

MARCELLUS TOWNSHIP
CASS COUNTY, MICHIGAN

ZONING ORDINANCE
REVISED OCTOBER, 2007

Original Zoning Ordinance Adopted:
Revised Zoning Ordinance Adopted:

November 17, 1992
October 16, 2007

MARCELLUS TOWNSHIP
CASS COUNTY, MICHIGAN

REVISED MARCELLUS TOWNSHIP ZONING ORDINANCE
TABLE OF CONTENTS

ARTICLE I. GENERAL PROVISIONS	2
Section 1.01 SHORT TITLE	2
Section 1.02 PURPOSES	2
Section 1.03 VALIDITY AND SEVERABILITY CLAUSE	2
Section 1.04 CONFLICT WITH OTHER LAWS	3
Section 1.05 SCOPE OF REGULATIONS	3
Section 1.06 CONDITIONAL USES	4
Section 1.07 ESTABLISHMENT OF DISTRICTS	4
Section 1.08 INCORPORATION OF MAPS	4
Section 1.09 BOUNDARIES OF ZONING DISTRICTS	5
Section 1.10 REPLACEMENT OF ZONING MAP	5
Section 1.11 RULES APPLYING TO TEXT	5
Section 1.12 DEFINITIONS	6
ARTICLE II. AGRICULTURAL PRODUCTION DISTRICT	19
Section 2.01 INTENT	19
Section 2.02 PERMITTED USES	19
Section 2.03 USES PERMITTED AS A CONDITIONAL USE	20
Section 2.04 SITE DEVELOPMENT STANDARDS	22
Section 2.05 SUPPLEMENTARY STANDARDS	23
ARTICLE III. AGRICULTURAL-RESIDENTIAL DISTRICT	24
Section 3.01 PURPOSE	24
Section 3.02 PERMITTED USES	24
Section 3.03 CONDITIONAL USES	24
Section 3.04 HEIGHT REGULATIONS	26
Section 3.05 AREA, WIDTH AND YARD REGULATIONS	26
Section 3.06 SITE DEVELOPMENT STANDARDS FOR FARMS	27
Section 3.07 VISION CLEARANCE	27
Section 3.08 OFF-STREET PARKING	27
Section 3.09 SIGNS	27
Section 3.10 LIVESTOCK; SPECIAL PROVISION	28
ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICT	29
Section 4.01 INTENDED PURPOSES	29
Section 4.02 USE REGULATIONS	30
Permitted Uses (30)	
Special Approval Land Uses by Permit (30)	
Section 4.03 HEIGHT REGULATIONS	31

Section 4.04	AREA, WIDTH AND YARD REGULATIONS	31
Section 4.05	VISION CLEARANCE	33
Section 4.06	OFF-STREET PARKING	33
Section 4.07	SIGNS	33
ARTICLE V. MULTIPLE-FAMILY RESIDENTIAL DISTRICT		34
Section 5.01	INTENDED PURPOSES	34
Section 5.02	USE REGULATIONS	34
	Permitted Uses (34)	
	Special Approval Land Uses by Permit (34)	
Section 5.03	HEIGHT REGULATIONS	35
Section 5.04	AREA, WIDTH AND YARD REGULATIONS	35
Section 5.05	VISION CLEARANCE	37
Section 5.06	OFF- STREET PARKING	37
Section 5.07	SIGNS	37
ARTICLE VI. COMMERCIAL DISTRICT		38
Section 6.01	INTENDED PURPOSES	38
Section 6.02	USE REGULATIONS	38
	Permitted Uses (38)	
	Special Approval Land Uses by Permit (38)	
Section 6.03	HEIGHT REGULATIONS	40
Section 6.04	AREA, WIDTH AND YARD REGULATIONS	40
Section 6.05	OFF-STREET PARKING AND LOADING	41
Section 6.06	SIGNS	41
Section 6.07	SPECIAL CONDITIONS	41
Section 6.08	VISION CLEARANCE	41
Section 6.09	FENCES	41
ARTICLE VII. HIGHWAY DEVELOPMENT DISTRICT		
Section 7.01	INTENDED PURPOSES	42
Section 7.02	USE REGULATIONS	42
	Permitted Uses (42)	
	Special Approval Land Uses (42)	
Section 7.03	HEIGHT REGULATIONS	43
Section 7.04	AREA, WIDTH AND YARD REGULATIONS	43
Section 7.05	OFF STREET PARKING AND LOADING	44
Section 7.06	SIGNS	44
Section 7.07	SPECIAL CONDITIONS	44
Section 7.08	VISION CLEARANCE	44
Section 7.09	FENCES	44
ARTICLE VIII. INDUSTRIAL DISTRICT		45
Section 8.01	INTENDED PURPOSES	45
Section 8.02	USE REGULATIONS	45

Permitted Uses: (45)	
Special Approval Land Uses: (46)	
Section 8.03 HEIGHT REGULATIONS	46
Section 8.04 AREA, WIDTH AND YARD REGULATIONS	47
Section 8.05 OFF-STREET PARKING	47
Section 8.06 SIGNS	47
ARTICLE IX. NONCONFORMING USE SPECIFICATIONS	48
Section 9.01 INTENDED PURPOSE	48
Section 9.02 DISCONTINUANCE OF USE	48
Section 9.03 CHANGE OF USE	48
Section 9.04 REPAIRS AND ALTERATIONS	49
Section 9.05 DAMAGE AND DESTRUCTION	49
Section 9.06 NONCONFORMING LOTS	49
Section 9.07 CHANGE OF TENANCY OR OWNERSHIP	50
Section 9.08 CLASSES OF NONCONFORMING USES OF STRUCTURES AND LAND	50
ARTICLE X. SPECIAL PROVISIONS	51
Section 10.01 PURPOSE	51
Section 10.02 DWELLING PER LOT	51
Section 10.03 ACCESSORY BUILDING	51
Section 10.04 SUBSTANDARD DWELLINGS	51
Section 10.05 REQUIRED WATER SUPPLY AND SANITARY SEWER FACILITIES	52
Section 10.06 PUBLIC ROAD FRONTAGE	52
Section 10.07 ACCESS TO A STREET	52
Section 10.08 VISIBILITY AT INTERSECTIONS	52
Section 10.09 STREET CLOSURES	52
Section 10.10 HEIGHT REGULATIONS	52
Section 10.11 FENCES, WALLS, AND SCREENS	53
Section 10.12 GUEST TRAILER	53
Section 10.13 ESSENTIAL SERVICES	53
Section 10.14 SWIMMING POOLS	53
Section 10.15 GENERAL SIGN REGULATIONS	54
Section 10.16 PERMITTED SIGNS IN AGRICULTURAL PRODUCTION AND AGRICULTURAL-RESIDENTIAL DISTRICTS	54
Section 10.17 PERMITTED SIGNS IN RESIDENTIAL DISTRICTS	54
Section 10.18 PERMITTED SIGNS IN THE COMMERCIAL, HIGHWAY DEVELOPMENT AND INDUSTRIAL DISTRICTS	55
Section 10.19 OUTDOOR ADVERTISING SIGNS	56
Section 10.20 SIGNS FOR GASOLINE SERVICE STATIONS	57
Section 10.21 PROCEDURE FOR SITE PLAN REVIEW	57
Section 10.22 LAKEFRONT RESIDENTIAL	59

ARTICLE XI. CONDITIONAL USE	60
Section 11.01 PURPOSE	60
Section 11.02 AUTHORITY TO GRANT PERMITS	60
Section 11.03 APPLICATION AND INFORMATION REQUIRED	61
Section 11.04 PUBLIC HEARING	62
Section 11.05 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS	63
Section 11.06 JUNK YARDS AND INOPERATIVE VEHICLES	64
Section 11.07 DRIVE-IN THEATERS AND TEMPORARY TRANSIENT AMUSEMENT ENTERPRISES	64
Section 11.08 GASOLINE SERVICE STATIONS	65
Section 11.09 DEVELOPMENT OF NATURAL RESOURCES	66
Section 11.10 CAMPGROUNDS, CAMPS AND LODGES	67
ARTICLE XII. OFF-STREET PARKING AND LOADING REQUIREMENTS	68
Section 12.01 OFF-STREET PARKING	68
Section 12.02 LOADING-UNLOADING REQUIREMENTS	73
ARTICLE XIII. ADMINISTRATION AND ENFORCEMENT	75
Section 13.01 PURPOSE	75
Section 13.02 (A) ADMINISTRATION	75
Section 13.02 (B) ZONING PERMITS AND PLANS	75
Section 13.03 DUTIES OF A ZONING ADMINISTRATOR	76
Section 13.04 BUILDING PERMIT	76
Building Permit Requirements (76)	
Application for a Building Permit (77)	
Voiding of Permit (78)	
Fees, Charges, and Expenses (78)	
Inspection (78)	
Section 13.05 VIOLATIONS	79
Section 13.06 VIOLATIONS AND PENALTIES	79
Section 13.07 INITIATING AMENDMENTS AND FEES	80
Section 13.08 AMENDMENT PROCEDURE	84
Section 13.09 CONFORMANCE TO COURT DECREE	85
ARTICLE XIV. ZONING BOARD OF APPEALS	86
Section 14.01 PURPOSE	86
Section 14.02 BOARD OF APPEALS ESTABLISHED	86
Section 14.03 POWERS AND DUTIES; COMPLIANCE WITH OPEN MEETINGS ACT	87
Section 14.04 VARIANCE	88
Section 14.05 VOIDING OF AND REAPPLICATION FOR VARIANCE	90
Section 14.06 PROCEDURE FOR APPEALING TO THE ZONING BOARD OF APPEALS	90

ARTICLE XV. EFFECTIVE DATE OF ORDINANCE	92
Section 15.01 REPEALER/CONFLICTING PROVISIONS	92
Section 15.02 EFFECTIVE DATE	92
Section 15.03 PERIOD OF EFFECTIVENESS	92
ARTICLE XVI. WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS.....	93
Section 16.01 PURPOSE	93
Section 16.02 DEFINITIONS	93
Section 16.03 APPLICABILITY	94
Section 16.04 GENERAL REQUIREMENTS	95
Section 16.07 TOWER AND ANTENNA PERMITS	97
Section 16.08 CHANGES IN OWNERSHIP	101
Section 16.09 REMOVAL OF ABANDONED ANTENNAS AND TOWERS	101
Section 16.10 NONCONFORMING USES	101
APPENDIX. REVISED MARCELLUS TOWNSHIP LAND USE PLAN	A-1
I. INTRODUCTION	A-2
A. Development of the Plan	A-2
B. Location	A-3
II. LAND USE INVENTORY	A-5
A. Methodology	A-5
B. General Land Use Pattern	A-5
III. GOALS, OBJECTIVES AND POLICIES	A-6
A. Goals	A-7
B. Objectives and Policies	A-7
IV. DEVELOPMENTAL POLICIES	A-8
A. Growth and Urbanization	A-8
B. Agriculture	A-8
C. Commercial Development	A-9
D. Industrial Development	A-9
E. Open Space - Recreation	A-9
V. LAND USE PLAN	A-10
A. Residential Land Use Plan	A-10
B. Commercial Land Use Plan	A-11
C. Industrial Land Use Plan	A-11

MARCELLUS TOWNSHIP
CASS COUNTY, MICHIGAN

REVISED
MARCELLUS TOWNSHIP
ZONING ORDINANCE

An Ordinance to establish zoning districts and provisions governing the unincorporated portion of Marcellus Township, Cass County, Michigan, in accordance with the provisions of *2006 Public Act 110*, as amended; to provide for nonconforming uses and amendments; to provide for the administration thereof; to provide for a Zoning Board of Appeals and due process; and to repeal all Zoning Ordinances or parts thereof in conflict herewith and to provide an effective date on publication of notice of adoption of this ordinance.

THE TOWNSHIP OF MARCELLUS, CASS COUNTY, MICHIGAN, ORDAINS:

ARTICLE I. GENERAL PROVISIONS

Section 1.01 SHORT TITLE

This Ordinance shall be known as the Revised Marcellus Township Zoning Ordinance.

Section 1.02 PURPOSES

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas within the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open space surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of recreation, residence, commerce, industry and other land uses in future growth.
- F. Preserving agricultural lands which have been determined within the Land Use Plan to be essential to the stability and future economic well-being of the Township.
- G. Fixing reasonable standards to which buildings and structures shall conform.
- H. Prohibiting uses, buildings, or structures which are incompatible with the character of development or the uses, buildings, or structures permitted within specified zoning districts.
- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- J. Conserving the taxable value of land, buildings and structures throughout the Township.
- K. Providing for the completion, extension, substitution or elimination of nonconforming uses.

Section 1.03 VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

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

Section 1.04 CONFLICT WITH OTHER LAWS

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

Section 1.05 SCOPE OF REGULATIONS

- A. All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alteration, enlargement or relocation of existing buildings or structures occurring hereafter, shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such building, structure, use or land shall be located; except in an Agricultural or Residential district, a lot of record recorded in the office of the Register of Deeds as of the date of this Ordinance in single ownership or in a subdivision, even though such lot of record does not conform with the area and width requirements for the district in which such lot is located and provided that there is compliance with all other regulations contained in this ordinance and other applicable ordinances, regulations and codes of Marcellus Township may be used for single-family residence purposes.
- B. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and provided that construction is begun within six months of the effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter, if applicable, to the provisions herein for nonconforming buildings, structures and uses.

- C. Where the Building Inspector/Zoning Administrator has issued a building/zoning permit for a permitted use or conditional use, such permit shall become null and void unless work thereon is underway within three months of the date of the issuance of such permit or within the period of time beyond three (3) months granted by the Marcellus Township Planning Commission.

Section 1.06 CONDITIONAL USES

- A. To provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare within a given district or districts, but which might have an adverse effect upon nearby properties or upon the character and future development of the district in which they are located, a classification of conditional use is hereby established. Procedures for conditional uses are set forth in Article X.
- B. Where a use exists on the effective date of this Ordinance and it is classified as a conditional use by said Ordinance, it shall be considered to be a lawful conditional use. Additions or alterations to existing buildings or land improvements for expansion of lawful conditional uses may be made within the area of the lot included in the ownership existing at the time of adoption of this Ordinance, and they shall be subject to yard and building height requirements set forth in this Ordinance for permitted uses in the districts in which they are located.

Section 1.07 ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and provisions of this Ordinance, the following districts are hereby established:

- | | |
|--------------------------------|------------------------|
| A. Agricultural Production | E. Commercial |
| B. Agricultural-Residential | F. Highway Development |
| C. Single-Family Residential | G. Industrial |
| D. Multiple-Family Residential | |

Section 1.08 INCORPORATION OF MAPS

The locations and boundaries of the districts established by this Ordinance are shown upon the Zoning Map(s), which are hereby incorporated into the provisions of this Zoning Ordinance and which Map in its entirety, including all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein.

The Zoning Map, and amendments thereto, shall be maintained by Marcellus Township Planning Commission.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the Township Board. No amendment to this Ordinance which involves matter portrayed on the Zoning Map shall become effective until after such change and entry has been made on said Map.

No changes of any nature shall be made in the Zoning Map or matter shown thereon except in conformity with the procedures set forth in Article XIII of this Ordinance.

Regardless of the existence of purported copies of the Zoning Map, which may, from time to time, be made or published, the Zoning Map which shall be in the possession of the Planning Commission shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.

Section 1.09 BOUNDARIES OF ZONING DISTRICTS

Unless shown otherwise, boundary lines of the zoning districts shall be interpreted as measured from section lines, quarter section lines, subdivision lines, center lines of highways or waterways, the boundary lines of incorporated areas or property lines on Legal Record on the date of enactment of this Ordinance. All questions concerning the exact location of boundary lines shall be determined by the Zoning Board of Appeals consistent with the purpose of this Ordinance.

Section 1.10 REPLACEMENT OF ZONING MAP

In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Board may, by resolution, adopt a new Zoning Map which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.

Section 1.11 RULES APPLYING TO TEXT

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

- A. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- B. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- C. The word "building" includes the word "structure."

- D. A "building" or "structure" includes any part thereof.
- E. The word "person" includes a corporation as well as an individual.
- F. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- G. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Section 1.12 DEFINITIONS

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

Accessory Building or Structure: A subordinate building or structure including garages or a portion of a main building, the use of which is in keeping with, and incidental to that of the main building. Said accessory building shall clearly be located on the lot of the main building and shall not be used for habitation.

Agricultural Labor Camp: A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for five (5) or more migratory workers engaged in agricultural activities including related food processing.

Agricultural Production: The production for commercial purposes of plants and animals useful to man, including forages and sod crops, grains and feed crops, dairy and dairy products, livestock including breeding and grazing, fruits, plants, trees, shrubs, nursery stock, vegetables and other similar agricultural uses.

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

Animated Signs: Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

Automobile, Mobile Homes, Manufactured Homes or Trailer Sales Area: Any space used for display, sale or rental of motor vehicles, mobile homes, manufactured homes or trailers in new or used and operable condition.

Automobile Repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and

repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.

Automotive Service Station: An automotive service station is a building or other structure or a tract of land used exclusively for the storage and sale of gasoline or other motor fuels and for any used accessory thereto. The sale of lubricants, accessories or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles or the washing of motor vehicles are permitted accessory uses. A public parking lot or public parking garage is not a permitted accessory use. Uses permissible at a filling station do not include motor vehicle sales, major mechanical and/or body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automotive service stations. An automotive service station is not a repair garage nor a body shop.

Basement: That portion of a building partly below grade, but so located that the vertical distance from the average ground level to the ceiling is less than the average ground level to the floor. A basement shall be considered a story if the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor.

Billboard: Any structure or part thereof on which lettered or pictorial matter is displayed for off-premises advertising purposes.

Boarding, Rooming or Lodging House: A dwelling (not a single-family or two-family dwelling, apartment house, motel or hotel) providing lodging with or without meals and having lodging accommodations for less than ten (10) guests.

Buffer Zone: A strip of land of definite width and location reserved for planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Buildable Area: That portion of a lot remaining after required yards have been provided.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents and awnings.

Building Area: The maximum area covered by a building and its accessory building, excluding open steps and guttering.

Building Coverage: That percentage of the plot or lot area covered by the building area.

Building Height: The vertical distance measured from the finished grade level, sidewalk level or its equivalent established grade from the middle of the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.

Building Line: A line parallel to the lot line at a distance therefrom equal to the depth of the yard required for the district in which the lot is located. The building line is measured from the furthest overhang of the roof.

Building Permit: A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

Business: The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices or recreational and amusement enterprises for profit.

Campground: Any area or tract of land used or designated to accommodate recreational vehicles or camping parties for periods of not more than one hundred eighty (180) consecutive days.

Church: A building used for the conducting of religious services, not including rescue missions or temporary structures used for revival activities.

Clinic, Medical or Dental: A facility where three (3) or more licensed physicians or dentists actively engage in the practice of medicine or dentistry on an outpatient basis.

Club or Lodge, Private: An association of persons who are bona fide members paying dues which owns or leases a building or portion thereof, the use of which shall be restricted to members and their guests.

Commission: Whenever the word "commission" is used in the context of this Ordinance, the same shall be defined as the Marcellus Township Planning Commission.

Community Center: A public building including one or more of the following facilities: meeting and recreation rooms, dining rooms and kitchen facilities, all for the common use of residents.

Conditional Use: A conditional use is a use that would not be appropriate without restrictions throughout the zoning district but which, if controlled as to number, area, location or relocation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare.

Day Care Center: A facility which is used by a person licensed by state or local government to provide care and maintenance of children or adults (other than his or her own family and close relatives) during a portion of the day for two or more consecutive weeks.

Depth of Lot: The mean horizontal distance between the front and rear lot lines.

Depth of Yard: The mean horizontal distance between the building line and the lot line.

District: A section of Marcellus Township, for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open spaces about buildings are herein established.

Drive-In: A commercial establishment so developed that its operation is wholly or in part dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while they are in motor vehicles rather than within a building or structure.

Dwelling Unit: A dwelling unit consists of one or more rooms in a residential building or residential portion of a building containing lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

A. Single-Family: A detached residential dwelling other than a mobile home or manufactured home, designed for and occupied by one family only.

B. Two-Family: A building on a lot designed and occupied exclusively as a residence for two families.

C. Row House: A building on a lot designed and occupied exclusively as a residence for only one family and having one or more party walls in common with an adjacent single-family residence.

D. Multiple-Family: A building on a lot designed and used exclusively as a residence for three or more families living independently of one another.

E. Mobile Home: A vehicular, portable structure of not less than seven hundred twenty (720) square feet, built on a chassis and designed to be used without a permanent foundation as a dwelling unit when connected to the necessary utilities designed for and occupied by one family only. A mobile home located in a mobile home park may be used without a permanent foundation.

Easement: A portion or strip of land which is part of a lot or parcel which has been reserved for a specific use for access for persons, utilities or services.

Erected: Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises required for construction. Excavation, fill, drainage and the like shall be considered a part of erection.

Essential Services: The phrase "essential services" means the erection, construction, alteration or maintenance of public utilities or municipal department, commission or authority of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal department or commission or for the public health, safety or general welfare.

Family: One (1) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities or other similar organizations.

Family Day-Care: Means a facility receiving more than six (6), but less than thirteen (13), pre-school or school-age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Family day-care does not include a Sunday school conducted by a religious institution nor a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner/operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees.

Fence: A structure partially or completely surrounding a part of or the whole of a zoning lot which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth or earthen dike.

Floor Area: The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating the buildings, including any area when used for residential,

commercial or industrial purposes, but not including a basement or portion of a basement used for storage or housing of mechanical or central heating or air conditioning equipment, unfinished attics, garages, outside balconies, open porches, accessory buildings or any floor area within a building which is used for off-street parking. The floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet, i.e., ten (10) feet in height shall equal one floor.

Foster Care Home: A facility which is used by a person licensed by state or local government to provide care and maintenance of children or adults (other than his or her own family and close relatives).

Frontage: The contact of abutting property with a street which affords unobstructed access to the property.

Garage, Commercial: Any building or premises (except those defined herein as a private garage) used for storage of motor vehicles, for remuneration.

Garage, Private: An accessory building in a residential district for storage only. A garage designed to house one motor vehicle for each family housed in an apartment shall be classed as a private garage.

Garage, Vehicle Repair: A structure, or portion thereof, designed or used for the repair, equipment or servicing of motor vehicles, including, but not limited to, upholstery work, glass work, painting, welding, body and fender work and major engine overhaul and transmission work, but not including motor vehicle sales.

Grade: The ground elevation established for the purposes of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Group Housing Quarters: A structure occupied by individuals sharing common facilities. Group housing quarters shall differ from two and multi-family dwelling units in that the rooms contained in the structure do not constitute independent housekeeping establishments.

Home Occupation: An occupation conducted in a dwelling unit or accessory structure, provided that:

- A. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit and fifty (50) percent of an accessory structure shall be used in the conduct of the home occupation;

C. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, other than one (1) sign of not more than four (4) square feet in size, in single-family and multiple-family residential districts, flush with building;

D. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any (need for) parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance and shall not be located in a required front yard; and

E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

Hospital: A facility in which patients are rendered medical and/or surgical care on an episode basis with the standard provision of continuous twenty-four (24) hour acute medical care on an in-patient basis.

Hospital, Animal: A medical facility for the treatment of domestic animals and birds. For purposes of this Ordinance, an animal hospital shall also be considered a veterinary clinic.

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

Junk Yards: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled. Junk shall include, but not be limited to rubbish, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes vehicle wrecking yards of any size for storage, keeping or abandonment of junk but does not include uses established

entirely within enclosed buildings. Kennel: Any lot or premises or portion thereof on which more than three (3) dogs, cats and other household domestic animals, over four (4) months of age, are boarded for compensation or kept for sale.

Land Use Plan: A composite or portion thereof of the mapped and written proposals and recommendations relative to the growth and development of Marcellus Township adopted by the Township Board.

Landscaping: The planting and maintenance of trees, ground cover, shrubs, vines, flowers or lawns, including natural features such as rock or stone and structural features such as fountains, art work, screens, walls, fences and benches.

Livestock: Livestock means domestic animals, cattle, sheep, swine, horses and goats, etc., but does not include animals commonly kept as household pets.

Loading Space, Off-Street: Space logically and conveniently located for both pick-ups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lodging House: A building where lodging without meals is provided for compensation.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building, its accessory buildings and the open spaces required by this Ordinance, and having its principal frontage on a street or an officially designated and approved place.

Lot, Corner: A lot at the junction of two or more streets.

Lot, Interior: Any lot other than corner lot.

Lot, Through: A lot having frontage on two (2) parallel or two (2) approximately parallel streets.

Lot Line, Front: In the case of an interior lot, a line separating the lot from the street or place and, in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

Lot Line, Rear: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line.

Lot of Record: A lot of record at the time of enactment of this Ordinance in the Office of the Register of Deeds, either as a part of a subdivision or described by metes and bounds.

Manufactured Home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.

Manufacturing or Industry: Any use in which the major activity is the treatment, processing, fabrication, rebuilding or repairing, or bulk storage of material, products or items, and where the finished product is not acquired by the ultimate user on the premises; as distinguished from a retail use where the treatment, processing, repairing or storage is secondary to the sale, exchange or repairing of materials or products on the premises.

Mobile or Manufactured Home Park: A mobile or manufactured home development designed with facilities for common use and in which home spaces are rented.

Mobile or Manufactured Home Subdivision: A subdivision providing lots for sale for the placement of mobile or manufactured homes for residential purposes.

Motel: A building or a group of buildings containing sleeping units, each with bathroom facilities, designed for or used primarily on a temporary basis by automobile tourists or other transients, with parking space conveniently located to each unit.

Motor Vehicle Sales Lot: any premises where three (3) or more motor vehicles are offered for sale or sold during any calendar year.

Motor Vehicle Wrecking Yard: Any place where two (2) or more motor vehicles not in running condition or otherwise legally operable on public ways, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for wrecking or storing of such motor vehicles, including farm machinery stored in the open and not being restored to operating condition.

Nonconforming Lot: A lot of record which does not conform to the lot area or lot width regulations of this ordinance.

Nonconforming Use: Any building or land lawfully occupied by a use which, at the passing of this zoning ordinance or an amendment thereto, does not conform with the regulation in which it is situated.

Nursing Home: A building to house and within which services are provided for ill and aged persons.

Off-Street Parking: A parcel of land with a durably surfaced area, enclosed in a main building or an accessory building, or unenclosed, sufficient in size to store at least one (1) standard automobile. Such open, unoccupied space shall be other than a street or alley and the principal use of such parcel of land, durably surfaced, enclosed or unenclosed, shall be for the purpose of parking vehicles off the thoroughfares within Marcellus Township.

Official Zoning Map: The Official Map(s) showing the location and boundaries established by this Ordinance. The Official Zoning Map, together with all the explanatory matter thereon and all amendments thereto, is adopted by reference and is a part of this Ordinance.

Open Space: The portion of the gross site area that is landscaped or that is usable and maintained for recreational purposes (including lawns, patios and usable rooftops).

Parking Space: An area of not less than two hundred (200) square feet designed to accommodate one (1) motor vehicle, not including required access and maneuvering areas.

Public Road: A public road is one that has been built to the specifications of the Cass County Road Commission. It shall have a permanent easement to the State of Michigan or Cass County Road Commission and shall be maintained by the State of Michigan, Cass County Road Commission or Marcellus Township.

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

Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, telephone, transportation or water.

Recreation Area, Private: All lands and structures which are owned and operated by private individuals, a business or corporation, which are predominately intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Recreational Vehicle: Includes boats, motor homes, snowmobiles, travel trailers and other similar items designed and intended specifically for temporary living such as travel, camping and vacationing, whether self-propelled or towed.

Restaurant: A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises, whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, dinner theaters, drive-ins and any other fast-food establishment permitting consumption on the premises.

Restaurant, Drive-In: Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to or permitted to be consumed by patrons in automobiles or other vehicles parked on the premises.

Restaurant, Fast Food: Any restaurant designed to permit or facilitate the serving of meals, sandwiches or other food directly to patrons at a counter to be consumed elsewhere, either on or off the premises.

Right-of-way Line: The dividing line between a lot and a public street, legally open or officially plotted by the Township, County or State, or over which the owners or tenants or two (2) or more lots held in single or separate ownership have the right-of-way.

Roadside Stand: A structure which is used seasonally for the sale of produce. The use of a roadside stand shall not constitute a commercial district.

Rooming Houses: See Lodging House.

Screening: A hedge, fence or wall, or any combination thereof, used to reduce visual and audible effects of adjoining uses. Setback: The minimum required horizontal distance between the center line of the right-of-way and the building line.

Shopping Center: A group of commercial establishments planned and developed, owned or managed as a unit, with off-street parking and loading provided on the premises, and related in its location, size and type of stores to the trade area which it serves.

Sign: Any name, identification, description, display or illumination which is affixed to, painted or represented directly or indirectly upon a building (including on window area), structure or land which is in view of the general public and which directs attention to a person, place, commodity, activity, institution, organization or business.

Site Plan: "Site plan" includes the documents and drawings required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

Story, Half: That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two (2) opposite exterior walls of which are not more than three (3) feet (0.91 m) above the floor level of such half-story.

Street: A public thoroughfare between property lines, which affords principal means of vehicular access to abutting property.

Structure: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Anything constructed or erected, the use of which requires permanent location on or under the ground or attachment to something having a permanent location on the ground. Advertising signs, billboards, backstops, tennis courts, mobile homes, radio receiving antennae and other similar things shall be included in this definition.

Subdivision: All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development.

Swimming Pool: An artificial or semi-artificial basin or tank, including all appurtenant equipment, structures and facilities, for the purpose of impounding water to a depth of more than two and one-half (2 ½) feet (0.76 m) for the immersion or partial immersion therein of human beings.

Tavern: A public establishment where food is sold and served, but where the principal business is the selling and serving of alcoholic beverages for consumption on the premises.

Township Board: The Marcellus Township Board (of Marcellus Township in Cass County, Michigan).

Truck Terminal: Any place where trucks are stored and/or dispatched or where freight is bought and dispatched by truck.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

Yards: The area of each lot in which no building or structure shall be erected. The size of such area is determined by the distance from the property lines to the building lines.

A. Front: The minimum required open space extending the full width of the lot from the property line to the building line.

B. Side: The minimum required open space extending from the side lot line to the nearest point of the main building line and extending from the front building line to the rear building line.

C. Rear: The minimum required open space extending the full width of the lot from the rear lot line to the nearest point on the main building line.

Zone: Same as District.

Zoning Administrator: The designated administrator and enforcement official of this Ordinance.

Zoning Board of Appeals: The Marcellus Township Zoning Board of Appeals.

Zoning Lot: A tract of land designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Zoning Map: A map showing the division of land into various districts within the jurisdiction of Marcellus Township.

ARTICLE II. AGRICULTURAL PRODUCTION DISTRICT

Section 2.01 INTENT

It is recognized that the public health and welfare of the citizens of Marcellus Township, the State of Michigan and the United States of America are greatly dependent upon the sustenance and economic benefit provided by a viable agricultural industry. It is the purpose of the Agricultural Production District to insure that land areas within Marcellus Township which are uniquely suited for the production of food are retained for agricultural production, unimpeded by the establishment of incompatible uses of land which would hinder agricultural practices and irretrievably deplete essential agricultural lands and productivity.

Section 2.02 PERMITTED USES

The following uses of land and structures shall be permitted in an Agricultural Production District:

- A. Agricultural production, including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits, plants, shrubs and nursery stock; vegetables; and other similar agricultural uses, but not including slaughtering of animals for other than home use on the premises.
- B. Single-family dwellings and mobile homes for use by the owner, operator, employees or family members, except that all homes must:
 - 1. Contain not less than twelve hundred (1200) square feet of living space.
 - 2. Be connected to a potable water supply and sanitary sewer.
 - 3. Provide an accessory building located at the rear of the home to provide storage for essential outdoor home items. The construction of a garage of sufficient size as to provide this storage in addition to space for motor vehicles shall be judged to meet this requirement.
 - 4. Mobile homes must be skirted and be constructed with a pitched roof.
 - 5. Mobile homes may not be more than thirty-six (36) months old unless inspected and approved by the Zoning Administrator.
- C. Home occupations.

- D. Roadside stands for the sale of farm products produced on the premises or other premises owned and operated by the owner or operator of the farm, provided that off-highway parking facilities be provided and that entrance and exit facilities be approved in writing by the Cass County Road Commission or the Michigan Department of Transportation in the interest of public safety.
- E. Uses or structures customarily incidental to the operation of a farm and permitted dwellings.

Section 2.03 USES PERMITTED AS A SPECIAL APPROVAL LAND USE

- A. The following special approval land uses shall be permitted in the Agricultural Production District only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Township Board approval shall be subject to the requirements and standards of Article XI and the submission of a site plan conforming to the requirements of Article X:
 - 1. The sale and service of machinery used in agricultural production;
 - 2. Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets;
 - 3. The storage and sale of seed, feed, fertilizer and other products essential to agricultural production;
 - 4. Facilities used to provide veterinary services;
 - 5. Kennels;
 - 6. Facilities used in the research and testing of agricultural products and techniques;
 - 7. Cemeteries;
 - 8. Churches;
 - 9. Landing Fields;
 - 10. Fire control structures;
 - 11. Commercial mining, gravel and sandpits;
 - 12. Excavation and construction;

13. Essential Services; and,
 14. Dwelling not less than seven hundred twenty (720) square feet and not more than one thousand one hundred and ninety nine (1,199) square feet.
 15. Subject to the requirements and limitations of Section 206 of Public Act 110 of 2006, Family-Day Care and Group Day Care facilities.
- B. The following special approval land uses shall be permitted in the Agricultural Production District only when said use would require no new building construction and where the exterior character of existing buildings will remain unchanged. A special land use approval under this subsection may only be granted after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Approval shall be subject to the requirements and standards of Article XI and the submission of a site plan conforming to the requirements of Article X:
1. Bed and Breakfast;
 2. Bakery and dairy products, retail only;
 3. Barber and beauty shops;
 4. Books, stationery and newspapers shops;
 5. Clothing and dry goods stores;
 6. Florist and garden shops;
 7. Groceries and food stuffs stores;
 8. Offices, business and professional;
 9. Restaurants;
 10. Signs in accordance with the provisions of Article XI;
 11. Tailoring and dress making shops; and,
 12. Antiques and gift shops.

- C. In addition to the criteria for special approval land use contained in Article XI, the following standards shall be applied in approving a special approval land use permit in an Agricultural Production District:
1. The proposed use shall be situated upon lands which are less suitable for agricultural production than other lands within the Agricultural Production Districts in Marcellus Township. This determination shall be based upon a comparative analysis of evidence, considering natural as well as economic factors.
 2. The proposed use shall be conducted in a manner reducing to a minimum the amount of productive agricultural land which is converted to the proposed use.
 3. The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agricultural services permitted by special approval land use permit(s) into agricultural service centers shall be encouraged.

Section 2.04 SITE DEVELOPMENT STANDARDS

The use of land and structures within an Agricultural Production District shall maximize agricultural productivity and conform to the following standards:

- A. **Minimum Farm Size:** A farm within an Agricultural Production District shall encompass a minimum of forty (40) acres, except that Lots of Record may be developed in accordance with the provisions of Section 1.05.
- B. **Minimum Lot Size:** Each dwelling placed on a farm in addition to the principal farm dwelling occupied by the farm owner or operator shall be situated on a lot encompassing a minimum of thirty thousand (30,000) square feet per dwelling unit. The width of such lots shall not be less than one hundred fifty (150) feet.
- C. **Minimum Setback:** All dwellings and structures shall be situated no closer than fifty (50) feet to the nearest point on a property boundary defining the limits of a farm or lot. Accessory structures used to house livestock or fowl shall not be located closer than three hundred (300) feet to any boundary of the Agricultural Production District.
- D. **Sale of Non-Owner Occupied Dwellings:** Non-owner occupied dwellings in this district which existed at the time when the original zoning ordinance was adopted (November 17, 1992) may be sold or transferred to others with a

minimum lot size of not less than one (1) acre but shall continue to be part of this zoning district. All such sales or transfers must meet the requirements of the Land Division Act (1997 Public Act 87) and as thereafter amended.

Section 2.05 SUPPLEMENTARY STANDARDS

The following supplementary standards shall apply to the use of land and structures within an Agricultural Production District.

- A. Agricultural Labor Camp: the dwelling units in agricultural labor camps provided for migratory employees engaged in agricultural activities on a farm shall be exempt from the minimum lot size and width requirements contained in this section. All structures in agricultural labor camps shall comply with the setback requirement established in this section and the provisions of 1965 Public Act 289, as amended, and the administrative rules promulgated thereunder. The provisions of this section shall apply to dwelling units for seasonal employees which do not meet the definition of an agricultural labor camp.
- B. Site Development Standards for Special Uses: In addition to applicable general requirements of this Ordinance and such conditions imposed in accordance with the standards stated in Section 2.04, a conditional use permitted in an Agricultural Production District shall be identified as either a commercial or industrial use, and shall comply with the applicable site development standards contained in either Articles VI, VII or VIII.

ARTICLE III. AGRICULTURAL-RESIDENTIAL DISTRICT

Section 3.01 PURPOSE

The Agricultural-Residential Districts are those areas identified on the Township's Land Use Plan as being marginal for agriculture production and yet not presently needed for urban residential-type uses. The purpose of this section is to provide for the continual change from rural agriculture to suburban and from suburban to urban uses. The Agricultural-Residential Districts are expected to remain essentially in agriculture production but provide for the transition of these uses to more intensively used rural residential developments on large lots providing a variety of housing types.

Section 3.02 PERMITTED USES

- A. All uses permitted in Article II, Agricultural Production District.
- B. Single-family dwellings, except that all dwellings must have the following characteristics:
 - 1. Contain not less than twelve hundred (1,200) square feet of living space.
 - 2. Be connected to a potable water supply and sanitary sewer.
 - 3. Provide an accessory building located at the rear of the home to provide storage for essential outdoor home items. The construction of a garage of sufficient size as to provide this storage in addition to space for motor vehicles shall be judged to meet this requirement.
 - 4. Mobile homes must be skirted and be constructed with a pitched roof.
 - 5. Mobile homes may not be more than thirty-six (36) months old unless inspected and approved by the Zoning Administrator.
- C. Two (2)-family dwellings.
- D. Group homes, housing not more than twelve persons.

Section 3.03 SPECIAL APPROVAL LAND USES

- A. The following special approval land uses shall be permitted in the Agricultural Residential District only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Township Board approval shall be subject to the requirements

and standards of Article XI and the submission of a site plan conforming to the requirements of Article X:

1. All special approval land uses in Article II (Agricultural Production District).
 2. Mobile home parks as regulated by the State of Michigan pursuant to 1976 Public Act 419, as amended.
 3. Dwelling not less than seven hundred twenty (720) square feet and not more than one thousand one hundred and ninety nine (1,199) square feet.
 4. Lots for residential use on land abutting lakes, provided that the following additional conditions shall apply:
 - (a) Each of said lots shall be not less than forty thousand (40,000) square feet in size and not less than one hundred (100) feet in width at the building line, notwithstanding the area, width and depth requirements in Section 3.05A.
 - (b) The water frontage shall be considered the front yard and no accessory buildings or structures are permitted, except as follows:
 - (i) Boat houses, provided that they shall not be situated closer than ten (10) feet to any side lot line and not of a height exceeding twelve (12) feet above the mean or established water level.
 - (ii) Pump houses, provided that they shall not exceed sixteen (16) square feet in area and not be of a height exceeding four (4) feet above ground level; and they shall be located not closer than ten (10) feet of the street right-of-way.
 - (c) The street frontage shall be considered the rear yard and no principal or accessory structure may be located within ten (10) feet of the street right-of-way.
 - (d) A fence or wall located in the front yard may not be more than four (4) feet in height nor more than twenty (20) per cent opaque
- B. Reserved for Future Use.

Section 3.04 HEIGHT REGULATIONS

- A. For any dwelling, thirty-five (35) feet, not exceeding two and one-half (2-1/2) stories.
- B. For any building accessory to a dwelling use, fourteen (14) feet, not exceeding one (1) story.

Section 3.05 AREA, WIDTH AND YARD REGULATIONS

- A. Minimum Lot Area and Width: A lot area of not less than two (2) acres, with no dimension less than two hundred (200) feet at the building line, shall be provided for every building or other structure erected or used for any use permitted in this district, except a Lot of Record of not less than ten thousand (10,000) square feet and seventy (70) feet in width at the building line may be developed for single family residential use. The depth of any lot shall not exceed three (3) times the width of the lot.

The minimum lot area and width requirements for use dealing with a public utility may be reduced when authorized by the Commission.

- B. Front Yards: On every lot or premises there shall be a front yard not less than eighty-five (85) feet in depth from the center line of the road nor less than fifty (50) feet from the right-of-way line.
- C. Side Yards:
 - 1. On each interior lot, there shall be two (2) side yards having an aggregate width of not less than thirty (30) percent of the total lot width at the building line and neither side yard having a width of less than thirty (30) feet.
 - 2. On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than eighty-five (85) feet from the center line of the street and the side yard not abutting the street having a width of not less than twenty (20) feet.
 - 3. On any lot and any side yard not abutting the street, a detached private garage may be erected and maintained within the rear yard of the lot if not closer to the side lot line than twenty (20) feet.
- D. Rear Yards: There shall be a rear yard on each lot, the depth of which shall be not less than fifty (50) feet, except that an accessory use structure may be

erected within the rear yard not closer to the rear property line than ten (10) feet.

- E. Building Coverage: Not more than ten (10) percent of the area of any lot shall be occupied by buildings.

Section 3.06 SITE DEVELOPMENT STANDARDS FOR FARMS

The use of land and structures within the Agricultural-Residential District for agricultural purposes shall conform to the following standards:

- A. Minimum Farm Size: A farm within an Agricultural-Residential District shall encompass a minimum of five (5) acres.
- B. Minimum Lot Size: No dimension of any farm shall be more than three (3) times any other dimension of the farm property. Each dwelling placed on a farm in addition to the principal farm dwelling occupied by the farm owner or operator shall be situated on a lot encompassing a minimum of twenty thousand (20,000) square feet per dwelling unit. The width of such lot shall be not less than one hundred (100) feet.
- C. Minimum Setback: All dwellings and structures shall be situated no closer than fifty (50) feet to the closest point of the right-of-way of a street or road nor closer than fifty (50) feet to the nearest point on a property boundary defining the limits of a farm or a lot. Accessory structures used to house livestock or fowl shall not be located closer than one hundred (100) feet to the nearest point of any property boundary defining the limits of a farm or a lot.

Section 3.07 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Section 10.06 of this Ordinance.

Section 3.08 OFF-STREET PARKING

Off-street parking requirements will be in accordance with the provisions of Article XII of this Ordinance.

Section 3.09 SIGNS

Sign requirements will be in accordance with the provisions of Article X of this Ordinance.

Section 3.10 LIVESTOCK; SPECIAL PROVISION

No livestock shall be harbored, kept or maintained on any property which is less than five (5) acres.

ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 4.01 INTENDED PURPOSES

The purpose of creating residential districts is to provide areas primarily designed for residential use consisting of single-family dwellings located on individual lots or premises of adequate size spaced to diminish spread of fire and set back from the public thoroughfare to facilitate safe exit from and entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of each district and to provide suitable and safe conditions for family living.

Residential structures in the "R-1" District should be designed to be compatible with existing structures in the neighborhood and have the following characteristics:

1. Be placed on a permanent perimeter foundation constructed of solid masonry, concrete, all-weather wood or other material approved by the Building Inspector and extending from the floor joists of the home to the excavated underfloor grade and below the frost line.
2. Have either a flat roof or a roof pitch of not less than three (3) in twelve (12). A pitched roof of less than four (4) in twelve (12) will require a roof overhang of not less than twelve (12) inches.
3. The average width of the structure must be not less than twenty (20) feet.
4. Manufactured homes must have wheels, axles and hitch mechanisms removed.
5. Have siding and roofing materials of a type customarily used in on-site constructed residences.
6. Have a floor to ceiling height of not less than seven (7) feet six (6) inches.
7. Meet appropriate utility connecting standards.

The general character of these residential districts is to consist of single-family detached dwellings set on large building lots. Nonresidential uses would be restricted to those community facilities which:

- A. May appropriately be located in residential areas to provide educational, recreational, religious, health and other essential services for residents, or

- B. Can perform their activities more effectively in a residential environment, unaffected by adjacent industrial or general services uses, and
- C. Do not create significant objectionable influences in residential areas.

In Single-Family Residential Districts, the following regulations shall apply:

Section 4.02 USE REGULATIONS

A. Permitted Uses.

In the Single Family Residential District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Single-family detached dwelling units of not less than twelve hundred (1200) square feet on the ground floor;
2. Publicly owned parks and playgrounds without buildings;
3. Accessory uses;
4. Home occupations;
5. Lakefront residences, in accordance with the requirements of Section 10.22.

B. Special Approval Land Uses by Permit

The following special approval land uses shall be permitted in the Single Family Residential District only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Township Board approval shall be subject to the requirements and standards of Article XI and the submission of a site plan conforming to the requirements of Article X:

1. Churches, parish houses, schools, educational and philanthropic institutions;
2. The use of open lands and waters for privately owned and operated parks, picnic groves, golf courses and similar facilities for outdoor exercise and recreation but not including race tracks or miniature golf courses;
3. Boat liveries;

4. Professional offices;
5. Community facilities and public utility uses directly related to and necessary for essential services within the district or township;
6. Essential services;
7. Single-family dwelling of not less than seven hundred twenty (720) square feet, not more than one thousand one hundred ninety nine (1,199) square feet and compatible with other homes in the area;
8. Boat houses, provided they shall not be situated closer than ten (10) feet to any side lot line and not of a height exceeding twelve (12) feet above the mean or established water level.

Section 4.03 HEIGHT REGULATIONS

- A. For any dwelling, thirty-five (35) feet, not exceeding two and one-half (2-1/2) stories.
- B. For any building accessory to any dwelling use, not to exceed twelve (12) feet at the eaves and sixteen (16) feet at the roof peak.
- C. For any other nonresidential building or other structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each yard requirement one (1) corresponding foot of width and depth.

Section 4.04 AREA, WIDTH AND YARD REGULATIONS

- A. Minimum Lot Area and Width: A lot area of not less than twenty thousand (20,000) square feet, with no dimension less than one hundred (100) feet at the building line, shall be provided for every building or other structure erected or used for any use permitted in this district, except a Lot of Record at the time of adoption of the original zoning ordinance (November 17, 1992) of not less than ten thousand (10,000) square feet and seventy (70) feet in width at the building line may be developed for single-family residential use. The depth shall not exceed three (3) times the width of any lot.
- B. Front Yards: On every lot or premises, there shall be a front yard not less than seventy (70) feet in depth from the center line of the road, nor less than thirty-five (35) feet from the right-of-way line. Where a yard of greater or lesser

depth occurs in front of a dwelling, in existence on the date when the original zoning ordinance was adopted (November 17, 1992), on the same side of the street or road in the same block or within three hundred (300) feet of the said lot lines, the depth shall not be less and need be no greater than the average depth of the front yards of existing dwellings, but this shall not require a front yard of greater depth than fifty (50) feet, or permit a lesser depth than thirty-five (35) feet.

C. Side Yards:

1. On each interior lot, there shall be two (2) side yards having an aggregate width of not less than thirty (30) percent of the total lot width at the building line, and neither side yard having a width of less than fifteen (15) feet.
2. On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than thirty (30) feet and the side yard not abutting the street having a width of not less than ten (10) feet.
3. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear yard of the lot if not closer to the side lot line than ten (10) feet.
4. Underground structures shall be no nearer than ten (10) feet to any lot line.

D. Rear Yard: There shall be a rear yard on each lot, the depth of which shall be not less than twenty-five (25) feet, except that an accessory use structure may be erected within the rear yard not closer to the rear property line than five (5) feet.

E. Building Coverage: No more than thirty (30) percent of the area of any lot shall be occupied by buildings.

F. Building Size: The minimum floor area for residential buildings shall be twelve hundred (1,200) square feet.

Section 4.05 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Section 10.07 of this Ordinance.

Section 4.06 OFF - STREET PARKING

Off-street parking requirements will be in accordance with the provisions of Article XII of this Ordinance.

Section 4.07 SIGNS

Sign requirements will be in accordance with the provisions of Article X of this Ordinance.

ARTICLE V. MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 5.01 INTENDED PURPOSES

The general character of these residential districts is to consist of single-family, two (2)-family and multiple-family dwellings set in a medium density living environment. Nonresidential uses would be those permitted in Single-Family Residential Districts.

In Multiple-Family Residential Districts, the following regulations shall apply:

Section 5.02 USE REGULATIONS

A. Permitted Uses.

In the Multiple Family Residential District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. A use permitted in Single-Family Residential District;
2. Single-family attached, not to exceed six (6) dwellings per structural unit;
3. Multiple-family dwellings;
4. Accessory uses.

B. Special Approval Land Uses by Permit.

The following special approval land uses shall be permitted in the Multiple Family Residential District only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Township Board approval shall be subject to the requirements and standards of Article XI and the submission of a site plan conforming to the requirements of Article X:

1. Medical offices or group medical centers, including the practice of dentistry or osteopathy;
2. Mobile or manufactured home park (as a conditional use only, in accordance with the regulations pursuant to 1976 Public Act 415, as amended)

Section 5.03 HEIGHT REGULATIONS

No principal building shall hereafter be erected or altered to exceed thirty-five (35) feet in height or three (3) stories in height.

For any building accessory to a dwelling use, not to exceed twelve (12) feet at the eaves and sixteen (16) feet at the roof peak.

Section 5.04 AREA, WIDTH AND YARD REGULATIONS

A. Minimum Lot Area and Width: A minimum lot area per housing unit and a minimum lot width at the building line shall be provided for every building erected, altered or used for any dwelling use permitted in this district in accordance with the following table:

Type of Dwelling	Minimum Lot Area Per Dwelling Unit	Minimum Lot Width
Single-Family Dwelling	20,000 square feet	100 feet
Single-Family, Attached <small>(Not more than 6 units per structure)</small>	5,000 square feet	16 feet per unit
Two-Family Dwelling	10,000 square feet	100 feet
Multi-family -- 3 bedrooms	6,000 square feet	
Multi-family -- 2 bedrooms	5,000 square feet	
Multi-family -- 1 bedroom	4,000 square feet	

For every building erected, altered, or used for any use permitted in this district, there shall be a lot area of not less than twenty thousand (20,000) square feet and a lot width of not less than one hundred (100) feet at the building line.

B. Front Yards: Same as in Single-Family Residential District.

C. Side Yards

1. On each interior lot, side yards shall be provided in accordance with the following table:

Type of Dwelling	Minimum No. of Yards	Minimum Aggregate Width	Any One
Single-Family Dwelling	2	20% of lot width	10 feet
Single-Family, Attached (End only)	1	12 feet	12 feet
Two-Family Dwelling	2	20% of lot width	10 feet
Multi-family Dwelling	2	25 feet	

2. On each corner lot, there shall be a side yard abutting the street having a width of not less than thirty (30) feet and, except where the lot is

occupied by a single-family dwelling or a two (2)-family dwelling, a side yard abutting the interior side lot line having a width of not less than less than ten (10) feet.

3. For every building erected, altered or used for any other use permitted in this district, there shall be side yards provided in accordance with the following:
 - a. On the interior lots, there shall be two (2) side yards having an aggregate width of not less than twenty (20) percent, neither side yard having a width of less than ten (10) feet.
 - b. On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than thirty (30) feet and the side yard not abutting the street having a width of not less than ten (10) feet.
4. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than ten (10) feet.
- D. Rear Yards: There shall be a rear yard on each lot, the depth of which shall not be less than twenty-five (25) feet, except that an accessory use structure may be erected within the rear yard not closer to the rear line than ten (10) feet.
- E. Building Coverage and Size: The maximum percentage of the area of each lot which may be occupied by buildings shall be in accordance with the following table:

Type of Dwelling Unit	Maximum Coverage
Single-Family	30 percent
Single-Family, Attached	40 percent
Two-Family	30 percent
Multi-family	40 percent

- The minimum dwelling size for single-family and two-family dwellings shall be twelve hundred (1200) square feet and for multifamily dwellings five hundred fifty (550) square feet per dwelling.
- F. Distance Between Structures: The minimum distance between any two (2) multiple-family residence buildings on the same lot shall be fifty (50) feet, except where two (2) buildings are so situated that:
 1. Neither is visible from any window or entrance of the other, or

2. No line drawn perpendicular to any wall of either building intersects the other building, then the minimum distance between such buildings may be twenty-five (25) feet less than indicated above.

Section 5.05 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Section 10.07 of this Ordinance.

Section 5.06 OFF- STREET PARKING

Off-street parking requirements will be in accordance with the provisions of Article XII of this Ordinance

Section 5.07 SIGNS

Sign requirements will be in accordance with the provisions of Article X of this Ordinance.

ARTICLE VI. COMMERCIAL DISTRICT

Section 6.01 INTENDED PURPOSES

The purpose of the Commercial District is to provide for the everyday shopping needs and related convenience of residential neighborhoods and to provide for automotive, service and free-standing commercial activities which require limited comparison shopping. Customers usually arrive by automobile, making a separate stop for each errand.

Section 6.02 USE REGULATIONS

A. Permitted Uses.

In the Commercial District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Retail stores and shops offering chiefly new merchandise (but not excluding antique shops) when conducted within a completely enclosed building;
2. Business and personal services, including barber shops, beauty parlors, shoe repair shops, dry cleaning agencies, self-service laundries, printing shops, radio and television shops, real estate sales, insurance and similar businesses and services;
3. Professional offices, show rooms, banks, undertaking establishments, publicly owned buildings, and fraternal, civic and social organization buildings;
4. Food service establishments (including drive-ins, taverns and nightclubs);
5. Motels and hotels.
6. Other uses similar in character to the above and not listed specifically.

B. Special Approval Land Uses by Permit.

The following special approval land uses shall be permitted in the Commercial District only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Township Board

approval shall be subject to the requirements and standards of Article XI and the submission of a site plan conforming to the requirements of Article X:

1. Public utility buildings, telephone exchanges, transformer stations, substations with service yards, but without storage yards;
2. Outdoor advertising media and signs not pertaining exclusively to the business conducted within the building on the premises;
3. Other uses similar in character to the above and not listed specifically;
4. Automobile sales and service (new or used);
5. Building materials -- retail;
6. Contractors -- air conditioning, plumbing, heating and ventilating, electric, insulation;
7. Laundries;
8. Material handling equipment sales and services;
9. Meat processing (no slaughtering);
10. Milk distributing (retail - wholesale), no processing;
11. Mobile home sales and services;
12. Packaging services;
13. Restaurants (including drive-ins and fast food service);
14. Animal hospitals, animal boarding and dog kennels;
15. Rental equipment;
16. Vehicle sales and services;
17. Farm equipment sales and services;
18. Other uses similar in character to the above and not listed specifically.

Section 6.03 HEIGHT REGULATIONS

No building shall exceed forty (40) feet or three (3) stories in height.

Section 6.04 AREA, WIDTH AND YARD REGULATIONS

A. Front Yards: On a street frontage between two (2) street intersections, each lot fronting on such street shall have a setback line between the lot line and the front building line as follows:

1. Where all lots are unimproved, the front building line depth shall not be less than fifty (50) feet from the center of the street or twenty-five (25) feet from the property line, whichever is greater.
2. Where one (1) or more lots are improved, the front yard depth need not be more than the average depths of the existing front yards of the lots adjoining on either side. In no case shall it be less than twenty-five (25) feet.

B. Side Yards and Buffer Zones:

1. On each corner lot, there shall be a side yard abutting the street having a width of not less than fifty (50) feet from the center line of the right-of-way or twenty-five (25) feet from the property line (whichever is the greater) and another side yard having a width of not less than fifteen (15) feet.
2. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than thirty (30) feet, which shall be effectively screened from abutting lots by a strip of planting creating an opaque screen at least seven (7) feet in height, such planting consisting of not less than fifty (50) percent evergreen material scattered throughout or a wall or fence as approved by the Zoning Administrator.
3. All interior lots shall have two (2) side yards, each having a width of not less than fifteen (15) feet.

C. Rear Yards: There shall be a rear yard on every lot, which rear yard shall have a minimum depth of not less than ten (10) percent of the depth of the lot for a one (1) story building, which depth shall be increased to fifteen (15) percent of the depth of the lot for a two (2) story building; provided, however, that such rear yard need not exceed thirty (30) feet in depth. Accessory buildings not more than fifteen (15) feet high may be located in a rear yard, providing the

accessory buildings occupy not more than twenty-five (25) percent of the rear yard area and are located no nearer to the side or rear lot line than five (5) feet. Accessory buildings shall not be used for residential purposes.

- D. Building Coverage: Not more than sixty (60) percent of any lot may be covered by buildings.

Section 6.05 OFF-STREET PARKING AND LOADING

Adequate off-street parking and loading space shall be provided in accordance with Article XII.

Section 6.06 SIGNS

Sign requirements will be in accordance with the provisions of Article X of this Ordinance

Section 6.07 SPECIAL CONDITIONS

All business shall be conducted within a completely enclosed building, except for off-street parking, unless authorized by the Commission.

Section 6.08 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Section 10.07 of this Ordinance.

Section 6.09 FENCES

No fence over seven (7) feet in height shall be erected between the lot line in the rear and the building setback line. No fence over four (4) feet in height shall be erected between the setback line and the front lot line; provided, however, that such fence shall have a minimum of seventy-five (75) percent of its surface open to permit visibility through it.

ARTICLE VII. HIGHWAY DEVELOPMENT DISTRICT

Section 7.01 INTENDED PURPOSES

The purpose of the Highway Development District is to provide for a variety of residential, commercial and light industrial development uses which benefit from access to a Class "A" Highway. Commercial uses would be those generally accessible by automobile. Industrial uses would be light, predominately operating in enclosed buildings with highway access. Residential uses would be single-family homes on large lots. Shared driveways and service roads are encouraged to improve traffic access.

Section 7.02 USE REGULATIONS

A. Permitted Uses.

In the Highway Development District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Any permitted or special approval land use allowed in Article VI (Commercial District);
2. Any permitted use allowed in Article VIII (Industrial District).

B. Special Approval Land Uses by Permit.

The following special approval land uses shall be permitted in the Highway Development District only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Township Board approval shall be subject to the requirements and standards of Article XI and the submission of a site plan conforming to the requirements of Article X:

1. Single-family homes on lots of not less than two (2) acres; area, width and yard regulations as required in Section 3.05;
2. Freight terminals;
3. Outdoor storage;
4. Bulk storage;
5. Food processing;
6. Processing and handling of raw materials.

Section 7.03 HEIGHT REGULATIONS

No building shall exceed forty (40) feet or three (3) stories in height.

Section 7.04 AREA, WIDTH AND YARD REGULATIONS

- A. Front Yards: On a street frontage between two (2) street intersections, each lot fronting on such street shall have a setback line between the lot line and the front building line as follows:
1. Where all lots are unimproved, the front building line depth shall not be less than fifty (50) feet from the center of the street or twenty-five (25) feet from the property line, whichever is greater.
 2. Where one (1) or more lots are improved, the front yard depth need not be more than the average depths of the existing front yards of the lots adjoining on either side. In no case shall it be less than twenty-five (25) feet.
- B. Side Yards and Buffer Zones:
1. On each corner lot, there shall be a side yard abutting the street having a width of not less than fifty (50) feet from the center line of the right-of-way or twenty-five (25) feet from the property line (whichever is the greater), and another side yard having a width of not less than fifteen (15) feet.
 2. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than thirty (30) feet, which shall be effectively screened from abutting lots by a strip of planting creating an opaque screen at least seven (7) feet in height, such planting consisting of not less than fifty (50) percent evergreen material scattered throughout or a wall or fence as approved by the Zoning Administrator.
 3. All interior lots shall have two (2) side yards, each having a width of not less than fifteen (15) feet.
- C. Rear Yards: There shall be a rear yard on every lot, which rear yard shall have a minimum depth of not less than ten (10) percent of the depth of the lot for a one (1) story building, which depth shall be increased to fifteen (15) percent of the depth of the lot for a two (2)-story building; provided, however, that such rear yard need not exceed thirty (30) feet in depth. Accessory buildings not more than fifteen (15) feet high may be located in a rear yard, providing the accessory buildings occupy not more than twenty-five (25) percent of the rear

yard area and are located no nearer to the side or rear lot line than five (5) feet. Accessory buildings shall not be used for residential purposes.

- D. Building Coverage: Not more than sixty (60) percent of any lot may be covered by buildings.

Section 7.05 OFF STREET PARKING AND LOADING

Adequate off-street parking and loading space shall be provided in accordance with Article XII.

Section 7.06 SIGNS

Sign requirements will be in accordance with the provisions of Article X of this Ordinance.

Section 7.07 SPECIAL CONDITIONS

All business shall be conducted within a completely enclosed building, except for off-street parking, unless authorized by the Commission.

Section 7.08 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Section 10.06 of this Ordinance.

Section 7.09 FENCES

No fence over seven (7) feet in height shall be erected between the lot line in the rear and the building setback line. No fence over four (4) feet in height shall be erected between the setback line and the front lot line; provided, however, that such fence shall have a minimum of seventy-five (75) percent of its surface open to permit visibility through it.

ARTICLE VIII. INDUSTRIAL DISTRICT

Section 8.01 INTENDED PURPOSES

These districts are intended to provide sites for heavy commercial and manufacturing activities employing relatively large numbers of people. Industrial uses would generally be located on sites of not more than ten (10) acres and activities would be of such a nature that they do not create serious problems of compatibility with other kinds of adjacent land use. Such use shall not create objectionable noise, vibration or odor and must not exceed any state law or regulations. Permitted commercial uses would be those which are most appropriately located as neighbors of industrial uses or which are necessary to serve the immediate needs of the people in these districts. Truck traffic and loading operations are expected to be characteristic of the districts, however, all storage and operations would be confined to buildings or areas completely enclosed by walls or opaque fences.

Section 8.02 USE REGULATIONS

A. Permitted Uses.

In the Industrial District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Cleaners and laundries;
2. Contractors;
3. Equipment repair;
4. Fabrication assembly and packaging;
5. Food processing;
6. Grinding, milling and production;
7. Material handling and equipment;
8. Motor vehicle services;
9. Repair services;
10. Warehousing storage movers;
11. Wholesaling;

12. Handling and processing of construction materials;
13. Manufacturing;
14. Repair and service of heavy duty trucks and construction equipment;
15. Accessory uses;
16. Other uses similar in character to the above and not listed specifically.

B. Special Approval Land Uses by Permit.

The following special approval land uses shall be permitted in the Industrial District only after proper notice has been given as required by State Law and after review by the Planning Commission and approval by the Township Board. Township Board approval shall be subject to the requirements and standards of Article XI and the submission of a site plan conforming to the requirements of Article X:

1. Freight terminals;
2. Outdoor advertising signs;
3. Scrap processing and storage;
4. Storage and handling of explosives, flammables or other potentially dangerous materials;
5. Bulk storage;
6. Food processing;
7. Processing and handling of raw materials;
8. Stamping and steel fabricating;
9. Other uses similar in character to the above and not listed specifically.

Section 8.03 HEIGHT REGULATIONS

The maximum height of buildings and other structures erected or enlarged in this district shall be thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet, provided that for every foot of height in excess of thirty-five (35) feet, there shall be added to each yard requirement one (1) corresponding foot of width and depth.

Section 8.04 AREA, WIDTH AND YARD REGULATIONS

- A. Front Yards: There shall be a front yard on each lot which shall be not less than fifty (50) feet in depth.
- B. Side Yards and Buffer Zones:
 - 1. On each interior lot, there shall be two (2) side yards, each side yard having a width of not less than twenty-five (25) feet, except as hereinafter provided in Subsection E hereof.
 - 2. On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than fifty (50) feet and the side yard not abutting the street having a width of not less than twenty-five (25) feet, except as hereinafter provided in Subsection E hereof.
- C. Rear Yard: There shall be a rear yard on each lot the depth of which shall be not less than fifty (50) feet, except as hereinafter provided in Subsection E hereof.
- D. Building Coverage: Not more than fifty (50) percent of the area of any lot shall be occupied by building.
- E. Lots Abutting Residential Districts: Unless authorized as a special exception, in no case shall any building or structure be erected closer than one hundred (100) feet to any residential district nor shall any parking area be closer than forty (40) feet to any residential district, which forty (40)-foot area between such parking lot and such residential district shall be maintained as a green area entirely covered by grass, shrubs, and/or trees. See Off-Street Parking Regulations (Article XII).

Section 8.05 OFF-STREET PARKING

The provisions of Article XII to the contrary notwithstanding, no parking area shall be permitted closer than forty (40) feet to the front line of any lot in this district, nor closer than forty (40) feet to any residential district.

Section 8.06 SIGNS

Sign requirements will be in accordance with the provisions of Article X of this Ordinance.

ARTICLE IX. NONCONFORMING USE SPECIFICATIONS

Section 9.01 INTENDED PURPOSE

- A. Any lawfully established use of a building or land established prior to the effective date of the original zoning ordinance (adopted November 17, 1992), this revision or of amendments thereto that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
- B. Any legal nonconforming building or structure may be continued in use, provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- C. Any building for which a permit has been lawfully granted, prior to the effective date of the original zoning ordinance (adopted November 17, 1992), this revision or of amendments thereto may be completed in accordance with the approved plans, provided construction is started within six (6) months after the date of the permit and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

Section 9.02 DISCONTINUANCE OF USE

- A. Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this ordinance, such premises shall not thereafter be used or occupied by any nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
- B. Whenever a nonconforming use of a building or structure or part thereof has been discontinued for a period of twelve (12) consecutive months, (except when government action impedes access to the premises) or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be reestablished and the use of the premises thereafter shall be in a conformity with the regulations of the district.

Section 9.03 CHANGE OF USE

A nonconforming use of a building or structure may not be changed to any use except one which conforms to the zoning district in which it is located; or the Zoning Board of Appeals may permit a change to a use which is similar in nature, as long as the use generates no more traffic or customers than the original use, no more land is utilized for the new use than that which was used for the original use and the level of noise,

smoke, glare, heat, vibration or odors is not greater than that of the original use. Changes of ownership may occur at any time with the same nonconforming use.

Section 9.04 REPAIRS AND ALTERATIONS

- A. Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- B. No structural alterations shall be made in a building or other structure containing a nonconforming use, except in the following situations:
 - 1. When the alteration is required by law.
 - 2. When the alteration will actually result in eliminating the nonconforming use.
 - 3. When a building containing residential nonconforming uses may be altered in any way to improve liveability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

Section 9.05 DAMAGE AND DESTRUCTION

If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of seventy-five (75) percent or more of its replacement value at the time, the building or other structure may be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than seventy-five (75) percent of its replacement value, based upon prevailing costs, the extent of the damage shall be established by estimates made by the Zoning Administrator. An appeal from the decision of the Zoning Administrator may be taken by the owner or agent of the property involved in the manner set forth in Section 14.06. The building may then be restored to its original condition and the occupancy or use of such building which existed at the time of such partial destruction may be continued. In either event, restoration or repair of the building or other structure must be started within a period of one (1) year and diligently prosecuted to completion.

Section 9.06 NONCONFORMING LOTS

- A. When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.

- B. Any single lot or parcel of land, held in one ownership, which was of record at the time when the original of this ordinance was adopted (November 17, 1992), that does not meet the requirements for minimum lot width and area, may be utilized for a one-family or two-family dwelling when permitted, provided that required yards or lot areas are not less than sixty (60) percent of the minimum required dimensions or areas.

Section 9.07 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.

Section 9.08 CLASSES OF NONCONFORMING USES OF STRUCTURES AND LAND

In keeping with the intent of Marcellus Township Land Use Plan and the Zoning Ordinance, the following classes of nonconforming uses are established:

- A. Class I - Minimum Negative Impact. The following nonconforming uses may be completed, restored, reconstructed or expanded:

Non-farm residential uses in Agricultural Production District.

- B. Class II - Moderate Negative Impact. The following nonconforming uses may be completed, restored, reconstructed or expanded only within existing structures:

1. Commercial and industrial uses in Agricultural Production and Agricultural-Residential Districts.
2. Residential uses in Commercial and Industrial Districts (except that no new dwelling units may be added).

- C. Class III - Maximum Negative Impact. The following nonconforming uses may not be expanded, completed, restored or reconstructed:

Commercial and industrial uses in the Single-Family and Multiple-Family Residential Districts.

ARTICLE X. SPECIAL PROVISIONS

Section 10.01 PURPOSE

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

Section 10.02 DWELLING PER LOT

Every dwelling hereafter erected shall be located on a lot or premises, the description of the boundaries of which are on record at the Register of Deeds Office, or in the case of a Land Contract shall be on record with the Zoning Administrator as adequately descriptive.

Section 10.03 ACCESSORY BUILDING

- A. All accessory buildings not attached to the main building shall be located in the rear and not less than ten (10) feet from the sideline of the premises on which located. All accessory buildings attached to the main building, including breezeways, shall be considered a part of the main building in determining yard requirements.
- B. No accessory building shall project into any front yard.
- C. No accessory building shall occupy more than thirty (30) percent of the area of any rear yard.
- D. On a corner lot, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.

Section 10.04 SUBSTANDARD DWELLINGS

For the express purposes of promoting the health, safety and general welfare of the inhabitants of the Township and of reducing hazards to health, life and property, no basement dwelling, cellar dwelling, tent, garage-house or other substandard structure shall hereinafter be erected or moved upon any premises and used for dwelling purposes.

Section 10.05 REQUIRED WATER SUPPLY AND SANITARY SEWER FACILITIES

In addition to the requirements established by the State and County Health Departments and their successors, the following site development and use requirement shall apply:

- A. No structure for human occupancy or use shall hereafter be erected, altered or moved unless it shall be provided with a safe, sanitary and potable water supply and a safe effective means of collection, treatment and disposal of wastes.
- B. No drain field or septic system may be installed or used unless it has been installed according to and approved by the Cass County Health Department and its successors.

Section 10.06 PUBLIC ROAD FRONTAGE

All lots or parcels for new housing in all districts will have a minimum width of public road frontage not less than the minimum lot restriction required in a specific district. Should a lot dimension not be specified, it shall be understood that the minimum road frontage dimension is two hundred fifty (250) feet.

Section 10.07 ACCESS TO A STREET

No Lot of Record shall be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way not less than twenty (20) feet in width. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods.

Section 10.08 VISIBILITY AT INTERSECTIONS

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

Section 10.09 STREET CLOSURES

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

Section 10.10 HEIGHT REGULATIONS

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators,

skylights, water tanks, bulkheads, utility poles, power lines, radio and television broadcasting and receiving antennas, silos, parapets and other necessary mechanical appurtenances, provided their location shall conform where applicable to the requirements of the Federal Communications Commission and the United States Civil Aeronautics Administration (and their successors) and other public authorities having jurisdiction.

Section 10.11 FENCES, WALLS, AND SCREENS

Within the limits of a front yard space of a lot within a residential district, no fence, wall, other than necessary retaining wall, or other screening structure shall be higher than five (5) feet. No such fence or wall located within a side or rear yard shall exceed seven (7) feet in height. All fences not located within a rear yard which are more than fifty (50) percent opaque shall be approved by the Building Inspector. Fences on waterfront lots must conform to the requirements of Section 10.22.

Section 10.12 GUEST TRAILER

The owner or renter of any premises occupied by a dwelling may permit the parking of an occupied residential vehicle (RV) of a guest or visitor on the premises for a period not exceeding a total of fifteen (15) days in the calendar year, provided the serial number and license number of the RV and the name of the owner thereof are recorded with the Township Clerk, and, provided further, that the occupants of the RV shall have unrestricted use of the sewage and water supply facilities of the dwelling.

Section 10.13 ESSENTIAL SERVICES

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

- A. The surface of land used for pipe line right-of-ways shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.
- B. Essential services shall be exempt from lot area requirements in the Agricultural and Industrial Districts.

Section 10.14 SWIMMING POOLS

All in-ground swimming pools shall conform to the requirements of the Cass County Health Department and its successors. Swimming pools to be constructed or which are already constructed shall be enclosed by a fence, wall or other structure which shall be at least four (4) feet in height as measured from the outside. Any opening under the bottom of the fence shall not be more than four (4) inches in height. A fence or wall enclosure shall be of a type that impedes climbing by small children and shall be equipped with a gate that is self-closing and latching type with the latch on

the pool side of the gate. Said entrance way shall lead to the shallow end of the pool. If the entire premises is enclosed by a fence or wall, this requirement may be waived.

Section 10.15 GENERAL SIGN REGULATIONS

No sign shall be erected at any location where, by reason of the position, size, shape, color, movement or illuminations, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device so as to interfere with, mislead or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All sign shall be designed, constructed and maintained so as not to change the essential character of such area.

Section 10.16 PERMITTED SIGNS IN AGRICULTURAL PRODUCTION AND AGRICULTURAL-RESIDENTIAL DISTRICTS

In the Agricultural Production and Agricultural-Residential Districts, only one (1) sign of each of the following types shall be permitted on each lot or parcel, unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or premises, not exceeding six (6) square feet in area and placed no nearer to the street line than one-half ($\frac{1}{2}$) the required front yard depth.
- B. Non-illuminated trespassing, safety, directional, caution or announcement signs, each not exceeding six (6) square feet in area.
- C. A non-illuminated sign announcing a home occupation, service or produce offered on the premises, provided that such a sign shall not exceed six (6) square feet in area; and shall be located no closer to the street line than one-half ($\frac{1}{2}$) the required front yard.
- D. A sign or bulletin board identifying a church, school, park or other authorized use, not to exceed twenty-four (24) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.

Section 10.17 PERMITTED SIGNS IN RESIDENTIAL DISTRICTS

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

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

- B. A non-illuminated sign announcing a home occupation or service that is offered on the premises, provided that such a sign shall not exceed four (4) square feet in area and shall be attached flat against a building wall.
- C. One (1) non-illuminated sign advertising a recorded subdivision or development, not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-third (1/3) the minimum authorized front yard depth. Such sign shall be removed within one (1) year after the sale of all lots or units within said subdivision or development.
- D. One (1) non-illuminated sign identifying a multiple-family building, subdivisions or development not having commercial connotations, not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way line than one-third (1/3) the minimum authorized front yard depth.
- E. A sign or bulletin board identifying a church, school or other authorized use, not to exceed twenty-four (24) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.

Section 10.18 PERMITTED SIGNS IN THE COMMERCIAL, HIGHWAY DEVELOPMENT AND INDUSTRIAL DISTRICTS

Except as specified in Section 12.18, a sign in any Commercial, Highway Development or Industrial District is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building setback and height requirements, except for, and in addition to, the requirements provided below:

- A. In any Commercial, Highway Development or Industrial District, a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such signs shall extend more than four (4) feet in height above the building to which it is affixed.
- B. One (1) free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however, it shall not exceed two hundred (200) square feet in area, or be closer to the front, side or rear property line than one-third (1/3) the distance of the required building setback.

- C. One (1) free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, except in the Commercial District, such sign shall not exceed thirty-six (36) square feet in area. All signs shall not be closer to the front, side or rear property line than one-third (1/3) the distance of the required building setback.
- D. All signs may be illuminated internally or by reflected light, provided the source of light is not directly visible and is arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving moving or flashing lights shall be permitted.

Section 10.19 OUTDOOR ADVERTISING SIGNS

Outdoor advertising signs (billboards) may be permitted as a conditional use under the following conditions:

- A. Outdoor advertising signs are permitted only in the Agricultural, Commercial, Highway Development and Industrial Districts.
- B. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
- C. Where two (2) or more outdoor advertising signs are not along the frontage of a single street or highway, they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- D. The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed three hundred fifty (350) square feet.
- E. No outdoor advertising sign shall be erected on the roof of any building, nor have one (1) sign above another sign.
- F. Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illuminations shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- G. Outdoor advertising signs shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in

appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the same area.

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

Section 10.20 SIGNS FOR GASOLINE SERVICE STATIONS

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed, so that a clear view of street traffic by motorists or pedestrians shall not be obstructed in any way, to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

Section 10.21 SITE PLAN REVIEW PROCEDURES

- A. Site Plan Required.
 - 1. A site plan review shall be required for all multiple-family and non-residential projects prior to the issuance of a building permit. This review will be carried out by the Commission.
 - 2. A site plan review required for all special approval land uses shall be conducted pursuant to Article XI herein.
- B. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Township Board.
- C. The procedures and requirements for the submission and approval of site plans shall be as follows:
 - 1. Any applicant shall submit to the Commission a sketch of the proposed project for a preliminary review.
 - 2. After reviewing the sketch plan with the applicant, the Commission shall suggest any changes in the proposal deemed necessary in order to comply with the provisions of this Ordinance and the subdivision regulations.

3. The applicant shall then prepare and submit proper plans of the project to the Commission. Development plans shall be drawn to scale and shall show:
 - (a) Location of main and accessory buildings;
 - (b) Location of yards, driveways, walks, parking areas, recreation areas and other site improvements;
 - (c) Proposed storm drainage facilities;
 - (d) Surrounding streets and nearby buildings; and
 - (e) Proposed building plans.
 4. Three (3) copies of the development plan should be submitted to the Commission no less than ten (10) days before the next Commission meeting.
 5. After reviewing the development plan, the Commission may approve, conditionally approve or disapprove the development plan.
 6. After approval of the site plan by the Commission, a copy of the approved drawings along with the recommended additions or corrections shall be signed by the officers of the Commission and filed with the Zoning Administrator for future reference.
 7. The Commission shall review progress on the development plan with the Zoning Administrator to see that the specifications of the site plan are carried out.
- D. Site plan submission, review, and approval is required for special approval land uses.
- E. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

Section 10.22 LAKEFRONT RESIDENTIAL

When a lot in a Single-Family Residential District is located on a lake or stream the following additional conditions shall apply:

- A. The lot width at the building line may be reduced to sixty-six (66) feet.
- B. The water frontage shall be considered the front yard and no accessory buildings or structures are permitted, except as follows :
1. Pump houses, provided they shall not exceed sixteen (16) square feet in area and not be of a height exceeding four (4) feet above ground level; and they shall be located not closer than ten (10) feet to any side lot line.
- C. The street frontage shall be considered the rear yard and no principal or accessory structure may be located within ten (10) feet of the street right-of-way.
- D. A fence or wall located in the front yard may not be more than four (4) feet in height, nor more than twenty (20) per cent opaque.

ARTICLE XI. CONDITIONAL USE

Section 11.01 PURPOSE

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into districts, each of which permit specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable in certain locations in certain districts but which, on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

Section 11.02 SPECIAL APPROVAL LAND USE PERMITS

A. Planning Commission Review and Recommendation

1. When an application for a special approval land use permit is received, it will be placed on the next available agenda of the next regular meeting of the Planning Commission.
2. The Commission, after review of the application at a regular meeting, will then make a recommendation for approval, approval with conditions or revisions or disapproval to the Township Board provided the Commission has received a report from all necessary Township Departments, Community Planner, Township Engineer and/or Township Attorney, where necessary. The plan will then be forwarded to the Board for final action at a meeting of the Township Board.

B. Township Board Review and Determination

1. The Township Board, upon receipt of recommendations from the Commission, shall have the authority to grant special approval land use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all special approval land uses specified in the various district provisions of this Ordinance.
2. A determination by the Township Board may only be made following a public hearing pursuant to Section 11.04 herein.

C. Conditions Upon Approvals

1. Reasonable conditions may be required with the approval of a special approval land use. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
2. Conditions imposed shall meet all of the following requirements:
 - (a) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - (c) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 11.03 APPLICATION AND INFORMATION REQUIRED

Written application, on a form provided by the Commission, shall be made to the Township Board, which shall immediately forward a copy of said application to the Zoning Administrator. The application shall include the following:

- A. Name of applicant and owner or the premises.
- B. Legally recorded description of the premises.
- C. Description of proposed use, including parking facilities, if required, and ingress and egress as approved by the Cass County Road Commission.
- D. A legible sketch drawn to scale showing size of building or structure and location on premises.
- E. Sewage disposal and water supply facilities, existent or proposed.
- F. Use of premises on adjacent properties.

- G. Statement by applicant, appraising the effect of proposed use on adjacent properties and development of the neighborhood.

Section 11.04 PUBLIC HEARING

The Township Board shall hold a public hearing or hearings upon any application for a special approval land use permit, notice of which shall be given as follows:

1. The Commission shall publish notice of the request in a newspaper of general circulation in the Township;
2. Notice shall also be sent by mail or personal delivery to:
 - (a) the owners of property for which approval is being considered;
 - (b) to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making this notification;
3. The notice shall be given not less than 15 days before the date the application will be considered for approval; and,
4. The notice shall do all of the following:
 - (a) Describe the nature of the request;
 - (b) Indicate the property that is the subject of the request, and include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - (c) State when and where the request will be considered; and,
 - (d) Indicate when and where written comments will be received concerning the request.

Section 11.05 REQUIRED STANDARDS AND FINDINGS FOR MAKING
DETERMINATIONS

- A. The determination on a special approval land use permit shall be incorporated in a statement of findings and conclusions relative to the special approval land use which specifies the basis for the decision and any conditions imposed.

- B. The Commission and Township Board shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:
 - 1. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.

 - 2. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

 - 3. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

 - 4. Will not be hazardous or disruptive to existing or future neighboring uses.

 - 5. Will not create excessive additional requirements at public cost for public facilities and services.

- C. Any conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

Section 11.06 JUNK YARDS AND INOPERATIVE VEHICLES

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

located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

Section 11.08 GASOLINE SERVICE STATIONS

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

- A. Frontage and Area: Every gasoline service station shall have a minimum frontage of one hundred twenty (120) feet and a minimum area of twelve thousand (12,000) square feet.
- B. Setbacks: Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of-way of thirty-five (35) feet and a minimum setback from all other property lines of twenty-five (25) feet.
- C. Construction Standards: All vehicle service areas shall be constructed to conform to the following standards:
 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.
 2. The entire area used for vehicle service shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
 3. Hydraulic hoist, lubricating, greasing, washing and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, may be carried out within the premises.
 4. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (60) degrees.
 5. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.

- D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties or distraction to motorists.

Section 11.09 DEVELOPMENT OF NATURAL RESOURCES

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

- A. Commercial pits and quarries, where deemed necessary, shall be enclosed by a four (4) foot farm fence or other suitable fence as determined by the Commission for the safety of the general public and shall be placed no closer than ten (10) feet to the outside perimeter of the pit or quarry. A dirt barrier or guard rail along public right-of-way may be required by the Commission.
- B. No more than ten (10) acres may be under active mining at any one time. No more than five (5) acres may be stripped for future mining preparation. As exhausted areas are rehabilitated in accordance with paragraph D, a like amount of acreage may be excavated. No area of the site within fifty (50) feet of any property line or approved boundary may be mined, stripped or the surface disturbed in any way.
- C. No rehabilitated slope shall exceed an angle with the horizontal of more than thirty (30) degrees for the first twelve (12) feet along the horizontal, after which the slope shall not exceed an angle with the horizontal of more than forty-five (45) degrees.
- D. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blended with the surrounding natural ground. All slopes and banks shall be reasonably graded to prevent excessive erosion. All disturbed areas will be covered with overburden or top dirt and planted with grasses or ground cover. These areas will be maintained until stabilized.
- E. A conditional use permit for the development of natural resources is subject to annual review by the Commission and the Township Board. The conditional use permit may be revoked for a violation of any of the above requirements or if the operation is discontinued for more than thirty-six (36) months.
- F. At the time of a request for a conditional use, the application shall submit a plan of restoration and re-use of the entire project site. This plan is of a general nature and may be revised upon review and approval by the Commission.

Section 11.10 CAMPGROUNDS, CAMPS AND LODGES

Including private and semi-private camps and lodges for active and passive recreation uses, provided that such activity shall be permitted as a conditional use in the Agricultural Production District and shall comply with the following provisions:

- A. No commercial activity shall be conducted on the premises, except as an accessory use.
- B. Such use shall be located on a site of not less than three (3) acres in size.
- C. Building shall not exceed thirty (30) feet in height and shall be located no nearer to any property line than forty (40) feet. Yards may be utilized for parking provided that such parking shall not be closer than twenty (20) feet to any property line.
- D. Any portion of the facility located adjacent to any residential district shall be screened from such district by an approved fence or masonry wall of not less than four (4) feet nor greater than eight (8) feet in height. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from adjacent properties may be planted and maintained at a height of not less than four (4) feet. Residential districts separated by a roadway shall also be considered as adjacent.

ARTICLE XII. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 12.01 OFF-STREET PARKING

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

- A. Plans and specifications showing required off-street parking space, including the means of access and interior circulation for the above uses, shall be submitted to the Zoning Administrator for review at the time of application for a building permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof, except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings.
- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- C. Parking of motor vehicles in the Single-Family and Multiple-Family Residential zones shall be limited to passenger vehicles, one (1) camper-type recreational vehicle per dwelling unit and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton, shall be permitted per dwelling unit. The parking of any other type of commercial vehicle or bus, except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.
- D. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space.
- E. Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in nonresidential districts and within three

hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.

- F. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
 2. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
 3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.
 4. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, opaque fence or compact planting no less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of single or two-family dwellings.
 6. Combined parking facilities are allowed when two (2) or more uses occur on one (1) property or when a building(s) on the (1) property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this Ordinance. Parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use, except churches.
- G. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in Article 12.

- H. A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.
- I. For the purposes of determining off-street parking requirements, the following units of measurement shall apply:
1. Floor Area: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service, storage, installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
 2. Places of Assembly: In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
 3. Fractions: When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall require one (1) parking space.
 4. The minimum required off-street parking spaces shall be set forth as follows:

Auction Barn: One (1) parking space for each fifty (50) square feet.

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

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

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

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

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

Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls and Assembly Halls other than Schools: One (1) space for each four (4) seats, or for each four (4) persons permitted in such edifice.

Clinics: Four (4) spaces for each doctor, plus one (1) space for each employee per shift.

Convalescent Home, Orphanage or Similar Use: One (1) parking space for each four (4) beds, plus one (1) space for each two (2) employees, including nurses, per shift.

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

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

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

Dwellings (Three-Family or more): One bedroom - 1.25 spaces per unit. Two or more bedrooms - two (2) spaces per unit.

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

Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops: One (1) space for each four hundred (400) square feet of floor area.

Gasoline filling and service stations: one (1) parking space for each repair and service stall, plus one (1) space for each employee per shift.

General Office Building: one (1) parking space for each four hundred (400) square feet of gross floor area, excluding auto parking within or on the building, plus one (1) parking space per two (2) employees per shift.

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

Livestock Auction: Two (2) square feet of parking area for each one (1) square foot of buildings, pens and all enclosed area on the premises of the auction facility.

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

Restaurants, Tavern, Night Clubs and Private Clubs: One (1) parking space for each two (2) patron seats, plus one (1) parking space for each two (2) employees per shift.

Retail Stores, Except as Otherwise Specified Herein: One (1) parking space for each one hundred fifty (150) square feet of floor area, excluding auto parking space within or on the building.

Roadside Stands: Five (5) parking spaces, plus one (1) parking space for each fifty (50) square feet of floor area.

Schools, Private or Public Elementary and Junior High Schools: One (1) space for each employee normally engaged in or about the building or grounds, plus one (1) space for each thirty (30) students enrolled.

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

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

Supermarket, Self-Service Food and Discount Stores: Two (2) spaces for each two hundred (200) square feet of floor area, plus one (1) space for each two (2) employees per shift.

Wholesale Establishments and Warehouses: One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for each two (2) employees.

5. For uses not specifically mentioned herein, off-street parking requirements shall be established by the Zoning Administrator from requirements for similar uses.

Section 12.02 LOADING-UNLOADING REQUIREMENTS

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

- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure.
- B. Each off-street space shall not be less than the following:
 1. In a residential district, a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
 2. In any commercial or industrial district, a loading-unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
- C. Subject to the limitations of the next paragraph, a loading-unloading space may occupy all or any part of any required side or rear yard, except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- D. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, opaque fence or compact planting not less than six (6) feet in height.
- E. In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

- G. Off-street loading space and access drives shall be paved, drained and lighted and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets.
- H. Off-street loading-unloading requirements for residential (excluding single-family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, or distribution by vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space, the size of such loading-unloading space being subject to the provisions of this Ordinance.
- I. For uses not specifically mentioned herein, loading-unloading requirements shall be established by the Zoning Administrator from requirements for similar use.

ARTICLE XIII. ADMINISTRATION AND ENFORCEMENT

Section 13.01 PURPOSE

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

Section 13.02 (A) ADMINISTRATION

The provisions of this Ordinance shall be administered by the Commission and the Township Board in accordance with the State of Michigan Planning Commission Act, being 1959 Public Act 168, as amended, and the State of Michigan Township Rural Zoning Act, being 1943 Public Act 184, as amended.

The Township Board shall appoint a Zoning Administrator in order to effect proper administration of this Ordinance. The individual selected, the terms of employment and the rate of compensation shall be established by the Township Board.

In the absence of the Zoning Administrator, a Township officer as designated by the Township Board shall assume all the powers and duties of the Zoning Administrator.

Section 13.02 (B) ZONING PERMITS AND PLANS

No building or part thereof shall hereafter be erected, moved, enlarged or structurally altered in any zoning district until a Zoning Permit has been granted by the Zoning Administrator. Application shall be filed by the owner or his agent and it shall state the intended use of the structure and of the land. The application shall be accompanied by a plot plan and such other information as may be necessary to provide for the enforcement of this Ordinance. Plans shall be drawn to scale and shall show dimensions in figures. Plot plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as set by the Township Board to defray the costs of administration and inspections shall accompany any plans or applications.

No Zoning Permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Permits shall expire one (1) year from their date of issuance.

Section 13.03 DUTIES OF A ZONING ADMINISTRATOR

- A. Review all applications for building permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the use and the requirements of this Ordinance are met.
- B. Review all applications for conditional use permits, conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable and otherwise process applications so as to formulate recommendations and notify the applicant, in writing, of any decision of the Commission.
- C. Receive all applications for appeals, variances or other matters which the Zoning Board of Appeals is required to decide under this Ordinance, conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.
- D. Review all applications for amendments to this Ordinance, conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable and otherwise process applications so as to formulate recommendations and report to the Commission all such applications together with recommendations.
- E. The Commission Secretary shall be responsible for updating the Township Zoning Map and keeping it current.
- F. Be responsible for providing forms necessary for the various applications as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Commission and Zoning Board of Appeals.
- G. Attend all Commission meetings.

Section 13.04 BUILDING PERMIT

- A. Building Permit Requirements: A building permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Building Inspector or his agent by the owner or his agent for the following conditions:
 - 1. The construction, enlargement, alteration or moving of any dwelling, building, structure or any part thereof.

2. Repairs or alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light and ventilation of a building shall not require a building permit.
 3. Any structure erected on a foundation or permanently attached to the ground shall require a building permit.
- B. Review all applications for conditional use permits, conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable and otherwise process applications so as to formulate recommendations and notify the applicant, in writing, of any decision of the Commission.
- C. Application for a Building Permit: Application for a building permit shall be made in writing upon a blank form furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered or moved. There shall be submitted with all applications for building permits two (2) copies of a site layout or plot plan showing:
1. The location, shape, area and dimensions for the lot, lots or acreage.
 2. The location of the proposed construction, alteration or repair and the intended use.
 3. The dimensions, height and bulk of structures.
 4. The nature of the proposed construction, alteration or repair and the intended use.
 5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other uses.
 6. The present use of any structure affected by the construction or alteration.
 7. The yard open area and parking space dimensions, if applicable.
 8. The proposed design and construction standards of parking spaces, if applicable.
 9. The number of loading and unloading spaces provided, if applicable.
 10. Any other information deemed necessary by the Building Inspector to determine and provide for the enforcement of this Ordinance.

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

- D. Voiding of Permit: In the event a building permit shall have been issued by the Building Inspector, and no proceeding under authority thereof shall have been commenced by the applicant within ninety (90) days following the date of issue, or construction completed by the applicant within eighteen (18) months following the date of issue, said permit shall lapse and become null and void unless, within sixty (60) days following said lapsing of said permit, the applicant shall apply for reinstatement thereof. The Building Inspector is hereby authorized to reinstate such permit, providing no original building permit shall be reinstated more than once. The Building Inspector shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Building Inspector may suspend or revoke a permit issued in error or on the basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.
- E. Fees, Charges, and Expenses: The Township Board may establish a schedule of fees, charges and expenses, and a collection procedure for building permits, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the Office of the Building Inspector and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full.
- F. Inspection: The construction or usage affected by any building permit shall be subject to the following inspections:
1. At time of staking out of building foundation.
 2. Upon completion of the footings and before erection of the foundation walls, before the excavation is backfilled.
 3. Upon completion of the frame, rough-in of plumbing and wiring, chimneys and vents.
 4. Upon completion of the work authorized by the permit.

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

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

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

Section 13.05 VIOLATIONS

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

Section 13.06 VIOLATIONS AND PENALTIES

- A. It shall be unlawful for any person, partnership, corporation or agent in charge of a building or land within the Township to violate, disobey, permit neglect, fail to comply with or resist enforcement of any provision of the ordinance or any amendment of it. Any person, firm, association, partnership or governmental entity who violates any of the provisions of this Zoning Ordinance or the "Uniform Housing Code, Latest Edition" shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule.

Fine

1 st offense within 3 year period	\$75.00
2 nd offense within 3 year period	\$150.00
3 rd offense within 3 year period	\$325.00
4 th or more offense within 3 years	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Marcellus Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance. Each day that a violation exists shall constitute a separate offense.

- B. The Township Building Inspector or Township Zoning Administrator are individually authorized to issue Civil Infraction Citations under this ordinance and any amendment and to require any construction or other activity be stopped when not in compliance with the Zoning Ordinance.
- C. Any person, firm, corporation shall also be subject to a Civil Action seeking enforcement action, legal or equitable relief, appropriate injunctive relief, costs, reasonable attorneys fees and other relief.

Section 13.07 INITIATING AMENDMENTS AND FEES

- A. The Township Board may from time to time, on recommendation from the Planning Commission, on its own motion, or on petition, amend, supplement or change this Ordinance in accordance with the procedure established.
- B. Fees--Petition for amendment.
 - 1. Upon presentation of petition for amendment of the Zoning Ordinance by the owner of the real estate to be affected, such petition shall be accompanied by a fee.
 - 2. The amount of such fee shall be set by resolution of the Township Board and shall be paid to the Township Clerk to partly defray the expense of publishing the required notices of public hearings and the expenses of said public hearing.

Section 13.08 AMENDMENT PROCEDURE

The Township Zoning Ordinance may be amended upon request from a Township property owner or upon initiation by the Township Board or the Commission. The

following procedures will be followed in receiving, reviewing and approving amendments for changing the Zoning Ordinance:

- A. The applicant should submit to the Commission Secretary an Application for Zoning Amendment, together with the required application fee and the following documentation:
 - 1. Evidence that the applicant has interest in the property proposed to be rezoned;
 - 2. Legal description and dimensions of the property proposed to be rezoned shown on a site planning drawn to scale;
 - 3. Location of all existing improvements;
 - 4. Description of proposed use or uses, including access roadways and proposed off-street parking;
 - 5. Description of sewage disposal and water supply facilities and proposed surface drainage;
- B. The Commission Secretary will review the rezoning application to insure that the application is in order and all required documentation is included.
- C. The Commission Secretary will transmit the application for rezoning to the Commission.
- D. The Commission will receive the rezoning application and conduct a background study to determine:
 - 1. If the proposed rezoning is compatible with the goals and objectives of the Township Land Use Plan;
 - 2. Impact of the proposed use on surrounding properties and development;
 - 3. The effect on public facilities and services;
 - 4. The relationship of the proposed project to the intent of the Zoning Ordinance.
 - 5. The applicant or his representative should be present during the Commission review.

- E. The Commission will establish a date for public hearing on the proposed zoning amendment at its next regular meeting allowing for the requirements for notification. The Commission Secretary will provide to the Township Clerk all required materials for publication and notification.
- F. The Township Clerk shall publish notice of the public hearing as follows:
1. The Clerk shall publish notice of the request in a newspaper of general circulation in the Township;
 2. Notice shall also be sent by mail or personal delivery to:
 - (a) the owners of property for which approval is being considered;
 - (b) to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making this notification;
 3. The notice shall be given not less than 15 days before the date the application will be considered for approval; and,
 4. The notice shall do all of the following:
 - (a) Describe the nature of the request;
 - (b) Indicate the property that is the subject of the request, and include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - (c) State when and where the request will be considered; and,
 - (d) Indicate when and where written comments will be received concerning the request.
- G. The Township Clerk shall notify by mail, not less than twenty (20) days prior to the public hearing, each electric, gas pipeline, telephone utility and railroad company operating within the district or zone affected that registers its name and mailing address with the Commission for the purpose of receiving the notice. An affidavit of mailing shall be maintained. The notices shall include

- the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.
- H. The Commission will hold a public hearing on the requested rezoning. The hearing should present an opportunity for all involved to present and rebut information concerning a rezoning request.
 - I. The Commission will complete its background study on the rezoning request and address the concerns raised at the public hearing.
 - J. The Commission will submit the rezoning request to the Cass County Planning Commission for review and recommendation.
 - K. The Commission will transmit the rezoning request together with its recommendation and the comments of the Cass County Planning Commission to the Township Board for final action. The transmittal to the Township Board will include a record of the comments received at the public hearing, background material developed by the Commission on the rezoning request and the findings which support the Commission's recommendations. The Commission shall publish a summary of its findings within fifteen (15) days following the Commission recommendations.
 - L. The Township Board may adopt or reject the proposed amendment to the Zoning Ordinance, provided that:
 - 1. If the Township Board desires to make a change in the proposed amendment, it must refer the amendment back to the Commission for recommendation; and
 - 2. If a land owner requests a hearing on the proposed amendment, the Township Board must hold the requested hearing before action is taken.
 - M. If the Township Board holds additional public hearings, notice shall be published as follows:
 - 1. The Clerk shall publish notice of the request in a newspaper of general circulation in the Township;
 - 2. Notice shall also be sent by mail or personal delivery to:
 - (a) the owners of property for which approval is being considered;

- (b) to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making this notification;
- 3. The notice shall be given not less than 15 days before the date the application will be considered for approval; and,
- 4. The notice shall do all of the following:
 - (a) Describe the nature of the request;
 - (b) Indicate the property that is the subject of the request, and include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - (c) State when and where the request will be considered; and,
 - (d) Indicate when and where written comments will be received concerning the request.
- N. After receiving the Commission's report and recommendation on a proposed rezoning amendment, the Township Board shall grant a public hearing to a property owner who, by certified mail addressed to the Township Clerk, requests a hearing. The Township Board shall request the Commission to attend the hearing.
- O. After completing its study and review, the Township Board may approve, reject or approve with changes the proposed rezoning amendment. If the Township Board approves the rezoning amendment with changes, the proposed amendment with changes will be referred back to the Commission for further study and recommendation.

Section 13.09 CONFORMANCE TO COURT DECREE

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

ARTICLE XIV. ZONING BOARD OF APPEALS

Section 14.01 PURPOSE

It is the purpose of this Article to provide a means to alleviate undue hardship which may, in certain instances, be caused by the strict and literal interpretation and enforcement of the provisions of this Ordinance.

Section 14.02 BOARD OF APPEALS ESTABLISHED

- A. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Sections 601-607 of 2006 Public Act 110, as amended, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured and substantial justice done.
- B. The Marcellus Township Zoning Board of Appeals may establish rules to govern its procedure as a zoning board of appeals.
- C. Membership, Alternate Members and Terms
 - (1) Membership of the Zoning Board of Appeals shall be composed of not fewer than 3 members;
 - (2) One of the regular members of the Zoning Board of Appeals shall be a member of the Township Planning Commission;
 - (3) The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing within the zoning jurisdiction of the Township.
 - (4) One regular member may be a member of the Township Board but shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
 - (5) The Township Board may appoint not more than 2 alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called as specified to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The

alternate member has the same voting rights as a regular member of the zoning board of appeals.

- (6) A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.
- (7) A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- (8) A member of the zoning board of appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.
- (9) The terms of office for members appointed to the zoning board of appeals shall be for 3 years, except for members serving because of their membership on the zoning commission or Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

Section 14.03 POWERS AND DUTIES; COMPLIANCE WITH OPEN MEETINGS ACT

- A. The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The zoning board of appeals shall also hear and decide on matters referred to the zoning board of appeals or upon which the zoning board of appeals is required to pass under a zoning ordinance adopted under this act. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act. For special land use and planned unit development decisions, an appeal may be taken to the zoning board of appeals only if provided for in the zoning ordinance.
- B. The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to

pass under the zoning ordinance, or to grant a variance in the zoning ordinance.

- C. All meetings of the Board of Appeals shall be held at such times as approved by the Zoning Board of Appeals and posted in compliance with the Open Meetings Act, the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. Further, all applications heard at such meetings shall be properly noticed as required in Public Act 110 of 2006, as amended. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

Section 14.04 VARIANCE

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

- A. A variance in the zoning ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under this act. The zoning board of appeals shall state the grounds of any determination made by the board.
- B. Following receipt of a written request concerning a request for a variance, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as follows:
- (1) The Zoning Board of Appeals shall publish notice of the request in a newspaper of general circulation in the Township;
 - (2) Notice shall also be sent by mail or personal delivery to:
 - (a) the owners of property for which approval is being considered;
 - (b) to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making this notification;

- (3) The notice shall be given not less than 15 days before the date the application will be considered for approval; and,
 - (4) The notice shall do all of the following:
 - (a) Describe the nature of the request;
 - (b) Indicate the property that is the subject of the request, and include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - (c) State when and where the request will be considered; and,
 - (d) Indicate when and where written comments will be received concerning the request.
- C. If there are practical difficulties for nonuse variances as provided in subsection (D) or unnecessary hardship for use variances as provided in subsection (E) in the way of carrying out the strict letter of the zoning ordinance, the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.
- D. The zoning board of appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance.
- E. The authority of the Zoning Board of Appeals to grant variances from uses of land is expressly authorized.
- (1) The authority granted under this subsection requires a vote of 2/3 of the members of the zoning board of appeals to approve a use variance.
 - (2) The authority to grant use variances under this subsection is permissive and not mandatory.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance and pursued diligently to completion.

- G. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 14.05 VOIDING OF AND REAPPLICATION FOR VARIANCE

The following provisions shall apply:

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

Section 14.06 PROCEDURE FOR APPEALING TO THE ZONING BOARD OF APPEALS

- A. An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government. The zoning board of appeals shall state the grounds of any determination made by the board.
- B. An appeal under this section shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by the filing with the officer from whom the appeal is taken and with the zoning board of appeals of a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.
- C. An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
- D. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time,

date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

- E. At the hearing, a party may appear in person or by agent or attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

ARTICLE XV. EFFECTIVE DATE OF ORDINANCE

Section 15.01 REPEALER/CONFLICTING PROVISIONS

This Ordinance hereby repeals as of and after the effective date hereof all prior Marcellus Township Zoning Ordinances or parts of Zoning Ordinances directly conflicting herewith

Section 15.02 EFFECTIVE DATE

This Ordinance was adopted by the Marcellus Township Board of Marcellus Township, in Cass County, Michigan, at a meeting held on the 17th day of November, 1998, and ordered published in a newspaper such as *The Marcellus News* or other newspaper having similar circulation in said Township, as required by 1939 Public Act 191, as amended, and shall take effect on the day of publication of notice of adoption thereof.

Section 15.03 PERIOD OF EFFECTIVENESS

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

Dated: November 17, 1998.

Christina L. Luce-Stimson
Marcellus Township Supervisor

Dated: November 17, 1998.

Ann M. Webb
Marcellus Township Clerk

ARTICLE XVI, WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

Section 16.01 PURPOSE

The purpose of this Article is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Article are to:

- A. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- B. Encourage the location of towers in non-residential areas and on non-tillable farm land;
- C. Minimize the total number of towers throughout the Township;
- D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Township is minimal;
- F. Encourage users of towers and antennas to configure them in a way that minimizes their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques;
- G. Enhance the ability of the providers of telecommunications services to provide such services to the Township quickly, effectively, and efficiently;
- H. Consider the public health and safety of the Township and its residents; and I. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Township shall give due consideration to its land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Section 16.02 DEFINITIONS

For purposes of this Article, the following terms shall have the meanings set forth below.

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

- B. Antenna: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.
- C. Backhaul Network: The lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- D. FAA: The Federal Aviation Administration
- E. FCC: The Federal Communications Commission.
- F. Height: When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.
- G. Preexisting Towers and Preexisting Antennas: Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of the amendment of the zoning ordinance adding this Article, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- H. Tower: Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communications purposes, including self-supporting towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Section 16.03 APPLICABILITY

- A. New Towers and Antennas: All new towers or antennas in the Township shall be subject to this Article, except as otherwise provided in this Section.
- B. Amateur Radio Station Operators/Receive Only Antennas: This Article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station or is used exclusively for receive only antennas.

- C. Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet requirements of this Article, other than the requirements of this Article, other than the requirements of this Ordinance concerning non-conforming uses.
- D. AM Array: For purposes of implementing this Article, an AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measure from the outer perimeter of the towers included in the AM array.

Section 16.04 GENERAL REQUIREMENTS

- A. Principal or Accessory Use: Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing building or structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- B. Lot Size: For purposes of determining whether the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. Inventory of Existing Sites: Each applicant for an antenna and/or tower shall provide the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower or antenna. The Zoning Administrator may share such information with other applicants applying for permits under this Ordinance or other organizations seeking to locate towers or antennas within the jurisdiction of the Township, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- D. Aesthetics: Towers and antennas shall meet the following requirements:
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 2. At a tower site, the design of the buildings and related structure shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- E. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- F. State or Federal Requirements: All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall, to the extent required by the FAA or the FCC, bring such towers and antennas into compliance with such revised standards and regulations, unless a different federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove the tower or antenna at the owner's expense.
- G. Building Codes; Safety Standards: To ensure the structural integrity of towers and antennas, the owner of a tower or antenna shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers and antennas that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township believes that a tower or an antenna fails to comply with such codes and standards and constitutes a hazard to persons or property, then the Township may proceed under applicable State of Michigan law (i.e., Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.
- H. Measurement: For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdictional boundaries.
- I. Not Essential Services: Towers and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- J. Franchises: Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a

- wireless communication system in the Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
- K. Public Notice: For purposes of this Ordinance, any conditional use request, variance request, or appeal shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in this Article, in addition to any notice otherwise required by this Ordinance and the Zoning Act.
- L. Signs: No signs or advertising shall be allowed on an antenna or tower. However, the tower owner may post a sign no larger than four (4) square feet designating a person to contact in an emergency, together with the person's telephone number address.
- M. Multiple Antenna/Tower Plan: The Township encourages the users of towers and antennas to submit a single application for approval of as many towers and/or antenna sites as the uses deem necessary to provide coverage for the particular use throughout the Township. Applications for approval of multiple sites shall be given priority in the review process over applications for approval of single sites.

Section 16.07 TOWER AND ANTENNA PERMITS

- A. General: A conditional use permit shall be required for the construction and placement of any tower or antenna located within the Township under this Ordinance.
1. Applications for conditional use permits under this Section shall be subject to the conditional use procedure and requirements of this Ordinance, except as modified in this Section.
 2. In processing a conditional use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
 3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that they tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements.
- B. Information Required: In addition to any information required for conditional uses applications pursuant to this Ordinance, applicants for a conditional use permit for a tower or an antenna shall submit the following information:

1. A scaled site plan clearly indicating the location, type, and height of the proposed tower or antenna, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master land use plan classification of the site and all properties within the applicable separation distances set forth in this Section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower or antenna and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Ordinance.
2. Legal description of the lot and leased portion of the lot (if applicable).
3. The setback distance between the proposed tower or antenna and the nearest dwelling, platted residentially zoned properties, and unplatted residentially zoned properties.
4. The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to subsection C of the General Requirements Section (16.04) of this Article shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) or antenna(s), if known.
5. A landscape plan showing specific landscape materials.
6. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
7. A description of compliance with the requirements of the General Requirements Section (16.04) of this Article, as well as with the requirements of this Section, and with all applicable federal, state, county or Township laws, rules, regulations, and ordinances.
8. A notarized statement by the applicant as to whether construction of a tower will accommodate co-location of additional antennas for future users.
9. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
10. A description of the suitability for the use of existing towers, antennas, other structures or alternative technology not requiring the use of towers

or antennas or other structures to provide the services to be provided through the use of the proposed new tower or antenna.

11. A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.
- C. Factors Considered: In addition to any other standards for consideration of conditional use permit applications pursuant to this Ordinance, the Planning Commission shall consider the following factors in determining whether to recommend the approval of a conditional use permit under this Article, although the Planning commission may waive or reduce the burden on the applicant for one (1) or more of these criteria if the Planning Commission concludes that the goals of the Ordinance are better served thereby:
1. Availability of suitable existing towers or antennas, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed in the following subsection;
 2. Height of the proposed tower or antenna;
 3. Proximity of the tower or antenna to residential structure and residential district boundaries;
 4. Nature of uses on adjacent and nearby properties;
 5. Surrounding topography;
 6. Surrounding tree coverage and foliage;
 7. Design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 8. Proposed ingress and egress.
- D. Availability of Suitable Existing Towers, etc.: No new tower or antenna shall be permitted unless the applicant demonstrates to the satisfaction of the Planning Commission that no existing tower, antenna, structure or alternative technology can accommodate the applicant without the erection of the applicant's requested new tower or antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, antennas or other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, antenna, structure or

alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers, antennas or other structures are located within the geographical area which meet the applicant's engineering requirements.
 2. Existing towers, antennas or other structures are not of sufficient height to meet the applicant's engineering requirements.
 3. Existing towers or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower, antenna or other structure or to adapt an existing tower, antenna or other structure for sharing are unreasonable. Costs exceeding new tower or antenna development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers, antennas and other structures unsuitable.
 7. The applicant demonstrates that an alternative technology that does not require the use of towers, antennas or other structures, such as cable micro cell network using multiple low powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- E. Setbacks and Separations: The following setback requirements shall apply to all towers and antennas for which a conditional use permit is granted:
1. Towers must be set back a distance equal to at least 100% of the height of the tower from any railroad right-of-way.
 2. Towers must be setback a distance of at least 500 feet from any Single-Family Residential, Multiple-Family Residential, or Agricultural-Residential District.

3. Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.
 4. Tower separation shall be measured from the perimeter or outside edge of the base of the tower to the lot line of the adjoining property.
- F. Security Fencing: Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices.

Section 16.08 CHANGES IN OWNERSHIP

In the event of a change in ownership of a tower or an antenna, the new owner shall notify the Township of such change within sixty (60) days after the effective date of the change.

Section 16.09 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Notwithstanding anything to the contrary in Section 16.03, any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds for the Township to proceed under applicable State of Michigan law to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Section 16.10 NONCONFORMING USES

Towers that are constructed and antennas that are installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

CASS COUNTY, MICHIGAN

REVISED MARCELLUS TOWNSHIP LAND USE PLAN

ADOPTED BY
THE MARCELLUS TOWNSHIP
PLANNING COMMISSION

September 21, 1998

MARCELLUS TOWNSHIP LAND USE PLAN

I. INTRODUCTION

In 1990 the Marcellus Township Board and the Marcellus Township Planning Commission determined to prepare and adopt the Marcellus Township Zoning Ordinance and Map. Prior to the preparation of the Ordinance, the Planning Commission completed a land use survey and plan to assist in preparing the ordinance and map.

The Land Use Plan should be used as a guide to the future urban development in the Township, the preservation of essential agricultural lands, the protection of critical natural areas such as Fish Lake and the Lake and wetland areas of the southern part of the Township and the appropriate arrangement of land uses, both urban and rural, to achieve and maintain the best living environment for all the citizens of the Township.

This report considers initially the existing conditions and characteristics in the Township including a brief description of existing land use patterns and general urban development trends. The resulting Land Use Plan will provide the overall guidelines for the development and administration of the Marcellus Township Zoning Ordinance, the preparation of more detailed plan elements and a guide to future urban development in the Township.

In order to insure maximum utility of the Plan, the Marcellus Township Planning Commission should review and revise the Plan annually, taking into account changes in land use patterns which have occurred throughout the year. In addition, it is also advisable to completely update the Land Use Plan every five to ten years, depending on the rate of development of land in the Township.

A. Development of the Plan

The Marcellus Township Planning Commission initiated the development of the Land Use Plan in November, 1990. Preliminary studies included a detailed land use inventory which identified the use of all land and buildings throughout the Township as well as the condition of all major structures. In addition to the land use inventory, the Marcellus Township Planning Commission identified the most productive agricultural land in the Township, which was then related to the existing urban land use pattern.

B. Location

The accompanying map identifies Marcellus Township's location within Cass County and the larger Southwestern Michigan region. Nationally, Marcellus Township lies within the rapidly developing urban corridor between the cities of Chicago and Detroit. Because of Marcellus Township's location in rural northeast Cass County and because of Marcellus Township's attractiveness as a place to live, it is expected that the Township will continue as a rural farm and lake residential community.

MAP

II. LAND USE INVENTORY

The various background studies of the planning program are prepared in order to provide sufficient information to prepare a future Land Use Plan. Of all the background studies, the Land Use Inventory is the most frequently used and has the most direct application to the plan itself. Basic to community planning is a knowledge of the extent, distribution and arrangement of land uses, since the existing land use pattern plays the most important role in establishing the future character of land development.

A. Methodology

The Land Use Inventory was conducted in November and December of 1990, using aerial photography as the base. The consultant mapped all of the existing land uses including residential, commercial, industrial, recreational, agriculture and timbered areas. The field maps were then reviewed with the Marcellus Township Planning Commission to correct errors and omissions and to identify agricultural land most conducive to grain crop farming. The final existing land use map was then transferred to the Township base map for display.

B. General Land Use Pattern

Marcellus Township is approximately 36 square miles or 23,000 acres laid out on a grid six sections by six sections and located in extreme northeastern Cass County. The Village of Marcellus is centrally located in the Township and occupies approximately one section.

The road system in Marcellus Township is generally a north-south east-west grid conforming to the section, Township and Range lines. The uniform grid system of roads along section lines is frequently interrupted by large agricultural tracts and by numerous wetlands and water bodies.

M-40 crosses Marcellus Township north-south and passes through the Village. Some limited commercial/industrial development has occurred along M-40 north of the Village as it is the only Class A highway in the Township. The Grand Trunk Western Railroad crosses the Township in a diagonal direction from northeast to southwest.

The Village of Marcellus is almost completely developed with urban residential and commercial uses and has expanded some outside the Village along the existing road system. Urban residential uses outside the Village have developed around the lakes in the northern portion of the Township: Hemlock and Pine Lakes and the east and south sides of Fish Lake. Scattered residential/commercial/industrial uses coexist along M-40 between Marcellus Highway and the Van Buren County line. These uses are well-developed and take advantage of this State Highway (M-40).

Agricultural development generally occurs in a wide area paralleling the railroad in the northeastern, central and southwestern portion of the Township.

III. GOALS, OBJECTIVES AND POLICIES

In establishing a comprehensive planning process, one of the most important components is the formulation of goals, objectives and policies. Goals establish the destination toward which planning efforts are directed; objectives set forth the roots which lead to the fulfillment of goals. Policies indicate what should or should not be done in order to achieve the goals and objectives. All are essential to the planning process, since they provide the framework within which the plans are developed and future courses of action are decided upon. A clear understanding of these terms is important to the planning process:

1. A goal describes the ultimate aim in terms of what conditions are desired. It is sufficiently broad in nature so that it does not become obsolete because of minor setbacks; however, it is specific enough to allow the comparison of the content of the goal with existing or projected conditions.
2. An objective is a statement describing a desired situation, action or set of circumstances which stems from a goal. It is more specific than the goal and if fulfilled leads toward the achievement of the goal. It also helps to enable the measurement of goal achievement. Since objectives are more specific in nature than goals, they are more likely to require modifications as conditions change.
3. A policy is an imperative statement prescribing or limiting action; it provides guidance and directions for the achievement of an objective. Policies are generally more specific than objectives since policies relate more directly to

observed conditions and actions; therefore, they are more subject to change than objectives.

A. Goals

In addition to serving as the basis for the preparation of the Land Use Plan, the Township's goals, objectives and policies serve as a framework for implementing the plan as well as preparing other plan components such as a Park and Open Space Plan. To date, two basic goals have been discussed by the Plan Commission which could generally be classified as relating to 1) the quality of life in Marcellus Township and 2) environmental protection and resource utilization. The general goal relating to the quality of life might be described as providing highest levels of health, education, public safety, general welfare and opportunity in order to permit and encourage the maximum development of the individual potential in Marcellus Township. A general goal relating to environmental protection might be stated as maintenance of an optimal balance between critical, natural resource systems and the necessary utilization of natural resources.

B. Objectives and Policies

The objectives which might be considered as guides to developing the Land Use Plan might be those identified as the purpose of the Marcellus Township Zoning Ordinance, which include the following:

1. To promote the health, safety and general welfare of the inhabitants of the Township;
2. To encourage the use of the lands and natural resources of the Township in accordance with their character and adaptability;
3. To provide for the orderly development of the Township.
4. To reduce the hazards to life and property;
5. To provide, in the interest of health and safety, conditions under which buildings and structures may hereafter be erected and used;
6. To facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; and
7. To conserve life, property and natural resources, and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources and property.

IV. DEVELOPMENTAL POLICIES

A. Growth and Urbanization

1. The Land Use Plan shall encourage compact urban growth areas.
2. Unified Development approaches to residential, industrial and commercial developments shall be encouraged.
3. The Land Use Plan shall serve to protect and conserve the Township's land and natural resources.
4. The Land Use Plan shall encourage the optimum utilization of undeveloped tracts adjacent to existing urban areas.
5. The Plan shall be coordinated with existing land use patterns and conditions.
6. The Plan shall seek to eliminate or reduce the effects of existing incompatible land uses.

B. Agriculture

1. The Land Use Plan shall reflect the Township's high priority for the preservation of prime agricultural lands.
2. The Land Use Plan shall identify areas to retain their existing rural character; such areas shall not be provided with public water and sewer facilities within the time frame of the Plan.
3. The Land Use Plan and the Marcellus Township Zoning Ordinance shall discourage the splitting of agricultural parcels for residential development.
4. The Plan shall encourage residential development in planned subdivisions which are adjacent to existing urban areas and have good access to transportation, shopping and educational facilities.
5. The Land Use Plan shall provide housing opportunities for all income groups within the Township.

C. Commercial Development

1. The Land Use Plan shall encourage the clustering of commercial activities in planned developments properly located within the Township to serve existing and future residential development.
2. The Plan shall prohibit the development of strip commercial areas which can have adverse affects on surrounding land uses as well as transportation facilities.

D. Industrial Development

1. The Land use Plan shall reserve sufficient land for industrial use to accommodate the planned economic development of the Township.
2. Industrial uses shall be clustered in planned industrial parks.

E. Open Space - Recreation

1. The Land Use Plan shall provide for the optimum relationship between critical, natural resources with the Township and existing and proposed urban development.
2. The Land Use Plan shall encourage the restoration of existing gravel extraction operations and shall require that future expansions of this activity provide advance replanning (including restoration) of these areas once the gravel extraction is complete.
3. The Land Use Plan shall provide for the development of active recreation facilities conveniently located to existing and proposed residential areas.
4. The Land Use Plan shall encourage the county's development of larger passive recreation facilities which should also serve to preserve and protect critical natural areas within the Township.
5. Open space preservation shall be used to shape and guide urban development within the Township.
6. The Plan shall provide for the preservation of areas of historic or natural significance.
7. The Land Use Plan shall provide for expanded and improved public access to rivers, lakes and stream.

V. LAND USE PLAN

Since the Land Use Plan is directed toward improving and maintaining a desirable human environment, it is basically concerned with how and where people live, work, shop and spend their leisure time. The plan is concerned with the use of land and the relationship of one land use to another. In addition to establishing a compatible, as well as efficient, arrangement of land uses the plan is concerned with providing growing Township population, as well as to identify and preserve the rural living environment of Marcellus Township.

The Plan recommends locations for specific uses which will result in a desirable pattern of land use and the most economical means of providing public services.

The Land Use Plan for Marcellus Township represents visually and verbally the development goals which have been developed by the Marcellus Township Planning Commission and interested citizens of the Township. The Land Use Plan map represents the consideration of existing land use patterns and developmental constraints including soil problem areas, drainage ways, flood hazard areas and essential agricultural areas. Physically, the Land Use Plan is adequate to accommodate the expected population growth in the Township for at least the next 20 years.

The Land Use Plan represents the most important element of the planning process in that it describes the distribution and location of future land uses. However, the Land Use Plan is general and the map presents a more unified physical appearance for the Township. It should be pointed out that the elimination of some existing land uses on the generalized plan map does not mean that all existing land uses not represented should be eliminated, but that the expansion of these land uses should be discouraged.

A. Residential Land Use Plan

The proposed residential areas on the Land Use Plan provide for two types of housing development: low-density single-family conventional-type housing and areas for apartments and/or mobile home parks. The proposed urban-type residential areas are located generally around the Village of Marcellus and adjacent in proximity to the large lakes in the northern part of the Township

Medium density residential areas as shown on the Land Use Plan are largely the existing mobile home subdivision north of Marcellus and adjacent to the Village where utilities should be expanded. Appropriate locations for apartment or mobile home park developments are along major thoroughfares or adjacent to shopping or employment areas. Proposals for future medium density residential developments should be reviewed in light of the goals and objectives of the Land Use Plan.

Areas proposed for single-family and multiple-family residential development are those compact areas which can reasonably be expected to be served by public water and sewer system as the urban area develops.

B. Commercial Land Use Plan

The Comprehensive Plan proposes commercial areas along M-40 and Marcellus Highway to serve existing and proposed residential development. The proposed commercial areas on Marcellus Highway represent existing development with some expansion to the north along M-40.

Other existing commercial uses are scattered around the Township, but are not shown on the plan map. These developments are small and are not expected to expand. Commercial expansion is expected to be in the form of individual free standing developments or small strip malls.

C. Industrial Land Use Plan

The Industrial Land Use Plan proposes some industrial park development adjacent to Marcellus and at the intersection of M-40 and Marcellus Highway. These areas should be at least 50 to 100 acres in size and have access to public water and sewer and a Class A Highway for year around industrial transportation. Industrial park-type development could provide controlled access to the existing transportation system.

Adopted: September 21, 1998

Marcellus Township Planning Commission

Burke H. Webb
Chair

Robert A. Foncannon
Vice Chair

Ronald R. Cripps
Secretary

Paul M. Boshoven
John A. Grib
Daniel B. Jones
Robert B. McKenzie II
John R. Stamp
Larry D. Stimson