidewalks - In its approval of a site plan, the Planning Commission may require the providing of sidewalks or other measures for pedestrian circulation.

E. Storm Water Drainage - Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the subject property, adjacent or nearby properties or public storm water drainage systems. The plan shall show compliance with the any storm water ordinance adopted by the Township. Storm water plans shall be reviewed by the Calhoun County Water Resources Commission whose comments shall be provided to the Planning Commission.

F. Landscaping - The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal. Grade changes shall be in keeping with the general appearance of adjacent developed areas. The site plan shall comply with the landscaping and greenbelt requirements of this ordinance.

G. Screening - Where commercial or industrial uses abut residential uses, or where more intensive residential uses abut less intensive residential uses, appropriate screening consisting of attractively designed fencing or screening, or equivalent landscaping, shall be provided to shield residential properties from the effects and view of commercial or industrial uses.

H. Lighting - Outdoor lighting shall be designed to minimize glare on adjacent properties and streets, and shall be designed, installed, and operated in compliance with any outdoor lighting requirements of this Ordinance.

I. Exterior Uses - Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have no serious adverse effects on adjacent or nearby properties, and shall be screened as required by the Planning Commission.

J. Utilities - Water supply and sanitary sewage disposal facilities shall comply with all Township, county, and state requirements.

K. Signs - Signs shall comply with the applicable sign provisions of this Ordinance.

L. Outdoor Storage and Waste Disposal - All outdoor storage facilities shall be enclosed by a solid fence or wall of not less than six and no more than ten feet in height, which is adequate to conceal such facilities from adjacent properties and from public view. If materials or wastes are stored outside which might cause fumes, odors, and dust or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored only in closed containers and screened from public view and adjacent properties. No materials or wastes shall be deposited on a lot or property in such form or manner that they may be moved off the lot or property by natural causes or forces. Waste materials shall not be allowed to accumulate on a lot or property in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

M. Parking and Loading - Off-street parking and loading facilities shall comply with the applicable parking and loading regulations of this Ordinance. Loading and unloading areas and outside storage areas which face or are visible from residential uses or streets shall be screened by a sufficient fence or by landscaping.

7. Site plan approval shall be conditioned upon the applicant receiving all applicable Township, county and state permits or other approvals, prior to issuance of building permits or within such other deadline or time constraint determined by the Planning Commission in its approval of the site plan.

21.10 Conditions on Approval of Site Plans

The Planning Commission may impose reasonable conditions on the approval of a site plan. Such conditions may include but need not be limited to conditions necessary to:

1. insure compatibility with adjacent land uses

2. promote the use of land in a socially and economically desirable manner

3. protect the natural environment and conserve natural resources

4. Ensure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity

21.11 Construction in Accordance with Approved Site Plan

Following the approval of a site plan by the Planning Commission, the applicant shall design, construct, and install all site plan improvements and other features in full compliance with the plan as approved. Failure to do so shall be a violation of this Ordinance.

21.12 Performance Sureties

1. To assure compliance with applicable Township ordinance requirements and any conditions or other requirements on the approval of a site plan, the Planning Commission shall require, as a condition of site plan review and approval, a financial guarantee in the form of a cash deposit or other form of guarantee under which a surety is obligated to the Township, under the terms of this Section.

2. The purpose of a financial guarantee is to assure the proper construction, installation, operation, and maintenance of required common improvements and facilities including but not limited to streets, sidewalks, utilities, storm water drainage systems, outdoor lighting, landscaping, and screening and other required common improvements.

3. A financial guarantee may be in the form of a (1) cash deposit, (2) certified check made payable to the Township or (3) an irrevocable bank letter of credit. The form and nature of the financial guarantee is subject to Planning Commission approval. The instruments whereby the guarantee is made are subject to the approval of the Zoning Administrator, though such approval may be referred to the Planning Commission.

4. The amount of the financial guarantee shall be as determined by the Township engineer, or otherwise determined by the Planning Commission, but shall not be less than 5% of the cost of the common improvements involved. Upon request, the applicant shall submit its accounting or estimate of the cost of all required common improvements. The applicant's accounting or estimate may be considered by the Township engineer and/or the Planning Commission for the purpose of establishing the amount of the financial guarantee, but the applicant's accounting or estimate is not binding on the Township engineer or the Planning Commission.

5. The required amount of a performance surety may be a percentage of the total cost of the common improvements involved, or it may cover the cost, or a percentage of the cost, of only certain specified improvements. There may be separate performance sureties for separate, discrete portions of the improvements to be guaranteed.

6. If the financial guarantee is provided by a cash deposit in the form of a certified check, the certified check shall be accompanied by an agreement on the part of the applicant, the terms of which shall state that the Township may expend the cash for completion of the specified improvements, to the Township's satisfaction.

7. The performance surety shall continue until all common improvements required to be guaranteed shall be fully completed and approved. If the guarantee is in the form of a performance surety or bank letter of credit which has a specified term, the applicant shall renew the bond or letter of credit before any expiration date, so long as the subject improvements have not been completed and approved.

8. The performance surety shall be released when all subject improvements are completed, inspected, and approved by the Township. As phases of a development or project are completed, a performance surety may be released in stages comparable in amount to the extent of improvements that have been satisfactorily completed. After portions of a

performance surety have been approved for release, the applicant may submit an identical form of performance surety, in an appropriately reduced amount. The amount of a performance surety to be released at any stage of construction is within the sole discretion of the Township.

9. Inspection and Approval of Completed Improvements:

   A. Upon completion or substantial completion of all required improvements, the applicant shall notify the Township in writing, to the attention of the Zoning Administrator. The Township will then inspect all improvements as to which the notice of completion has been given. The inspection and a written inspection report shall be accomplished by the Township official or agent most appropriate for the task, and may include the Township engineer, the building official, the Zoning Administrator or their designees or others.

   B. Based on the inspection report, the Township shall determine whether the required improvements are complete or whether further work or correction is required. The Township will notify the applicant in writing as to the inspection report and the decision made by the Township as to whether the improvements are deemed complete; in the case of further construction or other work being required, the notification shall specify what is required, and shall provide a specific period in which the deficiencies are to be completed.

   C. Upon the completion of further work or construction because of deficiencies determined by the Township, the applicant shall notify the Township, and the Township will then re-inspect the improvements and determine whether they are complete; if deficiencies remain, further proceedings shall be as stated above with respect to the initially noted deficiencies.

   D. After the applicant has completed all required improvements, and following inspection and approval by the Township, the Township may retain for a reasonable period up to two years, an amount up to 15% of the amount then remaining under the performance surety, for the purpose of assuring the continued quality and maintenance of the construction or other work. If during such period, repairs or improvements are necessary because of faulty construction or otherwise, the applicant shall proceed promptly to make such repairs or carry out such maintenance, but in the absence thereof, the Township may utilize the amount remaining under the performance surety, to pay the cost of such work. At the end of the period of retention of the specified remaining portion of the performance surety, up to two years, the amount remaining shall be released by the Township, in the absence of any repair, maintenance or other work for which the retention was made.

10. Enforcement Against the Performance Surety:

   A. In the case of default of performance by the applicant or any of its contractors or agents, the Township may proceed, with or without notice to the applicant, to enforce the performance surety or bank letter of credit, in the manner and to the extent specified in the appropriate instrument. Upon receipt of the funds covered by the performance surety or letter of credit, the Township may use such funds to pay the cost of completion of the required improvements; in the case of enforcement against a cash deposit, the Township may likewise utilize the deposit for completion of required improvements.

   B. Upon enforcement against a performance surety, the Township may utilize all or any portion of the resulting funds for all aspects of necessary work, administration and other undertakings associated with completion of the required improvements, including the

cost of labor and materials, administrative costs, attorney and engineering fees and all other Township costs and expenses relating to the enforcement against the guarantee and the resulting work, construction, installation, maintenance and other undertakings necessary to complete the improvements satisfactorily.

C. Completion of all required improvements within the time specified as a condition of site plan approval is a requirement under the terms of this ordinance. In the case of such violation, the Township shall have all remedies available by law, including civil infraction citation and other penalties under the Administration and Enforcement Article of this ordinance. In addition, in such circumstances, the Township may issue a stop order on construction work; may refuse to issue any other building permits; may refuse to issue any certificates of occupancy; and may take such other action in the matter as permitted by law.

D. In the case of common improvements to be constructed or installed by other governmental agencies or public utilities which will themselves own the improvements to be installed, or if improvements are covered by other satisfactory performance sureties by another governmental agency, then no performance surety under the terms of this Section shall be required.

21.13 Changes in Approved Site Plans

An approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the changes in the site plan have been reviewed and approved by the Planning Commission except as stated herein.

The property owner or other holder of an approved site plan shall submit to the Zoning Administrator an application for approval of any proposed change in the approved site plan. The application shall be accompanied by a site plan, showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted.

1. Minor changes in an approved site plan may be approved by the Zoning Administrator, upon a determination that the proposed minor change will not alter the basic design of the development or any of the specific terms and conditions imposed as a part of the original approval of the site plan. Minor changes eligible for consideration and approval by the Zoning Administrator consist only of the following:

   A. Replacement of plant material specified in the landscape plan, with comparable material.

   B. Changes in building materials to a comparable or higher quality.

   C. Internal rearrangement of a parking area which does not affect the number of parking spaces or traffic circulation on the site nor alter access locations or overall design of the site or parking area(s).

   D. Changes required or requested by the Township for safety reasons.

   E. Changes that will preserve the existing natural features of the site without changing the basic site layout.

   F. Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the Zoning

Administrator determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest.

2. Any requested minor change submitted to the Zoning Administrator for approval, may be referred by the Administrator to the Planning Commission for decision, regardless of whether the proposed change qualifies or does not qualify as a minor change. In the case of such referral to the Planning Commission, the Commission shall make the decision on the requested change, even if the change qualifies as a minor change.

3. Upon the Zoning Administrator's approval of minor changes in an approved site plan, the Zoning Administrator shall notify the Planning Commission of the changes approved.

4. If the change requested in an approved site plan is not a minor change under the terms of this section, then such change shall be deemed a major change. In that event, the site plan, showing the major change, shall be submitted to the Planning Commission, for its review and consideration, and the procedures with respect thereto shall be the same as those required for original consideration of a site plan.

5. In the approval of any changes in an approved site plan, whether by the Zoning Administrator or by the Planning Commission, terms and conditions may be imposed thereon and the applicant shall comply with such terms and conditions.

6. Upon approval of changes in an approved site plan, the applicant shall promptly submit to the Zoning Administrator four copies of the site plan, or such additional copies as may be required by the Zoning Administrator, accurately showing the changes in the plan so approved. The Zoning Administrator shall then mark the original of the site plan as approved, by means of affixing a signature or other authentication and setting forth the date of the authentication.

21.14 As-Built Site Plan

Upon completion of required improvements as shown on the approved site plan, the property owner or other interest holder shall submit to the Zoning Administrator three copies of an "as-built" site plan, certified by an engineer, surveyor or other professional, prior to the anticipated occupancy of any building within the area comprising the site plan. The as-built plan shall be reviewed by the Zoning Administrator or Township engineer to determine whether the plan is in conformity with the approved site plan and other Township requirements and applicable county and state requirements. The Township may request that the as-built site plan be submitted in both paper copy and electronic format.

The Township building official, or other authorized Township official, shall not issue an occupancy permit until the as-built site plan is in full conformance with the following:

1. The approved site plans

2. All applicable provisions of the Township Zoning Ordinance

3. All applicable provisions of other Township ordinances

4. The building codes

5. The storm water ordinance

6. Other applicable ordinances

21.15 Phasing of Development or Land Use

The applicant may divide the proposed development or land use into two or more phases. In such cases, the site plan shall show the entire property involved and shall clearly indicate the location, size, and nature of each phase. The applicant may submit a site plan for each phase, separately, and site plans may be submitted for review and approval for each subsequent phase of the development or land use.

If, however, a phase of a development or land use is dependent in whole or in part on the completion or partial completion of one or more other phases, then the site plan shall show such other phases, in whole or in part, upon which the proposed phase is dependent.

21.16 Approval Effective for One Year

Approval of a site plan under the terms of this Article shall be effective for a period of one (1) year, but only if the development and construction of the land use covered by the site plan commences within such period of one (1) year and is diligently pursued thereafter. If construction or development of the use permitted by the approved site plan has not commenced during such one (1) year period, the period may be extended by the Planning Commission in its discretion, for up to two (2) additional periods of one (1) year each. If the project is not pursued to completion in a reasonable period, the site plan approval may become null and void at the discretion of the Planning Commission, and the applicant shall be notified in writing of such action.

ARTICLE 22

ZONING BOARD OF APPEALS

22.01 Board of Appeals Established

There is hereby established a Zoning Board of Appeals in accordance with P.A. 110 of 2006, the Michigan Zoning Enabling Act, as amended.

22.02 Membership; Terms of Office; Expenses; Removal of Members

In each township in which the Township Board exercises the authority conferred by this Act, there shall be a Zoning Board of Appeals consisting of three members. The first member of such Board of Appeals shall be a member of the Township Planning Commission; the second member shall be a member of the Township Board appointed by the Township Board for a three (3) year term; and the third, member(s) shall be selected and appointed by the Township Board for a three-year term from among the electors of the Township. 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 Zoning Board of Appeals. The total amount allowed such Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which shall be provided annually in advance by the Township Board. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. The Township Board may appoint up to two (2) alternate members for a three (3) year term. The alternate members 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 members 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.

22.03 Meetings; Powers and Duties of Chairman; Records

Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedures may specify. The chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the Office of the Township Clerk and shall be a public record.

22.04 Duties; Rules; Hearings and Decisions of Appeals; Right to and Grounds of Appeal

The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official charged with enforcement of any ordinance adopted pursuant to the provisions of this Act. It shall also hear and decide all matters referred to it or upon which it is required to pass under any ordinance adopted pursuant to this Act. 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 any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to affect any variation in such ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County or State. The grounds of every such determination shall be stated.

Recourse from decisions of the Zoning Board of Appeals shall be to the courts as provided by law. The Zoning Board of Appeals shall also have authority concerning decisions on Special Land Uses.

22.05 Time to Appeal and Notice of Appeal: Transmission of Record

An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or local unit of government. An appeal shall be taken within thirty (30) days or as prescribed by the Township Clerk or Zoning Administrator, by the filing of a Notice of Appeal specifying the grounds thereof. The officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.

22.06 Stay of Proceedings Pending Appeal

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Zoning 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 cause imminent peril to life or property. If a stay is determined not to be necessary or appropriate, the proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the circuit court, upon application, and due cause shown.

22.07 Hearings and Notices; Right to be Heard; Disposition of Appeals; Decision Not Final

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the power of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done. The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by any such ordinance shall have the right to appeal to the circuit court on questions of law and fact.

When a Notice of Appeal has been filed in proper form with the Zoning Board of Appeals, the secretary, or Township Clerk shall immediately place the appeal upon the calendar for hearing, and cause notice to be published and delivered by mail or personal delivery as required by Act 110 of the Public Acts of Michigan 2006.

22.08 Fee for Appeal; Representation at Hearing

At the time of the filing of the Notice of Appeal there shall be paid a fee prescribed by the Township Board which fee shall immediately be placed in the Township general fund. Upon the hearing on the appeal, any party may appear in person or be represented by an agent or attorney at law.

22.09 Variances

Upon receipt of a Notice of Appeal which requests that a Variance be granted, the Zoning Board of Appeals, following a hearing in accordance with the terms of this Article shall have the power to authorize specific variances from such dimensional requirements as lot area and width

regulations, building height and bulk regulations, yard width and depth regulations, and such requirements as off-street parking and loading space as specified in this Ordinance when all of the Basic Conditions together with any one of the Special Conditions listed in the following sub-sections can be satisfied:

1. Basic Conditions: That any Variance granted provided the granting:

    A. Is not contrary to public interest and will ensure that the spirit of this Ordinance shall be observed.

    B. Will not permit the establishment within a district any use which is prohibited.

    C. Will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the property of the applicant is located.

    D. Is not one where the Specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.

    E. Relates to property that is under control of the applicant.

    F. Includes as a condition to the variance that the building area, any accessory structure, fence, and other similar appurtenances, shall be further altered without authorization by the Board.

2. Special Conditions:

    A. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance.

    B. Where there are exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not apply to other property or uses in the vicinity in the same zoning district; and have not resulted from any act of the applicant after the adoption of this Ordinance.

    C. Will not cause a substantial adverse effect to property or improvement in the vicinity or in the district in which the property or the applicants located.

3. Rules: In addition to the foregoing conditions, the following rules shall be applied in the granting of Variances:

    A. In granting a Variance, the Zoning Board of Appeals may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment secure, the objectives of the provision to which such Variance applies. The breach of any such condition shall automatically invalidate the Variance granted.

    B. No more than the minimum variance from the terms of this Ordinance shall be granted which is necessary to relieve the practical difficulty or unnecessary hardship.

    C. Each Variance granted under the provisions of this Ordinance shall become null and void unless:

        i. The construction authorized by such Variance has been commenced within one year after the granting of the Variance by obtaining a building permit and is being carried

progressively to completion, or

ii. The variance relates to the establishment of a parcel or lot through relief from lot area and/or lot width requirements.

D. No application for a Variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

22.10 Use Variances not Eligible

The Zoning Board of Appeals shall not have the authority to grant variances from uses of land because as of February 15, 2006 the zoning ordinance did not use the phrase "use variance" or "variances from uses of land" to expressly authorize the granting of use variances by the Zoning Board of Appeals, and because the authority to grant use variances is permissive, and does not require the Township to adopt ordinance provisions to allow for the granting of use variances.

22.11 Decision of the Board of Appeals and Appeals to the Circuit Court

The Zoning Board of Appeals shall decide upon all appeals within sixty (60) days from the date of the Public Hearing and reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeal shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals in each case and the signature of each member of the Zoning Board of Appeals in each case and the signatures of each member of the Zoning 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 23

AMENDMENT PROCEDURE

23.01 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 the application pay the fee in accordance with the requirements specified by the Township Board.

23.02 Amendments and Supplements to Zoning Ordinance

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 and referred to the Planning Commission for recommendation to the Township Board.

B. After deliberation on any proposal, the Planning Commission shall conduct a public hearing, notice of the time and place of which shall be given by publication in a newspaper of general circulation in the township not less than fifteen (15) days before the date of the hearing. The notice shall include the places and times at which the tentative text or any maps of the zoning ordinance may be examined.

C. In addition to the notice requirements above, amendments to the Zoning Map shall also include notice to surrounding property owners in accordance with P.A. 110 of 2006, the Michigan Zoning Enabling Act, as amended.

D. Upon completion of the public hearing provided above, the proposed amendment or supplement shall be submitted to the Calhoun County Planning Commission for review and recommendation. The petition shall then be returned to the Township Board by the Calhoun County Planning Commission for action in accordance with P.A. 110 of 2006, the Michigan Zoning Enabling Act, as amended.

E. After receiving the proposed amendment, the Township Board may adopt the amendment with or without changes in accordance with the provisions and procedures of such above referenced Public Act.

23.03 Conformance to Court Decree

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent authority shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.