

Millington Township Zoning Ordinance

Ordinance No. 100

Draft Zoning Ordinance Amendments
Prepared by Wade Trim, November 11, 2019

Key:

~~Text proposed to be deleted~~

Text proposed to be added

Changes from the previous version of amendments

AN ORDINANCE to regulate the use of land within the Township of Millington, Tuscola County, Michigan in accordance with the provisions of the Michigan Zoning Enabling Act, being Public Act 110 of the Public Acts of 2006, as amended.

THE TOWNSHIP OF MILLINGTON ORDAINS:

ARTICLE 1

Title

Section 1.01. This Ordinance shall be known and cited as the Millington Township Zoning Ordinance.

ARTICLE 2

Activities Covered by Ordinance

Section 2.01. No building or structure, or part thereof, shall be erected, constructed, reconstructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.

ARTICLE 3

Administration

Section 3.01. ZONING ADMINISTRATOR. The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

Section 3.02. ZONING PERMITS. A zoning permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, any pond is excavated, or any change in the use of any land or structure is undertaken within the Township.

- A. APPLICATION. A zoning permit shall be applied for in writing on an application form provided by the Township.
- B. PERMIT ISSUANCE. A zoning permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, ~~Board of Appeals~~ **Zoning Board of Appeals**, or Township Board approvals have been obtained.
- C. EXPIRATION. A zoning permit shall expire one (1) year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.
- D. VOID PERMITS. Any zoning permit issued in error or pursuant to an application containing any false statements shall be void.
- E. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.
- F. FEES. The amount of any fees charged for zoning permits, applications, or inspections shall be established by the Township Board.

ARTICLE 4
Zoning Districts

Section 4.01. DISTRICTS. The Township is hereby divided into the following zoning districts:

- AR Agricultural - Residential
- R-1 Single Family Residential
- LR Lake Residential
- RM Multiple Family Residential
- MHP Manufactured Housing Park
- C Commercial
- I Industrial

Section 4.02. DISTRICT BOUNDARIES AND MAP. The boundaries of the zoning districts are shown on the zoning map which is a part of this Ordinance. The map shall be designated as the Millington Township Zoning Map.

Section 4.03. PRINCIPAL USES PERMITTED. All uses of land or structures listed as "principal uses permitted" shall be permitted throughout the district under which they are listed. Any use not expressly listed as a "principal use permitted" is prohibited in that district, unless approval has been obtained from the Planning Commission for the use as a "use permitted after special approval".

Section 4.04. SPECIAL LAND USES. A use of land or structures listed as a "special land use" shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.

ARTICLE 5
AR Agricultural - Residential District

Section 5.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings, and farm **operations** ~~uses on parcels of land containing five (5) or more acres.~~
 - 1. ~~No livestock may be kept on parcels of land containing less than five (5) acres.~~
 - 2. ~~Land on which poultry or rabbits are kept shall contain at least one (1) acre.~~
- B. Single-family dwellings (subject to Section 14.05).
- C. Roadside stands **and farm markets** limited to the selling of locally raised farm produce **that complies with requirements found within Section 14.19.**
- D. State licensed family day-care homes.
- E. State licensed residential facilities for six or fewer residents.
- F. Home Occupations.
 - 1. The home occupation must be conducted entirely within a building which is in existence at the time the home occupation is granted approval.
 - 2. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
 - 3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in an agricultural or residential area.
 - 4. No outdoor storage or display of merchandise or materials shall be allowed.
 - 5. There shall be no more than one (1) employee, other than family members who reside in the home on the property.
- G. **Agribusiness activities, not exceeding 2,500 square feet in total floor space dedicated to such use (subject to Section 14.22).**
- H. Buildings, structures and uses which are accessory to any of the above-permitted uses.

- I. The keeping of domestic animals (excluding dogs, cats and other household pets) for non-farm use is allowed and shall be subject to the following requirements. The keeping of livestock and farm animals raised for sale and profit on a farm or farm operation, as defined in this ordinance, shall be exempt from the requirements of this subsection.
 1. The parcel on which the animals are located shall not be within a recorded plat.
 2. The minimum area for the keeping of animals, except as otherwise provided, shall be two (2) acres. One (1) horse, mule, donkey, or cow, or two (2) goats, sheep, hogs, or other similar domestic animal raised and kept as a pet or for recreational purposes, shall be permitted on the first two (2) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to twenty (20) acres. Lands greater than twenty (20) acres have no animal quantity restrictions.
 3. The minimum area for the keeping of domesticated fowl, except as otherwise provided, shall be one (1) acre. Twenty-five (25) chickens, ten (10) turkeys, geese, or other similar domestic fowl, when raised and kept for other than commercial breeding and/or commercial egg production, shall be permitted on the first one (1) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten (10) acres. Lands greater than ten (10) acres have no animal quantity restrictions.
 4. The minimum area for the keeping of rabbits and other similar small animals except as otherwise provided, shall be one (1) acre. Ten (10) rabbits or similar small animals, when raised and kept for other than commercial breeding, shall be permitted on the first one (1) acre. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten (10) acres. Lands greater than ten (10) acres have no animal quantity restrictions.
 5. The keeping of animals, as described above, shall further be subject to any applicable State and Tuscola County health regulations.
 6. Any person being owner of, in possession of or control of any animal regulated by this Section shall provide and maintain a yard, pen, shelter or building for the confinement of such animals. All parts of any yard, pen, shelter or building shall not be less than fifty (50) feet from any property line.

Section 5.02. SPECIAL LAND USES.

- A. Private parks, recreation facilities and activities, campgrounds, and golf courses.
 1. Minimum site size shall be ten (10) acres.

2. All development features shall be located so as to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines **for all structures including pools, courts, playgrounds, and camp sites.**
 3. Activities shall be adequately screened from abutting property.
 4. The Planning Commission may impose restrictions as to hours of operation, noise levels, and sanitation requirements.
 5. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.
- B. Dog kennels and the raising of fur bearing animals.
1. All animals shall be housed and maintained in a safe and sanitary manner which complies with American Kennel Club standards.
 2. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.
 3. Dog kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.
 4. For purposes of this section, a dog kennel is defined as any property on which five (5) or more dogs over the age of six (6) months are kept or harbored.
- C. Quarrying of soil, sand, clay, gravel or similar materials. The quarrying of soil, sand, clay, gravel, or similar materials is permitted as a special land use in the **AG AR** district subject to the requirements of Section 5.03.
- D. Two family dwellings, **not exceeding two (2) dwelling units per acre.**
- E. State licensed residential facilities for seven or more residents.
- F. State licensed group child day-care homes which comply with statutory standards.
- G. Township and County governmental buildings, structures and facilities.
- H. Schools, churches, and cemeteries.
- I. Bed and breakfast establishments.
- J. Communications and wind generation towers (subject to Section 14.12).

- K. Site condominium developments in compliance with the standards contained in Section 6.02.J.

L. Agritourism enterprises (subject to Section 14.21)

M. Agribusiness activities exceeding 2,500 square feet in total floor space dedicated to such use (subject to Section 14.22)

Section 5.03. ~~SPECIAL LAND USE PERMIT REQUIRED; EXEMPTIONS.~~ **QUARRYING OF SOIL, SAND, CLAY, GRAVEL OR SIMILAR MATERIALS.**

- A. Special Use Permit Required; Exemptions. The quarrying of soil, sand, clay, gravel, or similar materials is permitted as a special land use in the **AG AR** district subject to the requirements of this Section and upon the issuance of a Special Land Use Permit by the Planning Commission. The following land uses, however, are exempt from this Section and shall not require a Special Land Use Permit:
 - 1. Construction, grading, or excavation operations that do not involve the removal of material from a site.
 - 2. Excavation or mining operations (where material is carried off site) conducted by the owner or occupant of the property for the purposes of preparing the land for cultivation, drainage projects or in preparation of building sites, provided that:
 - a. No area is created which fills with water, unless it is a farm watering pond, drainage project or private recreational pond with bank gradients of no more than one (1) foot vertical to three (3) feet horizontal.
 - b. Operations are not commercial in nature and do not involve on-site processing such as crushing, washing, or grinding.
 - c. The duration of operation is limited to a continuous twelve (12) month period of time.
- B. Setbacks. In accordance with the following provisions, sufficient setbacks shall be provided from all property lines and public highways to assure adequate isolation, screening and lateral support for adjacent property.
 - 1. No excavation operation shall be permitted closer than one hundred (100) feet to interior boundary lines of the property except that the Planning Commission may allow a reduction or eliminate a setback if the excavation is limited to the stripping of top soil and/or if no practical benefit to the adjoining property is achieved by maintaining the setback. All setback reductions must be in accordance with an operation and reclamation plan approved by the Planning Commission, and adequate screening and lateral support shall be maintained at all times.

2. No excavation operation is permitted within one hundred (100) feet of an adjoining public right-of-way except for the lowering of land adjoining the rights-of-way to the grade level of the rights-of-way. For purposes of public safety and nuisance control, the timing (phasing) of the clearing and/or lowering of the land adjacent to the right of way may be regulated by the Planning Commission.
3. Materials screening, crushing and processing plants and all accessory structures shall be located a minimum of two hundred (200) feet from interior property lines and adjoining public rights-of-way. Where practicable, they shall be located at a lower level than the surrounding terrain to lessen visual and noise impact. Where practicable, the foregoing shall also apply to stockpiling and loading areas and to the staging of transportation equipment.
4. No excavation operation shall be located within one hundred (100) feet of a natural stream, waterway or wetland. No mining operations shall interfere with the established flow of surface waters to the detriment or damage of adjoining public or private properties.

C. Site Reclamation Standards.

1. The applicant shall provide an engineered stamped reclamation plan. At minimum, the plan shall provide that the surface area of all land not to be permanently submerged under water shall be graded and back filled as necessary so as to reduce peaks and depressions, to produce a gently rolling surface that will minimize erosion due to rainfall, and which will produce a natural appearance in relation to the property in the area of the subject property. The applicant shall provide, at the applicant's sole expense, a written analysis performed by an engineer or other qualified third party setting forth the anticipated costs to complete the reclamation process.
2. If the reclamation plan provides for a permanent water area, upon completion of any phase of reclamation where a permanent water area is provided, excavations shall be made to a water depth of at least ten (10) feet below the low water mark, for at least eighty percent (80%) of the entire water area. The water area shall be tested for water quality for body contact by the County Health Department prior to continuation of reclamation.
3. The surface area of all land not to be permanently submerged under water shall be graded and back filled as necessary so as to reduce peaks and depressions, and to produce a gently rolling surface that will minimize erosion due to rainfall, and which will produce a natural appearance in relation to the property in the area of the subject property.
4. Slopes shall be graded toward permanent water areas, if any, and to the pit floor in an operation without permanent water areas. The area shall not be graded to the exterior area of the property so as to create the potential of flooding on adjoining properties and roads. In no event shall a reclaimed slope

have a grade in excess of a minimum ratio of one (1) foot vertical to three (3) feet horizontal. For permanent water areas, for a distance for not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to six (6) feet horizontal.

5. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of six (6) inches sufficient to support vegetation. Vegetation shall be reclaimed by the use of by appropriate seeding of perennial grasses and ground cover or planting of shrubs or trees in all parts of the reclaimed mining area not to be submerged under the water, or within twenty-five (25) feet of the shoreline of a permanent water area. Reclamation shall be implemented in a manner so as to prevent washout and erosion.
6. In the event that filling of a mined area is necessary to complete reclamation, the fill material shall not consist of/or contain any organic waste, hazardous waste, industrial waste, or sludge and sewage residues, whether or not compounded, mixed, combined, bound or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion, and, moreover, such fill material shall not contain any other material which will, or is likely to, impair or harm the air, water and natural resources, and public trust therein, and/or the public health and safety. Any solid waste regulated by Act 64 of the Public Acts of 1979 shall not be used for fill and/or reclamation material of a mined area.
7. Upon cessation of mining operations by abandonment or otherwise as determined by the Planning Commission, the operator, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
8. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one half (1/2) acre or more unless part of a larger operation where the Planning Commission has specified the timing and sequencing of reclamation. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for one (1) 12-month consecutive period shall constitute justification for the Planning Commission to evaluate the operation for the purpose of determining whether the operator has terminated mining activity.

9. A performance bond, irrevocable letter of credit or cash may be required to be furnished to the Township Clerk in an amount as determined by the Planning Commission. The performance guarantee shall be used to guarantee rehabilitation and reclamation of mining the operation. The Planning Commission shall base its decision on whether to require the posting of a bond, letter of credit or cash and the amount of bond, credit or cash to be posted, on the size and extent of the mining operation. Any financing guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township and the Township Planning Commission.
- D. Submission of Operational and Reclamation Plan. No earth removal, quarrying, gravel processing, mining and related mineral extraction operation shall be allowed or commenced until a plan has been submitted and approved showing the manner in which compliance with the requirements of this ordinance will be secured and maintained by the applicant. Such plans shall include, among other things, the following:
1. A contour map of the tract of land involved in the operations, including dimensions of the land, access to abutting public streets and whether or not the roads are "all weather" roads, and additional roads, if any, to be constructed, and the location and nature of the land uses and improvements on adjoining property. The contours, location and nature of abutting improvements shall extend 300 feet onto all adjoining property.
 2. The number of acres and the location of the entire operation contemplated and all phases and sequences of the mining operation to be operated.
 3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 4. The location of principal processing equipment, if any and the distance of any proposed excavation, mining, stockpiling, or processing from the boundaries of the site.
 5. Soil tests shall be made internally to the operation and around the perimeter of the excavation site. In the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site, said soil tests must disclose conditions satisfactory for lateral support of adjacent premises as determined by an engineer acceptable to the Township.
 6. A plan showing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes, roads and other features that may show the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the mining activities.

- E. Public Hearing. After receiving an application for the grant of a special use permit for earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing ~~upon such application in the same manner preceded by the same notice as set forth in Section 31.01~~ **in accordance with Section 18.02** of this Ordinance.
- F. Review Criteria. Following the hearing, said Planning Commission shall grant or deny the application and set forth its reasons for its decision. The decision shall be based upon a general and balanced consideration of the following:
1. The most advantageous use of the property in question, including plans to reclaim the land in a manner that will be compatible with the surrounding land and the Millington Township Master Plan.
 2. The character of the area in question and its peculiar suitability, if any, for particular uses.
 3. Conservation of property values, and the general and appropriate trend and character of development in the immediate area.
 4. The protection and preservation of the general health, safety and welfare of the township.
 5. The scarcity or value of the minerals sought to be mined as compared with the effect of the proposed operations upon the adjacent community.
 6. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of the previous operations.
- G. Decisions and Permits.
1. In making any decision, the Planning Commission shall have the authority to impose such additional conditions and safeguards, as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners.
 2. The Planning Commission shall review all permits annually and the Planning Commission may limit the length of time that the special use permit is to be effective. It shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where noncompliance exists. As part of its annual review the Planning Commission shall consider the adequacy of any posted surety (letter of credit) for the operation and shall require that the amount is adjusted as necessary to ensure proper reclamation and closure.

3. In addition to annual review, the Planning Commission may provide for the periodic field inspections of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same.
 4. After expiration of any initial permit period, the Planning Commission may renew the permit for such additional time as may be necessary in the event the removal of material to the extent indicated in the approval operation plan is not completed. The process for extension shall be the same as outlined for the review and authorization of the initial Special Use Permit.
 5. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area.
 6. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial or renewal and not less than thirty (30) days have elapsed to correct the said violation.
 7. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.
 8. The Commission may upon request of the applicant, or on its own initiative, modify the requirements of this permit upon such findings of need and justification and upon a formal Special Use Permit amendment being made under the same procedures used for adopting the initial permit.
- H. Liability Insurance. Liability insurance shall be a pre-condition to commencement of operations, and maintenance of insurance in full force shall be a pre-condition to the right to continue operations. The applicant shall provide binders for personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times which any reclamation is left to be done, during all times any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance is to contain a hold-harmless clause regarding liability of the Township during any reclamation phase.
- I. Review Procedures and Additional Required Information. Application for the issuance of a permit to operate a mining or soil removal operation under the standards of this Section shall be made under the provisions of this Section and Article 18, "Procedures for Special Land Use Approval by the Planning Commission." In addition, unless specifically waived by the Planning Commission, the applicant shall provide the following support information and documentation prior to the Planning Commission reaching its decision.
1. Documentation of Type and Need for the Resource Material. The need for the material being excavated and/or processed shall be quantified and verified so that the Planning Commission can weigh the value of the material being made

available against the potential negative impacts of the operation in the proposed location. The types of information shall include:

- a. A characterization of the expected service area of the mining operation.
- b. Soil borings and a narrative describing the type and quantity of material to be mined.
- c. The location, ownership and size of existing mining operations that produce the same material within the same service area.
- d. Projections as to the volume of material that will be needed in the service area as compared to the volume available.
- e. A listing of known or existing "local" projects that will be in need of the material or five (5) to ten (10) year projections based on past usage. If possible, such estimates and projections should be supported by expert testimony or signed letters from third parties or published reports.
- f. Any expert or third party opinions as to the financial or other positive or negative impacts on the construction industry if the proposed operation is or is not allowed.

2. Existing and Projected Roadway Conditions and Traffic. A written and graphic characterization of the expected haul routes and the proposed access to the site. This shall include:

- a. An identification of expected primary and secondary routes that truck traffic will use when traveling to and from the site.
- b. A characterization of the routes including:
 - i. Types of surface.
 - ii. Number of lanes and typical roadway width.
 - iii. Typical roadway speeds or speed limits.
 - iv. Known or potential trouble spots for heavy truck traffic including street intersections, hills, and curves.
 - v. Number and location of homes, schools, bus stops, day care operations, churches and businesses along the routes within one mile of the operation.
- c. Existing traffic volumes along appropriate segments of the anticipated primary and secondary haul routes.

- d. Projected traffic increases by type and route.
 - e. Characterization of projected truck traffic by size, type and weight of trucks and direction of travel, empty and full on average and extreme daily and average annual basis.
 - f. Expert analysis and testimony in general as to the adequacy of the routes for truck traffic.
 - g. Identification of documented or potential problems such as, inadequate clear vision, roadway width, steep grades, surface condition, maintenance or land use and traffic conflicts.
 - h. Expert analysis and identification of potential solutions to identified or documented problems in the form of roadway improvement, extra maintenance, traffic control devices, use or speed limitations or combinations of the above.
3. Characterization of the proposed operation and site access in relation to the public street and street right of way.
- a. Indicate the proposed location of proposed access (driveway or driveways) and their width, type of surface and other design features such as surface, deceleration and acceleration tapers, culverts, etc.
 - b. Indicate minimum sight distances.
 - c. Accurately depict the roadway conditions and width within five hundred (500) feet of each access drive including right of way width, roadway elevation, and roadway location within the right of way.
 - d. A written statement from the applicable highway officials as to whether the proposed access to the site will meet or exceed their standards and if extraction operations or other operations will be allowed to occur within the road right of way if requested or proposed and under what types of limitations.

The above informational needs are in addition to the information required to address the evaluation of the proposal's on-site operational and reclamation components.

4. Verification of registration. The applicant shall provide acceptable proof that it is registered with the Mine Safety and Health Administration (MSHA).
- J. Additional Requirements. All quarrying of soil, sand, clay, gravel, or similar materials is subject to the requirements in Millington Township Ordinance No. 18-03 "An Ordinance Regulating the Quarrying of Soil, Sand, Clay, Gravel, or Similar Materials to Protect Public Health, Safety, and Welfare."

ARTICLE 6
R-1 Single-Family Residential District

Section 6.01. PRINCIPAL USES PERMITTED.

- A. Single-family dwellings (subject to Section 14.05).
- B. ~~Crop production.~~ **Farms, farm buildings, and farm operations.**
- C. Family day-care homes.
- D. State licensed residential facilities for six or fewer residents.
- E. Home occupations (subject to the requirements of Section 5.01.F).
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.

G. The keeping of domestic animals (excluding dogs, cats and other household pets) for non-farm use is allowed and shall be subject to the following requirements. The keeping of livestock and farm animals raised for sale and profit on a farm or farm operation, as defined in this ordinance, shall be exempt from the requirements of this subsection.

- 1. The parcel on which the animals are located shall not be within a recorded plat.**
- 2. The minimum area for the keeping of animals, except as otherwise provided, shall be two (2) acres. One (1) horse, mule, donkey, or cow, or two (2) goats, sheep, hogs, or other similar domestic animal raised and kept as a pet or for recreational purposes, shall be permitted on the first two (2) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to twenty (20) acres. Lands greater than twenty (20) acres have no animal quantity restrictions.**
- 3. The minimum area for the keeping of domesticated fowl, except as otherwise provided, shall be one (1) acre. Twenty-five (25) chickens, ten (10) turkeys, geese, or other similar domestic fowl, when raised and kept for other than commercial breeding and/or commercial egg production, shall be permitted on the first one (1) acres. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten (10) acres. Lands greater than ten (10) acres have no animal quantity restrictions.**
- 4. The minimum area for the keeping of rabbits and other similar small animals except as otherwise provided, shall be one (1) acre. Ten (10) rabbits or similar small animals, when raised and kept for other than commercial breeding, shall be permitted on the first one (1) acre. Additional animals, in the quantity described above, shall be permitted for each additional acre of land up to ten**

(10) acres. Lands greater than ten (10) acres have no animal quantity restrictions.

5. The keeping of animals, as described above, shall further be subject to any applicable State and Tuscola County health regulations.

6. Any person being owner of, in possession of or control of any animal regulated by this Section shall provide and maintain a yard, pen, shelter or building for the confinement of such animals. All parts of any yard, pen, shelter or building shall not be less than fifty (50) feet from any property line.

Section 6.02. SPECIAL LAND USES.

A. Two-family dwellings located on parcels which are at least two (2) acres in size, **not exceeding two (2) dwelling units per acre.**

~~B. Keeping of livestock, poultry, or rabbits.~~

~~1. No livestock may be kept on parcels of land containing less than five (5) acres.~~

~~2. No more than two head of livestock may be kept on the first five (5) acres of land and no more than one additional head of livestock may be kept for each additional two and one half (2 1/2) acres of land in the parcel.~~

~~3. Land on which poultry or rabbits are kept shall contain at least one (1) acre.~~

~~4. Livestock, poultry, or rabbits shall be kept only for noncommercial purposes such as 4-H projects or family use.~~

~~5. Adequate fencing and housing for the livestock, poultry, or rabbits shall be constructed prior to placing the animals on a parcel of land. Any animal housing shall be no less than fifty (50) feet from any property line.~~

~~6. The restrictions contained in this section shall not apply to farms containing at least forty (40) acres of land.~~

B. Golf courses subject to the requirements of Section 5.02.A.

C. Bed and breakfast establishments.

D. State licensed residential facilities for seven or more residents.

E. State licensed group child day-care homes which comply with statutory standards.

F. Governmental buildings, structures, facilities, and parks.

G. Schools and churches.

- H.** Platted subdivisions which comply with the requirements of the Michigan Land Division Act.
- I.** Site condominium developments. Single-family detached condominium developments, subject to the following requirements:
1. Review. Pursuant to authority conferred by Section 141 of the Michigan Condominium Act, all Site Condominium Plans shall require final approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
 - a) Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items a, b, and c of the submission requirements in subsection 2 below.
 - b) Final Plan Review. Upon receipt of preliminary plan approval, the applicant may prepare the appropriate engineering plans and apply for final approval by the Planning Commission. Final plans shall include information as required by items a-g~~h~~ of the submission requirements **listed in subsection 2 below**. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
 2. Submission Requirements. All Condominium Plans shall be submitted for review pursuant to the standards in Article 17 of this Ordinance (Site Plan Review) and Section 66 of the Michigan Condominium Act, and shall also include the following information:
 - a) A survey of the condominium subdivision site.
 - b) A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, flood plains, wetlands and woodland areas.
 - c) The location size, shape, area and width of all condominium units, and the location of all proposed streets.
 - d) A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
 - e) A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair and maintenance of utilities.

- f) A street construction, paving, and maintenance plan for all streets within the proposed Condominium Subdivision.
- g) A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.

h) A landscaping plan illustrating compliance with all street tree and buffering requirements for public roads adjacent to the site. For site condominiums, trees planted on forty foot (40') centers along the road right-of-way for each residential site (every lot must have at least one single tree) and for attached condominium developments, a minimum of one tree for each unit.

- 3. Zoning District Requirements. The development of all site condominium projects shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.
- 4. Streets. All streets for a site condominium project shall conform to the Tuscola County Road Commission standards for subdivision streets and shall be dedicated as a public road.
- 5. Utility Easements. The site condominium plan shall include all necessary easements for the purpose of constructing, operating, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Easements shall also be provided for any necessary stormwater run-off across, through, and under the property, including excavating and maintenance of ditches and stormwater retention areas. **All utilities including telecommunications and electrical services shall be installed underground.**
- 6. Engineering Reviews. Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township ordinances.

J. Attached residential townhouses and flats, not exceeding four (4) attached units per structure, and not exceeding four (4) dwelling units per acre.

K. Convalescent homes, nursing homes, and housing for the elderly.

ARTICLE 7 LR Lake Residential

Section 7.01. PRINCIPAL USES PERMITTED.

- A. Single-family dwellings (subject to Section 14.05).

- B. Lake access and use as follows:
 - 1. Access. Within the LR District, no right-of-way, easement, privately owned parcel or combination of parcels, occupied or vacant, recorded or unrecorded, can be used as a means of providing or granting lake access for docking, or mooring purposes to those parcels within the LR District whose front lot line is not located on the shoreline of Murphy Lake.
 - 2. Docks, Boat Lifts and Rafts. The placement of facilities of this type is limited to those parcels whose front lot lines are located on the shoreline of Murphy Lake. All watercraft moored at these facilities must be registered in the name of the property owner or their immediate family. Any docking or mooring of watercraft at those parcels not in accordance with the above is limited to a period not to exceed thirty (30) days.
- C. Accessory uses, buildings or structures customarily incidental to single-family dwellings.

Section 7.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Bed and Breakfast Facilities.

ARTICLE 8
RM Multiple-Family Residential

Section 8.01. PRINCIPAL USES PERMITTED.

- A. Single-family dwellings (subject to Section 14.05).
- B. Two-family and ~~multiple-family~~ dwellings.
- C. Multiple family dwellings, **not exceeding eight (8) dwelling units per acre.**
 - 1. ~~There shall be no more than three (3) dwelling units per acre.~~
 - 2. ~~Each dwelling unit shall contain a minimum of six hundred (600) square feet. There shall be an additional one hundred (100) square feet required for each bedroom beyond the first bedroom.~~
- D. Site condominium **development** with either attached or detached dwellings, subject to the requirements of Section 6.02.J, **not exceeding four (4) dwelling units per acre.**
- E. Family day-care homes.
- F. State licensed residential facilities for six or fewer residents.
- G. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 8.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Golf courses subject to the requirements of Section 5.02.A.
- B. Bed and breakfast establishments.
- C. Home occupations (subject to the requirements of Section 5.01.F.).
- D. State licensed residential facilities for seven or more residents.
- E. State licensed group child day-care homes.
- F. Governmental buildings, structures, facilities, and parks.
- G. Schools and churches.
- H. Hospitals and Convalescent homes, nursing homes, and housing for the elderly.

ARTICLE 9
MHP Manufactured Housing Park

Section 9.01. PRINCIPAL USES PERMITTED.

- A. Manufactured housing parks which comply with the regulations of the Michigan Manufactured Housing Commission.
- B. Single family dwellings.
- ~~C. Crop production.~~
- C.** Family day-care homes.
- D.** State licensed residential facilities for six or fewer residents.
- E.** Buildings, structures and uses which are accessory to any of the above-permitted uses.

ARTICLE 10
C Commercial District

Section 10.01. PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building.

- B. Personal service establishments such as restaurants **(excluding drive-through restaurants)**, taverns, laundromats, barber shops, beauty shops, and dry cleaning establishments.
- C. Repair shops for consumer items such as watches, shoes, furniture and appliances.
- D. Professional and business offices.
- E. Financial institutions **(excluding drive-through facilities)**.
- F. Funeral homes and mortuaries.
- ~~G. Mini storage facilities which provide storage space for personal use.~~
- G.** Hotels, motels, lodge halls, private clubs, auditoriums, and indoor recreational establishments.
- H.** **State licensed family and group child care homes, child care centers,** schools, churches, and publicly-owned buildings or facilities.
- ~~I. Dwellings which exist at the time of the adoption of this Ordinance may be rebuilt in the event of fire or other destruction. Such existing dwellings may also be remodeled or improved at any time.~~ **Single-family dwellings (subject to Section 14.05).**
- J.** Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 10.02. SPECIAL LAND USES.

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, or any retail business activities which are conducted entirely or partially outside of an enclosed building.
- B. Repair, service, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.
- C. ~~Residences.~~ **Hospitals, convalescent homes, nursing homes, and housing for the elderly.**
- D. Communications towers (pursuant to Section 14.12).
- E. **Drive-thru facilities associated with restaurants, financial institutions, and other uses.**
- F. Mini-storage facilities which provide storage space for personal use.**
- G.** Adult book stores, adult motion picture theaters, adult novelty stores, massage parlors, cabarets, or similar establishments, subject to the requirements of this subsection.

1. No two (2) uses listed in this subsection shall be located within one thousand (1,000) feet of each other.
2. No use listed in this subsection shall be located within one thousand (1000) feet of any residential dwelling unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicates approval of the proposed use by fifty-one (51) percent of the persons owning property, residing or doing business within a radius of one thousand (1,000) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.
3. No use listed in this subsection shall be located within one thousand (1,000) feet of any church, school, park, or township hall.

H. Other uses not listed herein which are determined by the Planning Commission to be of the same general character as and compatible with the above permitted uses.

Section 10.03. GREENBELTS.

A. Whenever any property is developed for uses allowed in this C District where such property borders a property zoned AR District, a minimum ten (10) foot wide greenbelt shall be required per Section 14.08.

B. Whenever any property is developed for uses allowed in this C District where such property borders a property used for residential purposes or zoned R-1, LR, RM or MHP District, a minimum twenty-five (25) foot wide greenbelt shall be required per Section 14.08.

**ARTICLE 11
I Industrial District**

Section 11.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial production.
- B. Truck terminals, railroad yards and airports.
- C. Laboratories.
- D. Warehousing, storage, or wholesale facilities.
- E. Dwellings which exist at the time of the adoption of this Ordinance may be rebuilt in the event of fire or other destruction. Such existing dwellings may also be remodeled or improved at any time.

- F. **Mini-storage facilities which provide storage space for personal use.**
- G. **State licensed family and group child care homes, child care centers, schools, churches, and publicly-owned buildings or facilities.**
- H. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 11.02. SPECIAL LAND USES.

- A. Junk or salvage yards.
 1. Any such yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures all material within the yard.
 2. No parcel shall be used for the operation of a scrap yard unless such parcel shall have an area under one (1) ownership of at least forty (40) acres.
 3. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence eight (8) feet in height. Said fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it.
 4. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any street or highway right-of-way.
- B. Slaughter houses, **tanneries, or** ~~and~~ meat processing facilities.
- C. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
- D. Communications towers (pursuant to Section 14.12).
- E. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- F. **Asphalt plants, which include any facilities that produce or manufacture asphalt, macadam, or other forms of coated roadstone.**
- G. **Facilities that process, compound, recycle, assemble, or treat any materials brought onto the subject property from a third party or from another property. Materials covered by this subsection include, but are not limited to, asphalt, concrete, stone, rock, sheet metal, textiles, wood, sand, and dirt.**
- H. **Other uses not listed herein which are determined by the Planning Commission to be of the same general character as and compatible with the above permitted uses.**

Section 11.03. GREENBELTS.

- A. Whenever any property is developed for uses allowed in this I District where such property borders a property zoned AR or C District, a minimum ten (10) foot wide greenbelt shall be required per Section 14.08.**
- B. Whenever any property is developed for uses allowed in this I District where such property borders a property used for residential purposes or zoned R-1, LR, RM or MHP District, a minimum twenty-five (25) foot wide greenbelt shall be required per Section 14.08.**

**ARTICLE 12
Area, Setback and Height**

Section 12.01. COMPLIANCE.

- A. All lots and structures shall comply with the area, setback, and height requirements of Section 12.02, unless different requirements are specified as a condition for a use permitted after special approval or pursuant to a variance.

Section 12.02. TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS.

Zoning District	Minimum Lot Area Per Dwelling Unit or Commercial/Industrial Bldg.	Minimum Lot Width (in feet) ⁽¹⁾	Minimum Front Yard Setback (in feet) ⁽²⁾	Minimum Side Yard Setback (in feet)	Minimum Rear Yard Setback (in feet)	Minimum Floor Area Per Dwelling (in sq. ft.)	Maximum Building Height (in feet)
AR	1 acre ⁽³⁾	150	50	20	20	1,100 ⁽⁷⁾	35 ⁽⁸⁾
R-1	1 acre ⁽⁴⁾	150	50	10	10	1,100 ⁽⁷⁾	35
LR	12,000 sq. ft. 1 acre ⁽⁴⁾	80 110	10	10 3 (least side) / 10 (total both sides)	10	1,100	35
RM	2 acres ⁽⁹⁾	150	50	20	25	⁽⁵⁾	35
MHP ⁽⁶⁾	-	-	50	-	-	-	35
C ⁽¹⁰⁾	1 acre	150	50	25	25	-	35
I ⁽¹⁰⁾	1 acre 2 acres	150 250	50	25 40	25 40	-	35

(1) Measured at minimum front yard setback line.

(2) Measured from the edge of the road right of way.

(3) To minimize effects of suburban sprawl, loss of farm land, and negative impacts caused by having smaller residential parcels spread throughout an agricultural area, the minimum lot area (not including public road right-of-way or private road easement) shall remain 1 acre but the number of permitted lot splits shall be limited. This minimum shall be contingent on the issuance of required Tuscola County Health Department permits. The creation of new building sites in the AR Agricultural - Residential District shall be determined through a sliding scale approach which will increase the number of building sites allowed as the size of the parent parcel increases. Parent parcels over sixty (60) acres would be allowed one additional building site for each additional ten (10) acres or fraction thereof of additional acreage over sixty (60) acres. The schedule of permitted building sites shall be as follows:

Size of Parent Parcel	Number of Building Sites Permitted
Up to Ten acres	Two
10.01 to 20 acres	Three
20.01 to 30 acres	Four
30.01 to 40 acres	Five
40.01 to 50 acres	Six
50.01 to 60 acres	Seven

(4) Minimum 20,000 square feet and 75 feet minimum lot width if served by a central sewer system or if located within a platted subdivision or a condominium subdivision. Otherwise, 1 acre shall be the minimum lot area and 150 feet shall be the minimum lot width.

(5) The minimum floor space per dwelling unit shall be:

Efficiency	350 Square Feet
One-Bedroom Apartment	500 Square Feet
Two-Bedroom Apartment	700 Square Feet
Three-Bedroom Apartment	800 Square Feet
Four-Bedroom Apartment	900 Square Feet

(6) Regulated by the Michigan Manufactured Housing Commission. Any land uses in the district other than manufactured housing parks shall meet the requirements of Section 12.02 for the R-1 zoning district. The minimum site size of a manufactured housing park shall be 20 acres.

(7) In no event shall the total floor area of all buildings on a lot exceed 35% of the total land area of the lot.

(8) Agricultural structures shall be exempt.

(9) Single-family and two-family uses within the RM District shall have a minimum lot area of one-half (1/2) acre.

(10) For single-family dwellings within the C District and I District, the table of area, setback and height requirements shall be modified as follows: minimum lot area of one (1) acre; minimum lot width of one-hundred fifty (150) feet; minimum front yard setback of fifty (50) feet; minimum side yard setback of twenty-five (25) feet; minimum rear yard setback of twenty-five (25) feet; minimum floor area per dwelling of 1,100 square feet; and, maximum building height of thirty-five (35) feet.

ARTICLE 13

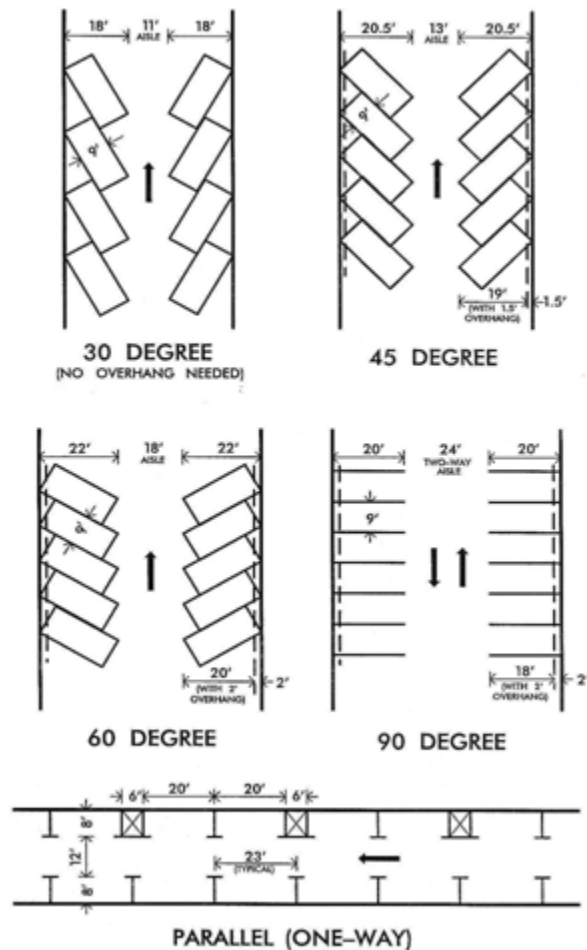
Parking and Loading Requirements

Section 13.01. GENERAL PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles shall be provided as required below. The parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of parking spaces are provided elsewhere.

- A. MINIMUM PARKING SPACE SIZE. Each parking space shall be at least ten (10) feet wide and twenty (20) feet long, exclusive of drives.
- B. MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS. For two-way parking driveway aisles with 90° parking aisle configuration, the minimum width of access lanes for parking spaces shall be ~~twenty-five (25)~~ twenty-four (24) feet. For one way angle parking options, see Figure 1 for minimum layout requirements.

FIGURE 1

SAMPLE PARKING LAYOUTS



- C. LOCATION OF PARKING SPACE. The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.
- D. SEATING. As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of seating facilities.
- E. SIMILAR USES AND REQUIREMENTS. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply **applicant shall present an argument to the Planning Commission as to which similar parking requirement from Section 13.02 should apply to the proposed use, and the Planning Commission shall confirm this determination during Site Plan Review.**
- F. EXISTING OFF-STREET PARKING. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.

- G. DRAINAGE. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds or entirely on to the property on which the parking lot is located.
- H. ILLUMINATION. All illumination for such parking areas shall be deflected away from adjacent residential areas **and shielding shall be provided to prevent light trespass onto adjoining residentially zoned or used properties and roadways.**
- I. HARD SURFACING. All required parking areas for commercial, industrial or institutional uses shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone.
- J. ACCESSIBLE PARKING SPACES. Every public parking area must comply with the Michigan Building Code's requirements for the minimum number of accessible parking spaces.**

Section 13.02. TABLE OF PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table:

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
A. Auditoriums, Assembly Halls, Theaters, and Churches	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for each employee or staff member.
B. Automobile Service Stations	2	Each gasoline pump and lubrication stall plus one space for each employee.
C. Banks and Business or Professional Office of Doctors, Lawyers, Architects, Engineers, or other similar professions	1	Two hundred (200) square feet of usable floor area.
D. Barber Shops and Beauty Parlors	2	Each barber or beauty operator.
E. Drive-In Restaurants	1	Twenty-five square feet of usable floor area, with a maximum of forty parking spaces.
F. Golf Courses	1	Each two employees plus one space for every five hundred square feet of usable floor area in the club house, plus a minimum of ten five parking spaces per hole on the golf course.

G. Industrial Establishments and Warehouse Facilities	1	Each employee computed on the basis of the greatest number of persons employed at any period during the day including capacity for businesses operating multiple shifts.
H. Residential dwellings	2	Each dwelling unit.
I. Restaurants or similar establishments in which is conducted the sale and consumption on the premises of beverages, food or refreshments. This shall include private clubs, lodges, and recreational facilities	1	One for each two persons at maximum seating capacity, plus one space for each employee.
J. Retail stores and service establishments other than those specified herein	1	One hundred and fifty square feet of usable floor area, plus one space for each employee.
K. Sanitariums, convalescent homes, hospitals, hotels, and similar establishments	1	Two beds.
L. Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred square feet of usable floor area, plus one space for each employee on the basis of the maximum number of employees on duty at any one time, plus two spaces for each auto serviced.
M. Repair establishments for appliances, household items, glass, and similar items; lawn and garden establishments	1	Three hundred square feet of usable floor area plus one space for each employee.

For purposes of this section, usable floor area shall mean the floor area open to the public for customer, office, or retail use. This excludes areas such as bathrooms, warehousing areas, and mechanical rooms.

Section 13.03. OFF-STREET LOADING REQUIREMENTS. On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading. All such loading and unloading areas shall be paved with a pavement having an asphalt or concrete binder.

Such loading and unloading space, unless adequately provided for within a building, shall be an area at least 10 feet by 30 feet, with minimum 14 foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area (Square Feet)

0 - 2,000
2,000 - 20,000
Over 20,000

Loading Spaces Required

None
One space
One space for each 20,000 square feet.

ARTICLE 14
General Provisions

Section 14.01. CONFLICTING REGULATIONS. Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 14.02. ROAD FRONTAGE. Every dwelling or other building shall be located on a parcel of land which shall have frontage on a public road or on a private road improved to the standards of the Millington Township Private Road and Driveway Easement Ordinance or on a private driveway easement at least sixty-six (66) feet in width serving a single residence in compliance with the Private Road and Driveway Easement Ordinance.

Section 14.03. DEPTH TO WIDTH RATIO. No property shall be divided in such a manner that the length or depth of any resulting parcel exceeds four (4) times the width of that parcel.

Section 14.04. RESIDENTIAL OCCUPANCY OTHER THAN IN COMPLETED DWELLINGS. Garages, barns, pole barns, accessory buildings, and basements shall not be occupied as dwellings. However, the Zoning Administrator may grant temporary occupancy pursuant to Section 14.09.

Section 14.05. SINGLE-FAMILY DWELLING REQUIREMENTS. Any single-family dwelling shall comply with the following minimum standards:

- A. MINIMUM SIZE. Each dwelling shall contain the minimum number of square feet specified in Section 12.02, prior to any alterations or additions.
- B. MINIMUM WIDTH. Each dwelling shall be no less than twenty-four (24) feet in width in all directions, prior to any additions or alterations.
- C. FOUNDATION. Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars pursuant to the specifications of the building inspector. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.
- D. ROOF. Each dwelling shall have a roof with no less than a 4-12 pitch. In the case of manufactured or modular homes, the roof shall be part of the original manufacture of the unit prior to being brought into the Township.

- E. STORAGE FACILITIES. Each dwelling shall have either a basement, garage or storage building containing at least one hundred twenty (120) square feet of storage area. The storage facility shall be constructed within one (1) year of the completion of the dwelling.
- F. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Township.

Section 14.06. SIGNS. All signs shall comply with the requirements of this section.

- A. The following signs may be erected in the Township without prior Planning Commission approval, provided the other requirements of this section are complied with:
 - 1. Signs advertising real estate for sale or rent. Such signs may not exceed nine (9) square feet in sign area.
 - 2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed nine (9) square feet in sign area.
 - 3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed nine (9) square feet in sign area.
 - 4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed nine (9) square feet in sign area.
 - 5. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall be removed within five (5) days after the election.
 - 6. Signs stating the name and/or address of a property owner. Homeowner signs may not exceed four (4) square feet in sign area. Farm owner signs may not exceed nine (9) square feet in sign area.
 - 7. Temporary signs advertising non-commercial public event for not to exceed thirty (30) days. Such signs shall not exceed thirty-two (32) square feet in sign area and shall be removed within five (5) days after the event.
- B. A sign site plan shall be approved by the Township Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by subsection A above.
- C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. The Planning Commission may require revisions to the sign site plan.

- D. No sign shall include any flashing, oscillating, or intermittent illumination. However, this section shall not prohibit signs with changing message displays.
- E. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being directly cast upon any residences or roadways.
- F. No sign shall rotate nor contain any moving parts.
- G. All signs shall be set back from all side property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures and from all road right of way lines at least ten (10) feet.
- H. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair.
- I. ON-SITE SIGNS.
 - 1. One principal sign shall be permitted on the site of each commercial, industrial, or institutional facility.
 - 2. Principal on-site signs shall not exceed ~~forty (40)~~ **one-hundred (100)** square feet in sign area.
 - 3. No more than two secondary signs shall be permitted on the site of each commercial, industrial, or institutional facility.
 - 4. Secondary on-site signs shall not exceed ~~sixteen (16)~~ **forty (40)** square feet in sign area.
- J. OFF-SITE SIGNS (BILLBOARDS). No off-site signs shall be erected within the Township unless special approval has been granted by the Planning Commission pursuant to Article 18. Such approvals may only be granted for land located in the Commercial or Industrial Districts.
- K. Substitution Clause. The owner of any sign which is otherwise allowed under this Section may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a lot or allow the substitution of an off-site commercial message in place of an on-site commercial message.**

Section 14.07. PONDS. No pond shall be dug within any front, side or rear setback line required by this Ordinance.

Section 14.08. GREENBELTS.

- A. In all zoning districts, no area within the required front yard setbacks shall be used for any permanent or temporary structures other than signs permitted by Township ordinances. Said front yard setback areas shall be planted and continuously maintained with grass, shrubs, and landscaping materials, except for the portion developed for use as a parking area or driveway.
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained, **unless a wider greenbelt is required per Sections 10.03 or 11.03.**
- C. Detailed landscaping plans for all greenbelts shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.
- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

Section 14.09. TEMPORARY DWELLINGS.

- A. The Zoning Administrator may issue a permit for a temporary manufactured home or other structure to be occupied for up to one (1) year during the time that a permanent dwelling is being constructed. A temporary dwelling does not have to comply with the single family dwelling standards contained in Section 14.05. A temporary dwelling permit may be issued if the following requirements are complied with:
 - 1. A building permit for the permanent dwelling must be acquired before the temporary dwelling is placed on the premises or occupied.
 - 2. The permanent dwelling must be completed and any temporary manufactured home removed from the property before the expiration of the temporary dwelling permit. In the case of garages or other structures, the improvements which make the structure usable as a dwelling must be removed.
 - 3. The applicant must execute an affidavit guaranteeing that any temporary manufactured home will be removed from the premises at the expiration of the permit period. In the case of garages and other structures, the affidavit must guarantee that the improvements which make the structure usable as a dwelling unit will be removed.
 - 4. A temporary dwelling permit may be renewed one time by the Zoning Administrator for up to one (1) additional year for completion of the permanent dwelling, providing reasonable progress has been made on construction of the permanent dwelling during the first one (1) year permit period.

5. A performance bond, letter of credit or cash deposit shall be posted with the Township Treasurer to guarantee removal of the temporary dwelling. The funds shall be released to the applicant upon verification of removal of the temporary dwelling.
- B. Variances to permit the temporary occupancy of manufactured homes which do not comply with the single-family dwelling standards of Section 14.05 may be granted by the Board of Zoning Appeals pursuant to the procedures contained in Article 19. Such variances may only be granted for the purpose of housing family members who are unable to reside elsewhere due to age, poor health, or indigence. Any manufactured home approved under this section may not be over fifteen (15) years old at the time it is placed on the site. All such manufactured homes shall be inspected by the building inspector to verify code compliance prior to being brought into the Township. Any manufactured home approved pursuant to this section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting. In the event that the temporary manufactured home ceases to be used for the purpose for which it was granted, the manufactured home shall be removed from the property within thirty (30) days of the date it ceases to be used for the purpose for which it was granted.

Section 14.10. ONE DWELLING PER PARCEL. No more than one (1) single-family dwelling may be constructed or placed on a single parcel of land. If a variance is granted for farm use or other reasons, all dwellings shall be placed on the parcel in such a manner that the property could be later divided with each dwelling being able to independently comply with all lot size and setback requirements.

Section 14.11. PROHIBITED STRUCTURES. No bus, camper, mobile home, manufactured home, semi-trailer, truck body or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose. This section shall not apply to manufactured homes which comply with Sections 14.05 or 14.09 and are used as single-family dwellings. This section shall also not apply to semi-trailers that are currently licensed for highway use and have a current Department of Transportation sticker.

Section 14.12. PUBLIC SERVICE FACILITIES, **AND** COMMUNICATION TOWERS, **AND WIND ELECTRICAL GENERATION TOWERS.**

- A. Certain facilities provided by utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations or similar structures shall be subject to the site plan review requirements of Article 17. Any office, warehouse, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district.
- B. Communication antennas, **wind generation towers, windmills,** and related facilities belonging to farmers or homeowners and used for noncommercial purposes shall be exempt from the requirements of this section and shall be allowed as a permitted use in all residential zoning districts, providing that the antenna, **windmill** or related facilities

do not exceed eighty (80) feet in height. This shall also include equipment used by ham radio operators, as well as residential television and radio antennas.

- C. All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts, pursuant to Article 18, subject to the following requirements:
1. The applicant shall submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event.
 2. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
 3. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
 4. All towers and related equipment shall be designed to be as compatible and harmonious as possible in style and building materials to the surrounding area. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
 5. All tower bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The site shall be maintained in a neat manner.
 6. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
 7. Co-location shall be deemed to be feasible for the purposes of this section, where all of the following are met:
 - (a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 - (b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given

appropriate physical and other adjustment in relation to the structure, antennas, and the like.

- (c) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- (d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co- location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.

- 8. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C.7. (a)(b)(c) and (d) are met.
- 9. A condition of every approval of a communication tower shall be adequate provision for the removal of the facility whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the top three (3) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
- 10. To ensure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

~~D. Wind electrical generation towers and electrical generation windmills, other than those exempted under subsection B, are allowed as special land uses in all zoning districts, pursuant to Article 18 and the following requirements:~~

- ~~1. The applicant shall submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event.~~

2. The minimum setback from any property line or road right of way shall be equal to the height of the tower.
3. The tower shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
4. All tower bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The site shall be maintained in a neat manner.
5. The towers, windmills, and related equipment shall comply with all current guidelines published by the Energy Office of the State of Michigan or its successor agency.
6. A condition of every approval of an electrical generation tower shall be adequate provision for the removal of the facility whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the caisson upon which the tower is located to a depth which is at least three (3) feet below the natural surface of the ground. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
7. To ensure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

Section 14.13. YARD SALES. No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than two (2) yard sales may be held during any calendar year.
- C. Any temporary signs advertising the yard sale shall be removed within twenty- four (24) hours after the completion of the yard sale.
- D. For purposes of this Ordinance, the term yard sale shall mean any offering for sale of personal property in an area zoned for residential use. The term yard sale shall include

sales commonly known as garage sales, porch sales, basement sales, and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a yard sale. Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be yard sales covered by this Ordinance.

Section 14.14. MOVING OF BUILDINGS, MANUFACTURED HOMES, AND OTHER STRUCTURES.

- A. No building, manufactured home, or other structure shall be moved into or within the Township unless a Zoning Compliance Permit has been issued by the Zoning Administrator prior to the moving of the building, manufactured home, or structure.
- B. In the case of new manufactured homes, the Zoning Administrator shall be provided with verification that the manufactured home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular homes were constructed in compliance with ~~the BOCA Code~~ **Michigan's current building codes** or the ~~Michigan Construction Code~~ **Michigan Residential Code**.
- C. In all other cases (buildings, structures, or used manufactured homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved by the Township. Any Code deficiencies identified by the Inspector must either be corrected prior to the building, structure, or used manufactured home being brought into the Township or else the applicant must post a performance bond, bank letter of credit or a cash deposit with the Township Treasurer in an amount sufficient to cover all required repairs.
- D. The applicant shall be responsible for compensating the registered Building Inspector for all required inspections.

Section 14.15. RECREATIONAL VEHICLES.

- A. For purposes of this section, recreational vehicles shall be deemed to include motor homes, camping trailers, pickup campers, vans, buses, cargo trailers, or other units designed or used for human occupancy and which do not meet the single-family dwelling standards of Section 14.05.
- B. Motor homes or campers (not including mobile homes) may be stored on property containing an occupied single-family dwelling, provided that the recreational vehicles are owned by the occupants of the single-family dwelling and the number is limited to not more than two (2) motor homes or campers. Any such recreational vehicle may be occupied for a maximum of one hundred twenty (120) days in any calendar year.
- C. A maximum of two (2) recreational vehicles or boats may be stored or used on vacant properties for no more than ninety (90) days per calendar year. A current Recreational Vehicle Storage Permit issued by the Zoning Administrator and indicating the permitted dates for storage or use must be obtained by the owner. Any such permit must be

prominently displayed in the window of the recreational vehicle. No mobile or manufactured home shall be permitted pursuant to this section.

Section 14.16. OUTDOOR FURNACES, BOILERS OR INCINERATORS. It shall be unlawful to install or operate a freestanding outdoor furnace, boiler or incinerator within any front yard or any minimum required side yard within the Township. This shall include any freestanding unit which:

- A. Is designed, intended or used to provide heat, hot water, or trash incineration for any residence or structure; and
- B. Operates by burning wood or other solid fuel such as, but not limited to, coal, paper, agricultural products, or discarded materials of any kind; and
- C. Is not located within the residence or structure for which it is providing service.

Section 14.17. FENCES, WALLS AND HEDGES. All fences, walls and hedges require a zoning permit for their construction, replacement, or substantial repair, other than on property used for agricultural purposes. Fence height shall be measured from the surface of the ground.

- 1. Fences in all Residential Districts which enclose property and are within a required side or rear yard shall not exceed six (6) feet in height and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback, whichever is greater. No wall or hedge planting shall exceed a height of three (3) feet within any residential front yard. Clear vision fences are permitted in front yards but shall not exceed four (4) feet in height. On a corner lot or parcel, no fence, wall, or planting shall be allowed except as may be permitted by the Zoning Administrator who shall be reasonably assured that it will not interfere with a traffic visibility across a corner. They shall not contain barbed wire, razor wire, or be charged with electricity.
- 2. Fences in Commercial and Industrial Districts shall not exceed eight (8) feet in height. Upon application and good cause shown, the Planning Commission may authorize suitable fencing of any height the Planning Commission determines to be reasonable.
- 3. Fences within public or institutional parks, playgrounds, or public landscape areas and situated within an area developed with recorded lots shall not exceed eight (8) feet in height.
- 4. It shall be the obligation and sole responsibility of persons erecting fences to determine the location of property lines. The Zoning Administrator may require proof that property lines have been established prior to issuance of a fence permit. The Township shall not determine property or lot lines, and the issuance of a construction permit to erect a fence shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice, in any way, the rights of adjacent or abutting property owners.
- 5. ~~Site~~ **Sight** Zones. Within the limits of sight zones, there shall be no fences or hedges except for clear vision fences. Such sight zones shall be determined as follows:

- a) Street/Road Corners. The triangle formed by legs measured twenty-five (25) feet on each side of a street/road corner, measured from the point of intersection of the right-of-way lines.
 - b) The right triangles formed on each side of driveways, measured ten (10) feet along the property line or right-of-way line for one leg and the outside edge(s) of the driveway for the other leg.
 - c) Single canopy shade trees may be planted within sight zones as long as the bottom branches are trimmed up to eight (8) feet above grade.**
 - d) Low decorative landscaping may be planted within sight zone as long as the landscaping does not exceed 30 inches in height above grade.**
- 6. Fence material shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out. Fences must be fabricated from attractive fencing materials, be in aesthetic harmony with the surrounding structures, and are subject to approval of the Zoning Administrator.
 - 7. Where a lot borders a lake or stream, fences in the waterfront yard shall not exceed three (3) feet in height nor otherwise unreasonably restrict views of the water from adjacent properties.
 - 8. The regulations set forth in this Section shall not apply to fences erected on lands in the Agricultural-Residential District if the primary use of the land is the operation of a farm.

Section 14.18. SOLAR ENERGY SYSTEMS.

- A. General Requirements. All Solar Energy Systems are subject to the following general requirements:
 - 1. All Solar Energy Systems must conform to the provisions of this Ordinance and all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
 - 2. Solar Energy Systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.
- B. Private Energy Systems.
 - 1. Private Solar Energy System BIVPs. Private Solar Energy System BIVPs shall be permitted in all zoning districts, provided such BIVPs conform to applicable County, State and Federal regulations and safety requirements, including the Michigan Building Code. A building permit shall be required for the installation of any BIVPs.

2. Roof or Building Mounted Private Solar Energy Systems. Roof or building mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - a) No part of the Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond the wall on which it is mounted.
 - b) No part of a Solar Energy System mounted on a roof shall be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
 - c) No part of a Solar Energy System mounted on a roof shall extend more than two (2) feet above the surface of the roof.
 - d) In the event that a roof or building mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months from the date of abandonment.
 - e) A building permit shall be required for installation of roof or building mounted Private Solar Energy Systems.

3. Ground Mounted Private Solar Energy Systems. Ground mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - a) Prior to the installation of a ground mounted Solar Energy System, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
 - b) A ground mounted Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground mounted Solar Energy System exceed fifteen (15) feet above the ground when oriented at maximum tilt.
 - c) A ground mounted Solar Energy System shall be located in the rear yard and shall meet the rear yard setback requirements applicable in the zoning district in which the Solar Energy System will be located.
 - d) All power transmission or other lines, wires or conduits from a ground mounted Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Solar Energy System, they must be placed in a secured container or enclosure.

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

C. Commercial Solar Energy Systems. Commercial Solar Energy Systems shall only be allowed in the Agricultural-Residential District or the Industrial District as a special use approved by the Planning Commission. In addition to any other requirements for special use approval, Commercial Solar Energy Systems shall be ground mounted and are subject to the following requirements:

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

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

Section 14.19. ROADSIDE STANDS AND FARM MARKETS. Roadside stands and farm markets shall be permitted in the AR Agricultural - Residential District in accordance with the terms of this Section.

A. At least fifty (50) percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five-year timeframe) must be grown or produced on and by the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.

- 1. For purposes of determining the percentage of products being marketed, the primary measure will be fifty (50) percent of the retail space used to display**

products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used, as follows:

a) At least fifty (50) percent of the gross sales dollars of products sold at the farm market need to be from products grown or produced on and by the affiliated farm. For processed products, at least fifty (50) percent of the products' main "namesake" ingredient must be produced on and by the affiliated farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

B. Retail sales subordinate and related to the farm market may be allowed, provided such sales comprise no more than fifty (50) percent of the products offered.

C. On-site vehicle parking shall be provided on the farm market property in an amount sufficient to accommodate the reasonably anticipated number of farm market patrons. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby roads. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.

D. Farm market buildings equal to or less than two-hundred (200) square feet in size shall be located not closer than fifteen (15) feet from the street right of way line or any other property line. Farm market buildings greater than two-hundred (200) square feet in size shall comply with the minimum required setback distances for the district in which such building is located.

E. A zoning permit is required for the establishment of a Roadside Stand or Farm Market accessory use on an AR zoned property. Unless the location of the stand/market or parking area moves or changes in size by more than one-hundred (100) square feet, no new permit is required. A zoning permit is not required for a roadside stand or farm market with a sales area equal to or less than one hundred (100) square feet and which does not include permanent structures.

Section 14.20. OPEN SPACE PRESERVATION DEVELOPMENT OPTION.

A. Purpose - The purpose of this section is to provide an alternative means of development to the landowner on land whose zoning classification permits residential development that would create the same number of home sites, but cluster the homes on no more than 50 percent of the land, while leaving the unused land perpetually in an undeveloped state by means of a construction easement, plat dedication, restrictive covenant or other legal means that runs with the land as required by Public Act 110 of 2006, as amended. These regulations are intended to provide flexibility in certain zoning requirements to preserve the natural features in open space that might be lost through more traditional subdivision development. Only land that is zoned at a density equivalent to two or fewer dwelling units per acre,

or, if the land is served by a public sewer system, three or fewer dwelling units per acre, are eligible for application of the provisions of this Section.

B. Eligibility Criteria - In selecting the open space development option, the applicant must present a proposal for residential development that meets each of the following:

- 1. Open Space: To be eligible for open space overlay option, the proposed development shall contain no less than 50% of the land area that will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restricted covenant, or other legal means that runs with the land.**
- 2. Unified Control: The proposed development shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.**
- 3. Protection From Development in Perpetuity: The applicant shall guarantee to the satisfaction of the Township that all open space preservation areas will remain perpetually in their undeveloped state as required. Further, subdivision open space lands or their use for other than recreation, conservation, or agricultural shall be prohibited.**
- 4. Density Impact: The proposed type and density use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted in this zoning ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment.**
- 5. Community Master Plan: The proposed development shall be consistent with and further the implementation of the Township Master Plan, as may be amended.**
- 6. Public Sewer or Public Water: The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this Section would also depend upon such an extension.**
- 7. Prior Requests: The option provided pursuant to this Section has not previously been exercised with respect to the land.**

C. Flexibility Allowances - The Planning Commission may grant specific departure from their requirements of the Zoning Ordinance for yard setback, lot area and/or width, and bulk standards as part of the approval process to encompass flexibility and creativity consistent with the open space preservation concept, provided such

modification results in enhanced buffering from adjacent land uses or public rights-of-way, or further preservation of natural features. Regulatory modifications are not subject to variance approval by the Zoning Board of Appeals. No part of an open space community plan may be appealed to the Zoning Board of Appeals. Any deviation of an approved plan shall require approval from the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner from seeking a variance following final approval of an open space community, provided such variance does not involve alterations to open space areas as shown on the approved open space plan.

D. Location of Open Space - The location of open space preservation areas shall meet the following standards to the greatest extent feasible:

- 1. The open space is provided along a public street right-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such right-of-way shall generally have a depth of at least 50 feet.**
- 2. The open space provides an ecological link to permanent open space in the surrounding lands and is located to connect open spaces, public parks or bicycle/pedestrian paths throughout the community, when feasible.**
- 3. The open space is designed and located to be contiguous to all or most of the dwelling units. Open access to required open space under the provisions of this section shall be provided, when feasible.**
- 4. All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the open space preservation areas and are adequately protected.**

E. Plan Review Procedures

- 1. Review by the Planning Commission shall follow the standards, procedures and submittal requirements adopted by the Township for approval of site plans, condominiums, platted subdivisions or land divisions, as may be applicable, and the criteria of Section 14.20, 6 below.**
- 2. In submitting a proposed layout under this section, the sponsor of the development shall include, along with the project plan, master deed documents, floor plans, topography drawn at two (2) foot intervals, main floor grade elevations relative to the existing topography, all computations relative to acreage and density, and any other details which will assist in reviewing the proposed plan.**
- 3. The applicant shall provide a copy of the legal instrument that would run with the land and that would have the legal effect of preserving in perpetuity in an undeveloped state the open space required by this Section. Such legal**

instrument shall be reviewed and approved by the Township attorney prior to recording, and the document shall outline, at a minimum, the following:

- a) The proposed allowable use(s) of the open space and any necessary access easements;
- b) Require that the open space be maintained in perpetuity in an undeveloped state, without buildings, structures or other improvements, except as recommended by the Planning Commission and approved by the Township Board;
- c) Require that the open space be maintained by parties who have an ownership interest in the open space;
- d) Provide standards for scheduled maintenance of the open space; and
- e) Provide for maintenance to be undertaken by the Township in the event that the open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

F. Approval Criteria - Approval of a proposed development shall be predicated upon a positive finding that all of the following criteria have been met:

1. The design shall promote the goals, objectives, and policies of the Township Master Plan;
2. Open space areas shall be provided in suitable locations that offer convenient access by residents and adequate screening from nearby dwelling units;
3. Natural assets, wildlife habitat areas, or sites having historic archaeological or cultural value shall be protected;
4. Individual lots, buildings, and roadways, and open space areas shall be designed to minimize the alteration of environmental site features;
5. The design of structures shall be compatible with existing single-family structures located in the general area in terms of architectural style, size, overall floor area, building height and neighboring building orientation.
6. Clustering of the dwelling units shall occur in a manner which preserves the basic amenities and qualities normally associated with single-family living (such as, but not limited to, privacy, personal open space, and adequate natural lighting and ventilation) while allowing for innovative site layout and open space areas.

Section 14.21. AGRITOURISM ENTERPRISES. The establishment of an agritourism enterprise, as defined in this ordinance, shall require a special land use permit in accordance with Section 18

(Procedures for Special Land Uses by Planning Commission). Agritourism enterprises shall be further subject to the following:

- A. On-site vehicle parking shall be provided on the property in an amount sufficient to accommodate the reasonably anticipated number of agritourism patrons and/or employees. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.**
- B. The Fire Marshall or Building Official shall establish a maximum capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.**
- C. The Planning Commission may establish hours of operation for agritourism enterprises, or specific elements thereof, consistent with the character of the land uses in the vicinity, and may further approve an enforcement mechanism to ensure that the established hours of operation are adhered to. The applicant shall secure and maintain all required state and local permits, including but not limited to, public health and building code requirements.**
- D. In lieu of a complete site plan required by Article 17, the application shall include:**
 - 1. A site plan, drawn to scale, showing all of the features of the proposed use, including the area and location to be used; the amount of off-street parking area; the setback from the street right-of-way line and property lines; the setback from any buildings on the site; the specific location of the elements of the use; and other information required by the Planning Commission.**
 - 2. A written narrative describing the use in detail, including the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use which will assist the Planning Commission in determining whether the application should be approved.**

Section 14.22. AGRIBUSINESS ACTIVITIES. Accessory agribusiness activities, not exceeding two thousand five hundred (2,500) square feet in total floor space dedicated to such use, may be permitted by the Zoning Administrator in the AR- Agricultural-Residential district subject to the following requirements:

- A. There shall be no more than one (1) freestanding or ground sign, not to exceed sixteen (16) square feet of sign area.**
- B. Agribusiness uses shall have frontage on a public road.**
- C. All ingress and egress to the site shall comply with the applicable regulations of the Tuscola County Road Commission or the Michigan Department of Transportation.**

- D.** On-site vehicle parking shall be provided on agribusiness property in an amount sufficient to accommodate the reasonably anticipated number of agribusiness patrons and/or employees. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby roads. Parking and driveway surfaces may be vegetative, pervious surface, or hard surface.
- E.** The application shall be administratively reviewed by the Zoning Administrator. In lieu of a complete site plan required by Article 17, the application shall include:
- 1.** A site plan, drawn to scale, showing all of the features of the proposed use, including the area and location to be used; the amount of off-street parking area; the setback from the street right-of-way line and property lines; the setback from any buildings on the site; the specific location of the elements of the use; and other information required by the Zoning Administrator.
 - 2.** A written narrative describing the use in detail, including all the types of items, goods and merchandise that are proposed to be sold; the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the Zoning Administrator in determining whether the application should be approved.
- F.** If the proposed agribusiness use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Zoning Administrator, review and approval by the Planning Commission as a Special Land Use in accordance with Article 18 shall be required.
- G.** Agribusinesses over 2,500 square feet of floor space dedicated to such uses or existing agribusinesses that grow to over 2,500 square feet must obtain Special Land Use Approval as described in Article 18. No matter the size, wineries, micro-breweries or micro-distilleries would require Special Land Use Approvals.

Section 14.23. LIGHTING. Site lighting may have both positive and negative impacts upon the site and adjacent properties. Use of “Dark Sky” compliant lighting that minimizes skyglow and reduces the amount of blue light in the nighttime environment is recommended. This Section provides regulations to set guidelines and to limit off-site negative impacts that improper lighting may cause.

- A.** **Traffic Hazards:** No lighting shall in any way impair the safe movement of traffic on any road. All lighting shall be positioned in such a manner as to prevent glare and avoid light trespass offsite.
- B.** **Non-Residential Uses:** Lighting associated with a commercial, industrial, or other non-residential use, irrespective of the District in which such use may be located, including the lighting of yards, parking areas, buildings and signs, shall comply with the following:
- 1.** Where appropriate, a wall, fence, berm, or evergreen screen at least six (6) feet in height, shall be erected to prevent headlight glare from shining onto

adjacent residential property. No wall, fence or screen shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.

2. Lighting shall be designed and constructed to ensure that direct and reflected light is confined to the lot upon which the light source is located.
3. Exterior lighting shall be installed so that the surface of the source of light shall be hooded or louvered to the greatest extent possible so that:
 - a) light sources shall not be visible from beyond the lot lines.
 - b) light sources shall be so arranged to reflect light downward and away from adjacent properties including externally illuminated signage.
 - c) no more than 0.1 footcandle power of light shall cross a lot line five (5) feet above the ground into AR, R-1, L, RM, and MHP districts.
 - d) no more than 0.2 footcandle power of light shall cross a lot line five (5) feet above the ground in C and I districts.
 - e) maximum light intensity at any one point is 10 footcandle power of light.
4. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty (20) feet, measured from the ground or pavement closest to the light source.
5. For large-scale developments, the Planning Commission may request the applicant to provide a lighting plan during the Site Plan Review process illustrating compliance with the above requirements.

C. Residential Lighting:

1. The outdoor lighting of residential yards, parking areas, buildings and signs shall be designed and constructed to ensure that direct and reflected light is confined to the lot upon which the light source is located.

Section 14.24. TEMPORARY ANEMOMETER TOWERS. A temporary anemometer tower, as defined in this Ordinance, may be allowed as an accessory use in all Districts, subject to the following.

- A. Prior to the installation of a temporary anemometer tower, a building permit from the Township must first be obtained after review and approval by the Building Official.
- B. Anemometer towers shall have a maximum height of one-hundred (100) feet.
- C. Anemometer towers shall only be allowed within the rear yard.

- D. The distance between an anemometer tower and any property line shall be not less than 1.5 times the height of the tower.
- E. The applicant shall be required to remove the temporary anemometer tower and restore the site after completion of the wind site assessment, which shall not exceed a six (6) month period from the date of building permit approval.

Section 14.25. ON-SITE WIND ENERGY CONVERSION SYSTEMS.

- A. Intent. The purpose of this Section is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of an on-site wind energy conversion system (WECS) in Millington Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by on-site wind energy conversion systems.
- B. On-Site Wind Energy Conversion Systems, as defined in this Ordinance, may be allowed as an accessory use in all districts, subject to the following.
 - 1. Maximum Height. An on-site WECS shall have a maximum height of one-hundred forty (140) feet, measured from the base of the system to the top of the blade in its vertical position.
 - 2. Property Setbacks. For an on-site WECS tower less than one-hundred (100) feet in height (including the top of the blade in its vertical position), the distance between such tower and any property line shall be not less than 1.5 times the height of the tower. For an on-site WECS tower one-hundred (100) feet in height or greater (including the top of the blade in its vertical position), the distance between such tower and any property line shall be not less than 2 times the height of the tower.
 - 3. Location. An on-site WECS shall only be allowed within the rear yard.
 - 4. Sound Pressure Level Standards. An on-site WECS shall not exceed fifty-five (55) dBA at the property line closest to the on-site WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dBA, the standard shall be ambient dBA plus five (5) dBA.
 - 5. Construction Codes and Interconnection Standards.
 - a) An on-site WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
 - b) An on-site WECS shall comply with Federal Aviation Administration (FAA) requirements; the Michigan Airport Zoning Act (PA 23 of 1950); the Michigan Tall Structures Act (PA 259 of 1959); and any other State or Federal regulations.

- c) An interconnected on-site WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

6. Safety Standards.

- a) An on-site WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding.
- b) An on-site WECS shall be equipped with lightning protection.
- c) The minimum vertical blade tip clearance from grade shall be twenty (20) feet for an on-site WECS employing a horizontal axis rotor.
- d) All on-site WECS towers must be unclimbable by design or protected by anti-climbing measures such as fences.

7. Visual Impact.

- a) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. However, appropriate warning signs and owner identification may be allowed on buildings or other structures associated with an on-site WECS.
- b) An on-site WECS tower may be a monopole, monotube, or lattice-style construction. Guy wires shall not be permitted as part of the on-site WECS.
- c) An on-site WECS shall be finished in a single, non-obtrusive, non-reflective matte color.

8. Illumination. No illumination of the turbine or tower shall be allowed unless required by the FAA.

9. Abandonment. An on-site WECS that has not been operated for a continuous period exceeding six (6) months shall be considered abandoned. The on-site WECS tower and all related facilities shall be removed by the property owner or lessee within six (6) months of being notified by the Township of such abandonment. Failure to remove the WECS tower and all related facilities within six (6) months shall be grounds to remove the WECS at the owner's expense.

C. Review Process. Prior to the establishment of an on-site WECS, a site plan shall be submitted for review and approval by the Planning Commission in accordance with the requirements of Article 17. In addition to the submittal of a site plan containing the required information outlined in Section 17.03, the following additional information shall be submitted:

1. Plans showing the location of proposed turbine towers, underground and overhead wiring, access roads, and all new infrastructure above ground related to the project.
2. Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
3. Line drawings of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to applicable electrical codes.
4. Certifications that the applicant has complied or will comply with all applicable Local, State and Federal laws and regulations.

ARTICLE 15

Non-conforming Lots, Uses, and Structures

Section 15.01. CONTINUED NON-CONFORMING USES PERMITTED. Within the districts established by this Ordinance there exist lots, structures, and uses of land and structures, which were lawful prior to the adoption of this Ordinance. These non-conformities may continue until they are removed. The non-conformities shall not be enlarged upon, expanded or extended in any manner which increases their non-conformity.

Section 15.02. NON-CONFORMING LOTS OF RECORD. A single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption of this Ordinance, provided the width, depth, and area is not less than ~~one-half~~ **fifty** (50%) percent of that required by this Ordinance. Permission to build on smaller recorded lots which lack adequate width, depth, or area, may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

Section 15.03. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity.
- B. Should such non-conforming structure be **destroyed by any means to an extent of more than seventy-five (75%) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Ordinance. ~~damaged by fire, explosion, tornado, earthquake or similar uncontrollable cause, it may be repaired or rebuilt within one year of the date of such damage, but not thereafter.~~**
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 15.04. NON-CONFORMING USES OF LAND OR STRUCTURES. Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.
- B. If any such non-conforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations specified by this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- D. **Except as provided in Section 15.03,(B),** no existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

ARTICLE 16 Planning Commission

Section 16.01. MEMBERSHIP. There is hereby established a Township Planning Commission as authorized by the Township Planning Act **Michigan Planning Enabling Act, PA 33 of 2008, as amended.** The Planning Commission is assigned the duties of a zoning commission as authorized by the Michigan Zoning Enabling Act, **PA 110 of 2006, as amended. The Planning Commission shall meet not less than four times per year.** The Planning Commission shall consist of five (5) members appointed by the Township Supervisor with the approval of the Township Board. The members shall be representative of major interests as they exist in the Township **or have a specific skill or interest in relation to land development.** One member of the Planning Commission shall also be a member of the Township Board. Each member shall be appointed for a term of three (3) years, except that the term of the member who also serves on the Township Board shall terminate if the membership on the Township Board terminates before the end of the three-year Planning Commission term. **A vacancy on the Planning Commission shall be filled for the remainder of the unexpired term in the same manner as a standard appointment to the board. A member of the Planning Commission shall serve until a successor is appointed and has been qualified. The legislative body shall provide for the removal of a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.** The Planning Commission shall elect a Chairman, Vice-Chairman, and Secretary from its members. The terms of these offices shall be one (1) year.

Section 16.02. POWERS. The Planning Commission shall have the power to review and approve site plans pursuant to Article 17 of this Ordinance, to hear and decide requests for special land uses pursuant to Article 18 of this Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Article 20 of this Ordinance. The Planning Commission shall also have the power to

prepare and adopt a plan as a guide for the development of the Township as provided for in the Township Planning Act **Michigan Planning Enabling Act, PA 33 of 2008, as amended.**

ARTICLE 17
Site Plan Review Requirements

Section 17.01. SCOPE. A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family residences, farm buildings, or buildings which are accessory to single-family residences.

Section 17.02. PROCEDURE. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

1. The basic application fee shall accompany any application to the Township Planning Commission under the Township Zoning Ordinance payable to Millington Township as set forth in the "fee" schedule attached hereto.
2. The basic fee is designed to cover a portion of the Township's preliminary costs of publishing and mailing any required legal notices of the Township Planning Commission scheduled pursuant to the application, attorney costs in drafting such notice and affidavits pertinent thereto, Township's planner's costs, if any, in reviewing and making a recommendation concerning such application and the per diem meeting costs of members of such Commission and their consultants pertinent to such application.
3. Where an application involves rezoning, a zoning ordinance text amendment, a special exception use, non-residential requests, a multiple use development, subdivision or condominium development, site plan review, telecommunications towers, or other special reviews and procedures, an additional "escrow" fee shall accompany the application in such amounts as set forth in the attached "escrow" schedule which shall be held by the Township Treasurer in an escrow account to cover additional costs the Township incurred in processing the application including, but not limited to the following:
 - A. Planning Commission special meetings concerning the application resulting from the size, location, infrastructure requirements, environmental impacts, time constraints, traffic implications, other developmental factors, or other reasons found necessary by the Planning Commission.
 - B. Fees of the Township planner in reviewing and making recommendations concerning the application.
 - C. Fees of the Township engineer in reviewing and making recommendations on the application.

- D. Fees of the Township attorney in ascertaining the legality of the requests, making any recommendations, drafting any required resolutions or ordinances pertinent thereto, and any required additional statutory notices.
 - E. The costs of any required public hearings or required consultants pertinent to the application
4. If the funds in the escrow account drop below \$250, an additional deposit of \$500 by the application into the escrow account shall occur before the application review process will be continued. Additional amounts may be required at the discretion of the Township.
 5. The Township Treasurer shall maintain records of expenditures from said escrow account, which may be viewed by the applicant upon written request. Should the Township Treasurer, in consultation with the Chairman of the Planning Commission, determine that any of the charges payable from the escrow account are unreasonable, which decision is supported by the Township Board or by a court of law, the same may be paid from the general fund of the Township either to the creditor or to the escrow account where such sums have been disbursed from the escrow account.
 6. Additional processing of the application and the final decision on said application shall be suspended at any time the escrow account is insufficient to cover the foregoing costs and expenses payable from the escrow account.
 7. At the conclusion of the processing of the application and the final decision pertinent thereto, any unexpended funds remaining in the escrow account and not obligated to the payment of such costs and expenses shall be returned to the applicant without interest. No final decision pertinent to the application shall be issued before the escrow account has sufficient amounts to play all of the costs and expense attributed to it.

No building permit or final zoning permit or approval shall be issued before the escrow account has sufficient amounts to pay all of the foregoing costs and expenses of the Township.

Section 17.03. CONTENT. Each site plan shall include the following:

- A. Area of the site.
- B. Date, north point, and scale.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within one hundred (100) feet of the property lines.
- E. Location and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas (see Article 13).

- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 14.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 14.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

Section 17.04. STANDARDS. In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.

Section 17.05. BOND. A cash deposit shall be posted with the Township as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the bond shall be released. The amount of the bond shall be five (5%) percent of the project cost, but in no case shall the bond amount be less than One Thousand (\$1,000.00) Dollars.

Section 17.06. TIME FOR COMPLETION. Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued. Site plan approval shall expire two (2) years from the date the Planning Commission granted initial approval, unless the site plan has been fully completed or unless an extension has been granted by the Planning Commission **prior to the expiration of the term. At the discretion of the Planning Commission, up to three additional extensions may be provided.**

ARTICLE 18 Procedures for Special Land Use Approval by the Planning Commission

Section 18.01. APPLICATION. For all special land uses, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal

description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs, and road rights-of-ways.

Section 18.02. HEARING. Requests for special land uses may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on special land uses shall be sent to the person requesting the special approval, the owner of the property which is the subject of the request, and to owners of property within a minimum of five hundred (500) feet from the property lines of the property which is the subject of the request. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. A notice shall be published once in a newspaper of general circulation. All notices shall be published, mailed or personally delivered not less than fifteen (15) days prior to the hearing date.

Section 18.03. STANDARDS. Requests for special land uses shall be granted or denied based on the following standards:

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 18.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a special land use. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed. Any condition imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 18.05. EXPIRATION. Planning Commission permission for a special land use shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

ARTICLE 19
Zoning Board of Appeals

Section 19.01. MEMBERSHIP. There is hereby established a Zoning Board of Appeals as authorized by ~~Section 18~~ **Section 601** of the ~~Township Rural Zoning Act~~ **Michigan Zoning Enabling Act, PA 110 of 2006**, as amended. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. One member may be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining three (3) members shall be electors who are not employees or contractors of the Township. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three-year term. The Township Board may also appoint two (2) alternate members to three (3) year terms to serve whenever a regular member is unable to participate. The Zoning Board of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. A Township Board member may not serve as Chairman.

Section 19.02. APPEALS. An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal for a variance from any ordinance provision or appeal any final decision of the Zoning Administrator or the Planning Commission, including special land use decisions. The Zoning Board of Appeals shall also interpret the zoning map and rule on non-conforming uses and structures whenever the determination of the Zoning Administrator is appealed. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board of Appeals shall give notice of the hearing to the parties involved. The Zoning Board of Appeals shall publish a notice of public hearing in a newspaper of general circulation and shall give notice to owners of property within a minimum of ~~five hundred (500)~~ **three hundred (300)** feet from the property lines of the property which is the subject of the appeal. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. All notices shall be published, mailed or personally delivered at least fifteen (15) days prior to the hearing date.

1. The basic application fee shall accompany any application or appeal to the Township Zoning Board of Appeals payable to Millington Township as set forth in the “fee” schedule attached hereto.
2. The basic fee is designed to cover a portion of the Township’s preliminary costs of publishing and mailing any required legal notices of the Township Zoning Board of Appeals scheduled pursuant to the application, attorney costs in drafting such notice and affidavits pertinent thereto, Township’s planner’s costs, if any, in reviewing and making a recommendation concerning such application or appeal and the per diem meeting costs of members of such Board and their consultants pertinent to such application.
3. Where an application requires a report or an appeal requires a review of the case and findings of fact or other special reviews and procedures, an additional “escrow” fee shall accompany the application in such amounts as set forth in the attached “escrow” schedule which shall be held by the Township Treasurer in an escrow account to cover additional costs the Township incurred in processing the application including, but not limited to the following:

- A. Zoning Board of Appeals special meetings concerning the case resulting from the nature of the request or appeal, or any other reasons found necessary by the Zoning Board of Appeals.
 - B. Fees of the Township planner in reviewing and making recommendations concerning the application.
 - C. Fees of the Township attorney in ascertaining the legality of the requests, making any recommendations, and any required additional statutory notices.
 - D. The costs of any required public hearings or required consultants pertinent to the application
4. If the funds in the escrow account drop below \$250, an additional deposit of \$500 by the application into the escrow account shall occur before the application review process will be continued. Additional amounts may be required at the discretion of the Township.
 5. The Township Treasurer shall maintain records of expenditures from said escrow account, which may be viewed by the applicant upon written request. Should the Township Treasurer, in consultation with the Chairman of the Zoning Board of Appeals, determine that any of the charges payable from the escrow account are unreasonable, which decision is supported by the Township Board or by a court of law, the same may be paid from the general fund of the Township either to the creditor or to the escrow account where such sums have been disbursed from the escrow account.
 6. Additional processing of the application and the final decision on said application or appeal shall be suspended at any time the escrow account is insufficient to cover the foregoing costs and expenses payable from the escrow account.
 7. At the conclusion of the processing of the application and the final decision pertinent thereto, any unexpended funds remaining in the escrow account and not obligated to the payment of such costs and expenses shall be returned to the applicant without interest. No final decision pertinent to the application or appeal shall be issued before the escrow account has sufficient amounts to play all of the costs and expense attributed to it.

No determination, variance, or other approval shall be issued before the escrow account has sufficient amounts to pay all of the foregoing costs and expenses of the Township.

Section 19.03. AUTHORITY TO GRANT VARIANCES. The Zoning Board of Appeals shall have the authority to grant ~~both use variances and non-use variances~~ **dimensional (non-use) variances**. Non-use variances may be granted whenever there can be shown to be practical difficulties in carrying out the strict letter of the Ordinance. ~~Use variances may be granted whenever there can be shown to be unnecessary hardships imposed on the property owner if the strict letter of the Ordinance is carried out. The Township is authorized to grant use variances under the Michigan Zoning Enabling Act due to having exercised this power prior to February 15, 2006.~~

Section 19.04. **REVIEW CONSIDERATIONS.** In consideration of all appeals and all proposed variances to this ordinance, the Zoning Board of Appeals shall first determine that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. For non-use variances, the applicant must present evidence to show that if the zoning ordinance is applied strictly, practical difficulties will result to the applicant and:

- A. The ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.
- B. A granting of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.
- C. The plight of the applicant is due to the unique circumstances of the property.
- D. The alleged practical difficulty has not self-created.

Section 19.05. **DECISIONS.** The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. The Zoning Board of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall state findings and the grounds for each decision. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 19.06. **QUORUM REQUIREMENTS.** The Zoning Board of Appeals may only conduct business if a majority of the regular members are present.

Section 19.07. **EXPIRATION OF VARIANCE APPROVALS.** Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.

ARTICLE 20
Amendments and Rezoning

Section 20.01. APPLICATION. The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, the Township Board or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribe to his petition. A petition for rezoning shall be submitted to the Township Clerk along with a rezoning fee, as established by the Township Board.

Section 20.02. NOTICE OF HEARING. Notice of a Planning Commission public hearing for a zoning amendment or a rezoning of property shall be published in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners of all property within five hundred (500) feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. The notices shall be published, mailed or personally delivered no less than fifteen (15) days before the hearing date.

Section 20.03. PLANNING COMMISSION HEARING AND RECOMMENDATIONS. After conducting the required public hearing, the Township Planning Commission shall adopt recommendations as to the approval or denial of the proposed rezoning of property or amendment to the Ordinance regulations. Upon completion of action by the Township Planning Commission, the proposed rezoning or amendment shall be submitted to the Tuscola County Planning Commission for review and recommendation.

Section 20.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission and the County Planning Commission, the Township Board shall undertake consideration of the proposed rezoning or amendment. If no recommendation is received from the County Planning Commission within thirty (30) days after it received the proposed rezoning or amendment, the Township Board shall conclusively presume that the County has waived its right for review and recommendation. Any decision by the Township Board which results in the rezoning of property or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Township Board.

ARTICLE 21
Voluntary **Conditional Rezoning Agreements**

Section 21.01. AUTHORITY. The Township Board may, after a public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in Michigan Compiled Law Section 125.286, being part of the Township Zoning Act **Section 405 of Michigan Zoning Enabling Act, PA 110 of 2006, as amended.**

Section 21.02. APPLICATION. Any offer to enter into a rezoning agreement shall be submitted to the Township Clerk along with a rezoning agreement fee, in an amount established by the Township Board. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of

the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner and not by the Township.

Section 21.03. PLANNING COMMISSION HEARING AND RECOMMENDATION. After conducting a public hearing, the Township Planning Commission shall adopt recommendations as to the approval, approval with revisions, or denial of a proposed rezoning agreement. All procedural requirements for a rezoning, as contained in Article 20, shall be complied with.

Section 21.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning agreement. Any decision by the Township Board which results in a rezoning agreement shall be incorporated in a written document duly executed by the Township Board and the property owner. Any such agreement shall be recorded with the Register of Deeds and shall run with the land.

Section 21.05. STANDARDS FOR DECISION. In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Township Board shall base their decisions on the following factors:

- A. The terms of the offer must be reasonably related to the property covered in the agreement.
- B. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
- C. The proposed land use must be consistent with the goals and policies of the Township.

Section 21.06. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in Article 19. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

Section 21.07. ZONING REVERSION. In the event that the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Township Board shall initiate a proposed rezoning to revert the property back to the original classification.

ARTICLE 22

Violations

Section 22.01. ENFORCEMENT AND PENALTY. Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Millington Township Civil Infraction Ordinance.

Section 22.02. NUISANCE PER SE. Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

ARTICLE 23 **Definitions**

Section 23.01. DEFINITIONS. For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building related to and secondary to the main use of the premises.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ADULT BOOK OR NOVELTY STORES. An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, or an establishment with a segment or section devoted to the sale or display of such material or items.

ADULT MOTION PICTURE THEATRE. A building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas@ for observation by patrons.

AGRIBUSINESS ACTIVITY. Accessory activities catering exclusively to the agricultural or food industry. On-farm value added activities may include, but not necessarily be limited to, the commercial production, processing, packaging, or sale of farm products, the sale of seed and feed, livestock auctioning, wineries, micro-breweries, and micro-distilleries but shall not include slaughter houses, tanneries or meat processing facilities. For the purposes of this ordinance, an agribusiness shall not include a roadside stand or farm market, as defined herein.

AGRITOURISM ENTERPRISE. An enterprise clearly subordinate to a farm, operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products. Agritourism enterprises may include: u-pick fruits and vegetable operations; educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; the use or rental of farm buildings for special events; and, other similar uses. Overnight sleeping accommodations are specifically excluded from this classification.

ALTERATIONS. Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

~~BOARD OF APPEALS. The duly appointed Board of Zoning Appeals for the Township of Millington.~~

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall include vehicles, trailers, or manufactured homes situated on private property and used for purposes of a building.

BUILDING INTEGRATED PHOTOVOLTAICS (BIPVs). A Private or Commercial Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

CABARET. An establishment which permits topless and/or bottomless dancers, strippers, exotic dancers, or similar entertainers.

COMMERCIAL SOLAR ENERGY SYSTEM. A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

CONVALESCENT OR NURSING HOME. A structure with sleeping rooms, where persons are housed or lodged and are furnished meals, nursing and medical care.

DWELLING, DUPLEX OR TWO-FAMILY. A building used or designed as a residence for two (2) families.

DWELLING, MULTIPLE-FAMILY. A building used or designed as a residence for three (3) or more families.

DWELLING, SINGLE-FAMILY. A building used or designed exclusively as a residence for one (1) family.

DWELLING UNIT. Any house, building, manufactured home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel or dirt from its natural location.

FAMILY DAY-CARE HOME. A private home in which at least one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, feedlots, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

FARM BUILDING. Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

FARM. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FARM BUILDING. Any structure or building, other than a dwelling, used or built on a farm.

FARM OPERATION. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. The marketing of produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

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

FILLING. The depositing or dumping of any matter onto or into the ground.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half (2) of the basement height is above the finished lot grade.

GROUND MOUNTED SOLAR ENERGY SYSTEM. A Private or Commercial Solar Energy System that is not attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

GROUP DAY-CARE HOME. A private home 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 unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

HOUSING FOR THE ELDERLY. A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples

where either spouse is sixty-two (62) years of age or older. This does not include a foster care home, nursing home, or convalescent home.

INSTITUTIONAL FACILITY. Any church, school, governmental building or facility, lodge hall, veterans organization building, or similar non-profit facility.

JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, broken concrete, or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

LOT OF RECORD. Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Tuscola County Register of Deeds.

MANUFACTURED HOME (includes house trailers, and mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

MANUFACTURED HOUSING PARK. Any parcel of land which has been designed, improved or used for the placement of three or more manufactured homes or manufactured homes for dwelling purposes.

NON-USE VARIANCE. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement of the Zoning Ordinance or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the particular zoning district.

OFF-SITE SIGN (BILLBOARD). A sign advertising something other than a facility or enterprise which is located on the same parcel of land as the sign.

PARKING SPACE. An area of not less than ten (10) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PLANNING COMMISSION. The duly appointed Planning Commission of Millington Township, as authorized by Michigan Public Act 168 of 1959 **Michigan Planning Enabling Act, PA 33 of 2008, as amended.**

PRINCIPAL ON-SITE SIGN. A sign advertising the name of a facility located on the same parcel of land as the sign.

PRIVATE SOLAR ENERGY SYSTEM: A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

QUARRYING. The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

ROOF OR BUILDING MOUNTED SOLAR ENERGY SYSTEM. A Private or Commercial Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

SECONDARY ON-SITE SIGN. A sign advertising a service or product available at a facility located on the same parcel of land as the sign.

SETBACK. The distance between the base of a building and a road right-of-way line or a property line.

SIGN. Any outdoor sign, display, device, figure, painting, writing, drawing, message, placard, poster, billboard, or other thing designed, intended, or used to advertise or inform persons who are on the public roads.

SIGN AREA. The total surface area of a sign. In the case of signs having two sides back-to-back, the sign area shall be the total surface area of one side of the sign.

SITE CONDOMINIUMS. A condominium development which includes only detached single-family residences located on individual sites.

SOLAR ENERGY SYSTEM: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any means.

SPECIFIED ANATOMICAL AREAS:

- a. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, manufactured homes, pre-manufactured units, modular units, and similar items. Any structure located

on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

TEMPORARY ANEMOMETER TOWER. A structure, including all accessory facilities, temporarily erected, on which an instrument for measuring and recording the speed of the wind is mounted for the purpose of documenting whether a site has wind resources sufficient for the operation of a wind energy conversion system.

TOWNSHIP BOARD. The duly elected or appointed Township Board of the Township of Millington.

TRAVEL TRAILERS (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

TRAVEL TRAILER PARK. Any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers used for overnight accommodations.

USE. The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

USE VARIANCE. Any variance which allows a land use which is not included in the principal uses permitted in the special land uses permitted within the zoning district.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.

WATERFRONT YARD. The open space located between a structure and the water's edge.

WIND ENERGY CONVERSION SYSTEM (WECS). A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

WIND ENERGY CONVERSION SYSTEM, ON-SITE. A wind energy conversion system which has a rated capacity of not more than 100 kilowatts (kW) and which is primarily intended to reduce on-site consumption of utility power.

ZONING BOARD OF APPEALS. The duly appointed Board of Zoning Appeals for the Township of Millington.

ARTICLE 24 Severability and Repeal

Section 24.01. SEVERABILITY. This Ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, sentence, or

clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 24.02. REPEAL. The former Millington Township Zoning Ordinance, adopted on the 30th day of September, 2002, and all amendments thereto, are hereby repealed in their entirety.

ARTICLE 25
Enactment

Section 25.01. ORDINANCE ENACTED. The provisions of this Ordinance are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Millington.

Section 25.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 25.03, pursuant to the Michigan Zoning Enabling Act.

Section 25.03. CERTIFICATION. The undersigned Clerk of the Township of Millington hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Millington Township Board, at a meeting held on the 16th day of June, 2008 and further certifies that a notice of adoption of this Ordinance was duly published in the Tuscola County Advertiser on the 21st day of June, 2008, pursuant to the Michigan Zoning Enabling Act.

Richard J. Cobb
Millington Township Clerk