

# Akron Township

## Zoning Ordinance



Adopted: May 17, 2016

Akron Township  
Tuscola County, Michigan  
Township Hall Address  
4280 Bay City Forestville Rd  
Unionville, MI 48767  
Phone: (989) 674-2280  
Fax: (989) 674-2966

## Board of Trustees

Donald Schmuck, Supervisor

Ann Allen, Clerk

Deana Jacoby, Treasurer

Joe Kata, Trustee

Dennis Engelhard, Trustee

## Planning Commission

Paul Treiber – Chair

Joyce Bohn

Dennis Englehard

Kurt Ewald

Sherry Gaeth

Mark Jacoby

Jeff Tietz

*Zoning Administrator:* Christina Martens

# Table of Contents

<b>Chapter 1</b>	<b>■ General Provisions</b>	<b>1</b>
SECTION 1.1	SHORT TITLE	1
SECTION 1.2	PURPOSE AND OBJECTIVE	1
SECTION 1.3	INTERPRETATION	1
SECTION 1.4	SEVERABILITY	2
SECTION 1.5	REPEAL	2
SECTION 1.6	RULES APPLYING TO THE TEXT	2
SECTION 1.7	LIABILITY	3
SECTION 1.8	AUTHORITY AND PLANNING COMMISSION	3
<b>Chapter 2</b>	<b>■ Definitions</b>	<b>4</b>
SECTION 2.1	DEFINITIONS	4
<b>Chapter 3</b>	<b>■ District Regulations</b>	<b>26</b>
SECTION 3.1	DIVISION OF THE TOWNSHIP	26
SECTION 3.2	OFFICIAL ZONING MAP	26
SECTION 3.3	INTERPRETATION OF BOUNDARIES	26
SECTION 3.4	SCOPE OF REGULATIONS	26
SECTION 3.5	DISTRICT REGULATIONS TABLES	27
Map 1		28
Table 1: Table of Uses		29
Table 2: Schedule of Dimensional Regulations		31
<b>Chapter 4</b>	<b>■ AG - Agriculture District Regulations</b>	<b>33</b>
SECTION 4.1	INTENT AND PURPOSE	33
SECTION 4.2	USES PERMITTED BY RIGHT	33
SECTION 4.3	USES PERMITTED BY SPECIAL USE PERMIT	34
SECTION 4.4	DIMENSIONAL REQUIREMENTS	34
<b>Chapter 5</b>	<b>■ R-1 – Residential: Single-Family District Regulations</b>	<b>36</b>
SECTION 5.1	INTENT AND PURPOSE	36
SECTION 5.2	USES PERMITTED BY RIGHT	36
SECTION 5.3	USES PERMITTED BY SPECIAL USE PERMIT	36
SECTION 5.4	DIMENSIONAL REGULATIONS	37
<b>Chapter 6</b>	<b>■ RM - Residential: Multi-Family District Regulations</b>	<b>40</b>
SECTION 6.1	INTENT AND PURPOSE	40
SECTION 6.2	USES PERMITTED BY RIGHT	40
SECTION 6.3	USES PERMITTED BY SPECIAL USE PERMIT	40
SECTION 6.4	DIMENSIONAL REQUIREMENTS	41
<b>Chapter 7</b>	<b>■ C - Commercial District Regulations</b>	<b>43</b>
SECTION 7.1	INTENT AND PURPOSE	43
SECTION 7.2	USES PERMITTED BY RIGHT	43
SECTION 7.3	USES PERMITTED BY SPECIAL USE PERMIT	44
SECTION 7.4	DIMENSIONAL REQUIREMENTS	44

<b>Chapter 8</b>	<b>■ I - Light Industrial District Regulations</b>	<b>45</b>
SECTION 8.1	INTENT AND PURPOSE	45
SECTION 8.2	USES PERMITTED BY RIGHT	45
SECTION 8.3	USES PERMITTED BY SPECIAL USE PERMIT	46
SECTION 8.4	DIMENSIONAL REQUIREMENTS	46
<b>Chapter 9</b>	<b>■ N - Natural Areas District Regulations</b>	<b>48</b>
SECTION 9.1	INTENT AND PURPOSE	48
SECTION 9.2	USES PERMITTED BY RIGHT	48
SECTION 9.3	USES PERMITTED BY SPECIAL USE PERMIT	48
SECTION 9.4	DIMENSIONAL REQUIREMENTS	48
<b>Chapter 10</b>	<b>■ General Requirements</b>	<b>50</b>
SECTION 10.1	NONCONFORMITIES	50
SECTION 10.2	USE REGULATIONS	52
SECTION 10.3	DWELLING REGULATIONS	54
SECTION 10.4	PARCEL REGULATIONS	56
SECTION 10.5	STRUCTURE REGULATIONS	56
SECTION 10.6	BUFFERING REGULATIONS	58
<b>Chapter 11</b>	<b>■ Parking</b>	<b>61</b>
SECTION 11.1	INTENT AND PURPOSE	61
SECTION 11.2	CONSTRUCTION AND DESIGN	61
SECTION 11.3	OFF-STREET PARKING REQUIREMENTS	63
	Table 3: Off-Street Parking Requirements	63
SECTION 11.4	OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES	65
	Table 4: Off-Street Waiting Area for Drive-through Facilities	66
SECTION 11.5	LOADING SPACE REQUIREMENTS	67
<b>Chapter 12</b>	<b>■ Sign Regulations</b>	<b>68</b>
SECTION 12.1	SCOPE	68
SECTION 12.2	PERMIT PROCEDURE	68
SECTION 12.3	MEASUREMENT OF A SIGN	70
SECTION 12.4	TABLE OF SIGNS PERMITTED	71
	Table 5: Signs Permitted	71
SECTION 12.5	SIGNS EXEMPT FROM PERMIT REQUIREMENTS	72
SECTION 12.6	PROHIBITED SIGNS	73
SECTION 12.7	ILLUMINATION	73
SECTION 12.8	NONCONFORMING SIGNS	73
SECTION 12.9	CONSTRUCTION AND MAINTENANCE	73
SECTION 12.10	VIOLATIONS AND REMOVAL	74
SECTION 12.11	ABANDONED SIGNS	74
<b>Chapter 13</b>	<b>■ RESERVED</b>	<b>76</b>
<b>Chapter 14</b>	<b>■ Special Land Use Permit Requirements</b>	<b>77</b>
SECTION 14.1	INTENT, PURPOSE AND PROCESS	77
	Table 6: Uses Permitted by Special Use Permit	78
SECTION 14.2	HOW A SPECIAL USE PERMIT IS REVIEWED	81

SECTION 14.3	AUTOMOTIVE SERVICE STATIONS .....	84
SECTION 14.4	COTTAGE INDUSTRIES .....	85
SECTION 14.5	FUNERAL HOMES AND MORTUARIES .....	86
SECTION 14.6	GOLF COURSES AND OTHER RECREATION.....	86
SECTION 14.7	HIGH INTENSITY USES.....	87
SECTION 14.8	INSTITUTIONAL .....	88
SECTION 14.9	LIVESTOCK PRODUCTION FACILITIES AND OTHER AGRICULTURAL OPERATIONS	90
SECTION 14.10	LODGING ESTABLISHMENTS .....	91
SECTION 14.11	MANUFACTURED HOME PARKS .....	92
SECTION 14.12	MINING.....	94
SECTION 14.13	RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND .....	95
SECTION 14.14	WIRELESS COMMUNICATION FACILITIES.....	96
SECTION 14.15	WIND ENERGY CONVERSION SYSTEM.....	102
SECTION 14.16	MISCELLANEOUS SPECIAL USES .....	111
SECTION 14.17	SOLAR PANEL ENERGY SYSTEM: UTILITY SCALE .....	114
<b>Chapter 15</b>	<b>■ Administration, Enforcement, and Amendments .....</b>	<b>117</b>
SECTION 15.1	PEOPLE INVOLVED IN THE ZONING PROCESS .....	117
SECTION 15.2	ADMINISTRATIVE PROCESSES .....	119
SECTION 15.3	ENFORCEMENT .....	120
SECTION 15.4	AMENDMENTS.....	121
SECTION 15.5	NOTICE REQUIREMENTS FOR PUBLIC HEARINGS .....	121
SECTION 15.6	SITE PLAN REVIEW.....	122
<b>Chapter 16</b>	<b>■ Zoning Board of Appeals .....</b>	<b>128</b>
SECTION 16.1	ESTABLISHMENT .....	128
SECTION 16.2	MEMBERSHIP .....	128
SECTION 16.3	TERMS OF OFFICE.....	128
SECTION 16.4	BOARD OF APPEALS PROCEDURES .....	129
SECTION 16.5	APPEALS, METHOD FOR TAKING.....	129
SECTION 16.6	DECISIONS .....	130
SECTION 16.7	DUTIES.....	130
SECTION 16.8	LIMITATIONS.....	131

# **Chapter 1 ■ General Provisions**

Akron Township hereby ordains these regulations for the use of land and structures within the Township.

## **SECTION 1.1 SHORT TITLE**

This Ordinance shall be known as the Akron Township Zoning Ordinance.

## **SECTION 1.2 PURPOSE AND OBJECTIVE**

It is the general purpose of this Ordinance to promote the public safety, health, morals, convenience, and general welfare. To accomplish this purpose, the Ordinance will address the following objectives.

- a. Guide the use and development of land, buildings and natural resources according to their suitability for particular activities.
- b. Protect the Community's quality of life and enhance the social and economic stability of the Township.
- c. Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land use.
- d. Guide efforts to provide, public services, such as water supply, sewers, storm drainage, waste disposal, transportation, education, recreation and public safety.
- e. Establish standards to guide physical development of each zoning district and of the Township as a whole, and provide for enforcement of said standards.
- f. Educate citizens and public officials about their shared responsibilities for wise use of community resources.
- g. Strive to balance one property owner's right to the peaceful use and enjoyment of his or her parcel with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.

## **SECTION 1.3 INTERPRETATION**

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provision of this Ordinance shall control. Where provisions of any other Ordinance or Regulation of Akron Township impose stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

## **SECTION 1.4 SEVERABILITY**

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of the remaining portions of the Ordinance. It is intended that this Ordinance shall stand notwithstanding the invalidity of any part thereof.

## **SECTION 1.5 REPEAL**

The existing zoning regulations of Akron Township as amended are hereby repealed. However, said repeal shall not abate any action now pending under of by virtue of ordinance herein repealed. Nor shall said repeal discontinue. Abate modify, or alter any penalty accrued or to occur. Nor shall it affect the rights of any person, firm, or corporation. Nor shall said repeal waive any right of the Township under any section or provision of the ordinance hereunder repealed that was existing at the time of the passage and effective date of this Ordinance.

## **SECTION 1.6 RULES APPLYING TO THE TEXT**

For the purpose of this Ordinance, certain rules of construction apply to the Text, as follows:

- a. The specific shall control the general.
- b. Words used in the present tense include the future tense; 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 "person" includes an individual as well as a corporation, firm or any similar entity.
- d. The word "structure" includes the word "building" or any part thereof.
- e. The word "lot" includes the words "plot," "tract," or "parcel."
- f. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- g. The word "used for" shall be construed to include the words "intended for, arranged for designed for or occupied for."
- h. The term "he" shall be read as he, she, it or they.
- i. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - 1) "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - 2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- j. References to departments, commissions, boards, and other officers are to those of the township, unless otherwise indicated.

- k. A reference to a public official of the township is to that person who performs the function reefered to and may include a designee.
- l. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- m. Any word or term not herein defined shall be used with a meaning of common standard use.

### **SECTION 1.7 LIABILITY**

The Akron Township Zoning Administrator or any person charged with the interpretation and enforcement of this Ordinance, acting in good faith and without malice for the Township in the discharge of his duties shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.

### **SECTION 1.8 AUTHORITY AND PLANNING COMMISSION**

The Township Trustees provide for this Zoning Ordinance pursuant to Public Act 110 of 2006 as amended. This Ordinance hereby establishes a Planning Commission, hereafter known as the Akron Township Planning Commission.



## Chapter 2 ■ Definitions

### SECTION 2.1 DEFINITIONS

**ABANDONED SIGN:** If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer being offered or conducted at that site for a period of (14) fourteen days, that sign shall be considered abandoned.

**ABUT** to physically touch or border upon; to share a common property line.

**ACCESSORY USE.** An accessory use includes a building or structure and is clearly used incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related

**ACTIVITY.** See USE.

**ADJACENT.** A lot or parcel of land which shares all or part of a common lot line with another parcel of land.

**AGRICULTURE:** The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry.

**AGRICULTURE, ANIMAL** means the use of land for the maintenance or production of animals or animals' products but does not include livestock production facilities.

**AGRICULTURE, CROP** means the use of land for the production of row crops, field crops, tree crops, timber and the like.

**AGRICULTURAL FACILITIES:** Structures designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that are clearly incidental to agricultural activity, excluding the business of retail trade.

**AGRICULTURAL RETAIL FACILITY.** A booth or stall located on a farm from which produce and farm products are sold to the general public.

**AGRICULTURE SALES AND SERVICE** means an establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies and the like, excluding large implements, and including accessory food sales and machinery repair services.

**AGRICULTURAL STORAGE** means facilities for the warehousing or agricultural products. Typical uses include grain elevators.

**ALLEY.** Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

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

**ANIMAL FEED LOT.** A place primarily used for integrated live stock feeding solely for the purpose of preparing them for market, including, but not limited to, chicken hatcheries, poultry feeding enterprises and “egg factories”.

**ANIMAL UNIT** means a unit of measurement for any livestock production facility calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0, plus all other animals on site multiplied by 1.0 per 1000 pounds of body weight.

**APARTMENTS.** A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

**AUTOMOBILE CAR WASH.** An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

**AUTOMOBILE/VEHICLE GAS/FUEL SALES.** See GAS STATION.

**AUTOMOBILE REPAIR.** All repair operations that relate to the repair of personal vehicles excluding body shops and towing operations.

**AUTOMOBILE SALES.** An establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks. The primary use must constitute over 50% of vehicle traffic to the establishment.

**AUCTION YARDS.** A place where vehicles, operable or inoperable, are offered for sale to persons who bid on the vehicles in competition with each other.

**AUTOMOBILE SERVICE STATION:** see GAS STATION.

**BANK.** A building designed to perform one or more services, including, but not limited to, the safeguarding of money and other valuables, the lending of money, the executing of bills of exchange such as checks, drafts and money orders, the issuance of notes, and the receipts of funds. The term “bank” includes, but is not limited to, banks, savings and loan operations, and credit unions.

**BAR.** A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

**BASE AREA.** The area, which is the length times the width, in square feet as of the effective date of this Ordinance.

**BASEMENT.** A story having part but not more than one half (1/2) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the

vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business of dwelling purposes.

**BED AND BREAKFAST:** A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

**BLOCK.** The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or Township boundary lines of Akron Township.

**BOATING AND FISHING ACCESS SITES:** see RECREATION, PUBLIC AND PRIVATE.

**BODY SHOP:** see VEHICLE REPAIR

**BUILDING.** Any structure, either temporary or permanent, having a roof supported by columns, walls or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to, tents, sheds, garages, greenhouses and other accessory structures.

**BUILDING, FRONT LINE.** The line that coincides with the face for the building nearest the front of the lot. The face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front property line and measured as a straight line between the intersecting points with the side yard.

**BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground above the front of the building to the highest point on the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eave and ridges for gable hip and gambrel roofs.

**BUILDING INSPECTOR.** An individual appointed/employed to issues permits, collects fees, inspects sites, and issue enforcement actions.

**BUILDING LINE.** A line defining the minimum front, side or rear yard requirement outside of which no building of structure may be built.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.

**BUILDING SUPPLY AND SHOWROOMS:** A building primarily used for the storage and display of goods and materials.

**BULK STATION/STORAGE.** A place where crude petroleum, gasoline, naphtha, benzene, kerosene, or other flammable liquid is stored for wholesale purposes only, where the aggregate capacity for all storage tank is more than six thousand (6,000) gallons.

**BUSINESS SERVICES.** A business service establishment provides services to other businesses as their primary clientele, and may involve some outside storage of equipment

or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas, sign production and installation, equipment rental or repair, building maintenance, and self service storage).

CAMPING AND RV AREAS: see RECREATION, PUBLIC AND PRIVATE

CAMPGROUND: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

CEMETERIES: Publicly or privately owned places for the interment of human remains.

CHILD CARE ORGANIZATION: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. CHILD CARE CENTER or DAY CARE CENTER means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 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 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. CHILD CARE CENTER or DAY CARE CENTER does not include a Sunday school conducted by a religious institution or 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.
- b. FOSTER FAMILY HOME is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c. FOSTER FAMILY GROUP HOME means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d. FAMILY DAY CARE HOME means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e. GROUP DAY CARE HOME means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

**CLINIC.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

**CLUB.** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership, and purpose of such club.

**COLLEGES AND UNIVERSITIES:** An institution other than a trade school that provides full-time or part-time education beyond high school. see INSTITUTION, EDUCATIONAL.

**COMMERCIAL FISHERIES.** see FARM, FISH.

**COMMERCIAL GRAIN AND SEED ELEVATORS:** see GRAIN AND SEED ELEVATORS; AGRICULTURAL STORAGE.

**COMMERCIAL RECREATIONAL USE.** See RECREATIONAL USE, COMMERCIAL.

**COMMERCIAL SCHOOL.** A commercial school is a private education private educational facility not operated as nonprofit entity and offering instruction in art, business, music, dance, trades, continuing professional education or other subjects.

**COMMON LAND.** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in the planned unit development.

**CONVALESCENT OR NURSING HOME.** A building wherein infirm and incapacitated persons are furnished shelter, care, food, lodging, and needed attention for compensation. see INSTITUTION, HUMAN CARE.

**CONVENIENCE STORE.** A retail operation selling a variety of items including grocery products and items that may be required by neighborhood residents on a day to day basis such as newspapers, magazines, seasonal needs, etc.

**COVERAGE LOT.** That percent of the plot or lot covered by the building area.

**CROPS.** A harvestable product, planted, grown and cultivated in the soil. Field crops are generally for sale and not consumed on the premises.

**CUL DE SAC.** A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

**DAY NURSERY.** A private establishment enrolling four or more children where tuition, fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center.

**DEGREE OF NONCONFORMANCE.** A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies.

- a. **USE.** A Use is any item listed in the DISTRICT REGULATIONS chapters of this Ordinance as allowed by Right or by Special Use Permit.
- b. **SETBACK.** The square footage of a building that is within a required setback area.

- c. AREA. The square footage by which a building or parcel varies from the maximum or minimum area required for its Zoning District.
- d. WIDTH OR DEPTH. The distance in feet by which the width or depth of a parcel varies from the minimum or maximum dimension for its Zoning District.
- e. PARKING. The number of off-street parking spaces which a parcel lacks to conform with the requirements of the Zoning Ordinance.

DENSITY. The number of dwelling units situated on or to be developed upon gross acre of land.

DEPTH. For the purposes of this interpreting the Dimensions Table in [Chapter 3](#) - District Regulations, depth is the distance from a property line to a structure.

DEVELOPMENT. The construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use, and/or any man made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DISTRIBUTION FACILITIES: A place where goods are received and/or stored for delivery to the ultimate customer at remote locations.

DISTRICT. A portion of the un-incorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DISTRICT REGULATIONS. Regulations for properties within each Zoning District, found in [Chapter 3](#) - District Regulations.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicles or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-in is also interpreted to include "fast food" operations that serve food in disposable containers.

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

DWELLING TYPES. For the purposes of this Ordinance, dwellings are separated into the following categories:

- a. SINGLE FAMILY DWELLING is a detached building containing one (1) dwelling unit.
- b. TWO FAMILY DWELLING is a building containing not more than (2) dwelling units.
- c. MULTIPLE DWELLING is a building or portion thereof containing three (3) or more dwelling units.

DWELLING UNIT. A building or portion thereof designed exclusively for residential occupancy by one family having cooking facilities.

**ERECTED.** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance of underground, surface, or overhead electrical, gas, water, and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

**EXCAVATION.** Removal or recovery by any means, of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface, whether exposed or submerged.

**EXCEPTION.** A use permitted only after review of an application by the Board of Appeals or Legislative Body or a modification in the standards of this Ordinance specifically permitted after review by the Board of Appeals, Planning Commission or Legislative Body; such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.

**FAMILY.** Two or more persons related by blood, marriage, or adoption, living together in a dwelling unit or group of not more than four (4) persons, who need not be related, living together in a single dwelling unit.

**FARM.** A tract of land that is directly devoted to agricultural purposes. A farm includes cultivation of crops and horticulture. A farm does not include establishments operated as roadside stands, nurseries, chicken hatcheries, apiaries or include keeping or operating establishments for farm animals of any kind, fur bearing animals, riding or boarding stables, kennels, quarries, gravel or sand pits.

**FARM, FISH.** An area of land complete with an artificial pond or ponds in which fish are reared and sold to consumers.

**FARMING, GENERAL.** The practice of agriculture on a farm as defined above.

**FENCE.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, decorate or separate areas.

**FIELD CROPS.** A harvestable product, planted, grown and cultivated in the soil. Field crops are generally for sale and not consumed on the premises.

**FILLING.** Depositing or dumping of any matter onto, or into the ground except common household gardening and ground care.

**FLAG LOT.** A lot not fronting entirely on or abutting a public road and where access to the public roads is by a narrow, private right-of-way.

**FLOOR AREA, USABLE.** (For the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be

excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors.

FORESTRY: See Agriculture.

FRUIT ORCHARD. A planting of fruit trees for the purpose of harvesting fruit.

FUNERAL HOME/MORTUARY: A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

GARAGE, SERVICE. Any premises used for the storage or care of motor driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

GARBAGE. Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

GAS STATION/SERVICE STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.

GOLF COURSE: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters. (see RECREATION, PUBLIC AND PRIVATE)

- a. PITCH AND PUTT COURSE: A facility providing a private or public golf recreation area designed for executive play rules along with accessory golf support facilities but excluding miniature golf.
- b. 9-HOLE COURSE: A facility of 9 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.
- c. 18-HOLE COURSE: A facility of 18 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.

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

GRAIN AND SEED ELEVATORS: A structure designed and constructed to house hay, grain, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade. see AGRICULTURAL STORAGE.



**GREENHOUSE.** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate, out of season plants for subsequent sale or personal use.

**GROSS FLOOR AREA.** The sum of the gross horizontal areas of several floors of a building measured from the exterior face or exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet. For the purpose of calculating parking and loading requirements, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

**GUN CLUB.** Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms.

**HEIGHT, MEASUREMENT OF.** The height of a building, fence, or wall at any given level is the height above the natural grade of any portion or portions of a wall or walls along the length of the building. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

**HIGH IMPACT OF LIVESTOCK OR POULTRY RAISING.** Any farm with a sufficient number of animals on the premises to equal or exceed a total of twenty (20) "Animal Units", as defined below. It is characterized by the confinement of livestock or poultry where the confinement area accumulated manure that must be removed, or where a sustained ground cover (crops, vegetation, forage growth or post harvest residue) cannot be maintained over the normal growing season throughout the area where animals are confined.

**HOME OCCUPATION** Any business carried on by one or more members of a family residing on the premises, providing it:

- a. is operated in its entirety within the principal dwelling or accessory structure;
- b. does not have a separate entrance from outside the building;
- c. does not involve alteration or construction not customarily found in dwellings or accessory structures;
- d. does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
- e. does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, or fifty (50%) percent of the total actual floor area of the accessory structure, with a maximum total area for the home occupation of five hundred (500) square feet;
- f. does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) non-animated, non-illuminated, wall sign having an area of not more than two (2) square feet.
- g. does not employ more than one (1) person other than family members residing on the premises.

- h. is not conducted such that it requires parking in excess of that required for the residential structure in which it is located.
- i. home occupations specifically exclude tattoo and piercing parlors and massage studios.

**HORTICULTURE.** The cultivation of a garden or orchard.

**HOSPITAL.** An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include a rest home, nursing home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

**HOTEL.** see MOTEL.

**HOUSE TRAVEL TRAILER.** A vehicular portable structure designed as a temporary dwelling for travel, and recreation and vacation uses.

**HUNTING CLUB .** see also SHOOTING RANGE; GUN CLUB. Areas reserved for public or private hunting of wildlife, fishing, and accessory structures in support of those activities.

**INCARCERATION FACILITY.** Any jail, prison, holding facility, work camp or detention center of any kind.

**INCINERATOR.** An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.

**INDOOR USE.** A use, the majority of which is contained within a structure.

**INSTITUTION, EDUCATIONAL.** A school for kindergarten through twelfth grade or any colleges or universities authorized by the state to award degrees.

**INSTITUTION, HUMAN CARE.** A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent or nursing homes, homes for the mentally or physically impaired, and mental, physical or substance abuse rehabilitation facilities.

**INSTITUTION, RELIGIOUS.** A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

**INSTITUTION, SOCIAL.** Any profit or nonprofit use or facility in which activities for leisure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veterans' organizations.

**INTENSIVE LIVESTOCK OPERATIONS:** See the Michigan Generally Accepted Agricultural Management Practices. [GAAMPS](#)

**JUNK/SALVAGE YARD.** A licensed open area where waste, used or second hand materials are brought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile-wrecking yards, and two or more inoperative,

unlicensed vehicles located on a single lot. Operations with characteristics of salvage yards are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

**KENNEL.** Any facility, on a single parcel, where more than three (3) dogs, three (3) cats, or other household pets, over four (4) months old are kept, housed or boarded for a fee, or where such animals are kept for breeding purposes.

**LIVESTOCK PRODUCTION FACILITY** means a facility where farm animals, as defined in the Right to Farm Act, such as dairy cattle, poultry, beef cattle, sheep, swine, horses, etc. are confined with a capacity of 50 animal units or greater and the associated manure storage facilities. Pasture systems are excluded. see **INTENSIVE LIVESTOCK OPERATIONS**.

**LABORATORY:**

- a. **Medical or dental:** A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- b. **Experimental:** A building or part of a building devoted to the testing and analysis of any product or animal.

**LIBRARY:** Institutions for the storage and circulation of books, compact discs, videotapes and other materials for use by the general public.

**LOADING/BERTH SPACE.** An off-street space at least ten (10) feet wide, twenty-five (25) feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

**LOT.** A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.

**LOT AREA.** The total horizontal land area within the lot lines of the lot.

**LOT: CORNER, INTERIOR AND THROUGH.**

- a. **CORNER LOT.** A lot which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty five (135) degrees.
- b. **INTERIOR LOT.** A lot other than a corner lot.
- c. **THROUGH LOT.** An Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.

**LOT LINES.**

- a. **LOT LINE, FRONT.** The lines abutting a lot as defined herein: That line separating the lot from a street right-of-way. In the case of a corner lot or through lot the lines separating the lot from each street. In the case of a waterfront property, the line

separating the lot from the high water mark (portion of the yard facing the water side of the lot).

- b. **LOT LINE, REAR.** Lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.
- c. **LOT LINE, SIDE.** Any lot line that is not a front or rear lot line.

**LOT, WIDTH OF.** The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum building setback.

**LOT OF RECORD.** A parcel of land, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.

**LUMBER YARD.** A lumber yard is a business which emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.

**MASTER PLAN.** The comprehensive Township Plan including graphic and written proposals indicating the general location for streets, roadways, parks, school, public buildings, and all physical development of the Township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and or Legislative Body.

**MINING.** Mining includes the extraction of minerals, including solids, such as coal, ores, liquids, such as crude petroleum and gases such as natural gases. Mining also includes quarrying, groundwater diversion, soil removal, milling, crushing, screening, washing and flotation of materials, and any other preparation customarily done at the mine site or as part of a mining activity.

**MANUFACTURED HOME.** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974), is transportable in more than one section, is built on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frames.

**MANUFACTURED HOME PARK.** A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.

**MANUFACTURED HOME SPACE.** A plot or parcel of land within the Manufactured Home Park designed to accommodate one (1) manufactured home.

**MANUFACTURED HOME STAND.** That part of an individual Manufactured Home site which has been reserved for the placement of the Manufactured Home, appurtenant structures, or additions.

**MANUFACTURING:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

**MOBILE HOME.** see MANUFACTURED HOME.

**MODULAR HOME.** see MANUFACTURED HOME.

**MORTUARY:** see FUNERAL HOME

**MOTEL.** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients. The term "motel" shall include buildings designed as "auto courts," "tourist courts", "travel lodge", "motor courts", "motor hotels", and similar names which are designed as integrated units of individual rooms under common ownership. For the purposes of this Ordinance, "motel" and "hotel" have the same meaning.

**NONPROFIT ORGANIZATION.** The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization which owns or leases property in Akron Township.

**NONCONFORMITY.** Any use of land or a building, any parcel of land, or any building or other structure which does not comply with all of the District Regulations for the Zoning District in which it is located.

**NONCONFORMING BUILDING.** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

**NONCONFORMING USE.** Any use of building, structure, or land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

**NUISANCE.** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrates movement or people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibrations, shock waves, heat, electronic or atomic radiation, objectionable effluent, and traffic.

**NURSERY.** Land or greenhouses used to raise flowers, shrubs, trees, and other plants for sale.

**OFFICE.** An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer,

studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

**OFF-STREET PARKING LOT.** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**OPEN FRONT STORE.** A business establishment so developed that service to the patron may be extended beyond the walls of the structure not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

**OPEN SPACE.** Any unoccupied space open to the sky on the same lot with a building.

**OUTDOOR ASSEMBLY.** These uses include outdoor amphitheaters, race tracks, drive in theaters and similar uses. These uses may also include special purpose assembly such as music festivals, fairs and similar activity.

**OUTDOOR EDUCATION CENTERS AND FACILITIES:** see RECREATION, PUBLIC AND PRIVATE.

**OUTDOOR USE.** A use, of which the majority is conducted outside of a structure of any kind.

**PARCEL.** See LOT.

**PARKING SPACE.** An off-street space of at least one hundred-eighty (180) square feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

**PERSONAL SERVICE BUSINESS.** A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, grooming dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.

**PLAT.** A map of a subdivision of land.

**POND.** An artificially or naturally confined body of still water, less than one (1) acre in size, excluding swimming pools.

**PRINCIPAL BUILDING.** A building in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PRODUCTION, PROCESSING, ASSEMBLING OF NONFOOD GOODS.** see MANUFACTURING.

**PROFESSIONAL AND ADMINISTRATIVE OFFICES.** see OFFICE.

**PUBLIC BUILDING.** Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, municipality without reference to

ownership of the building or the realty upon which it is situation. A building belonging or used by the public for the transaction of public or quasi-public businesses.

**PUBLIC SERVICE INSTALLATION.** A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a **PUBLIC UTILITY**.

**PUBLIC STREET.** Any vehicular way which:

- a. is an existing state, county, or municipal roadway; or
- b. is shown upon a plat approved pursuant to law; or
- c. is approved by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved.

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

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.

**RECREATION, PRIVATE:** Recreational, playgrounds and parks activities that are not open to the general public and for which a fee may or may not be charged.

**RECREATION, PUBLIC:** Recreational, playgrounds and parks activities that are open to the general public and for which a fee may or may not be charged.

**RECREATIONAL USE, COMMERCIAL.** Commercial recreational facilities are for profit establishments providing recreational activities for a fee. In general, these activities are participatory in nature. Commercial recreational facilities include such uses as bowling alleys, roller rinks, race tracks, arcades, indoor driving ranges, etc.

**RECREATIONAL USE, PRIVATE.** A recreational use carried out entirely on private land for the property owner and his guests' pleasure. Private recreational uses are not open to the public or admissible by a fee.

**RESORT AND VACATION LODGES:** see **MOTEL**.

**RESTAURANT:** A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

**RESTAURANT, DRIVE-IN/DRIVE THROUGH/FAST FOOD:** A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out

with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

**RETAIL FOOD.** see RETAIL TRADE.

**RETAIL GOODS AND SERVICE.** see RETAIL TRADE.

**RETAIL TRADE:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

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

**ROADSIDE STAND.** A structure for the display of agricultural products, with no space for customers within the structure itself.

**RUBBISH.** A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments and institutions.

**ROOM.** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living, dining room or bedroom that is equal to at least eight (80) square feet in area for each room. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**SALE, GARAGE INCLUDING RUMMAGE SALE, BASEMENT SALE, YARD SALE.** A rummage sale is a temporary sale of used personal items.

**SALES AREA.** The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.

**SALES ESTABLISHMENTS, FOOD:** See Retail Trade.

**SERVICE AREA.** Anywhere fuel is dispensed or any service of the business is performed.

**SANITARY LANDFILL.** A tract of land developed, designed, and operated to accommodate general types of solid waste including but not limited to garbage, rubbish, soils, and concrete, but excluding hazardous waste.

**SCHOOL:** see INSTITUTION, EDUCATIONAL

**SECTIONAL HOME.** Two or more units fabricated and transported to the building site where they are put on a permanent foundation and thereon finished as a residential unit.



S.E.V. The State Equalized Valuation of the property in question. This is presumed to be fifty percent (50%) of the property's true cash value.

SERVICE BUSINESS. A service business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business. see PERSONAL SERVICE BUSINESS.

SETBACK. The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

SEWAGE TREATMENT AND DISPOSAL: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

SHOOTING RANGE (see GUN CLUB) An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

SIGN. A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign-related terms are defined:

- a. AREA, OR SURFACE AREA, OF SIGN. That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.
- b. ELECTRIC SIGN. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- c. ELECTRONIC MESSAGE BOARD: Changeable copy/image signs in which the copy/image consists of an array of lights activated and deactivated.
- d. FREESTANDING SIGN. A sign which is affixed to a permanent foundation, but not attached to the building proper. (Also "Ground Mounted" sign.)
- e. GROUND LEVEL. The elevation to be used for computing the height of signs. Defined as the roadway center line grade elevation at its intersection with the center line of the driveway serving the parcel which is located nearest to the sign location.
- f. ILLUMINATED SIGN. A sign that provides artificial light directly or through any transparent or translucent material.
- g. INTEGRAL SIGN. Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like which are made an integral part of the walls of the structure (or roof for farm buildings).
- h. JOINT SIGN. A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.

- i. LOCATION. A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- j. MARQUEE. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- k. PROJECTING SIGN. A sign, other than a wall sign, which projects 18" or more from and is supported by a wall of a building or structure.
- l. ROOF LINE. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- m. ROOF SIGN. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
- n. SETBACK. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.
- o. SIZE OF SIGN. The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3-sided sign equals two (2) signs.
- p. PORTABLE SIGN. A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
- q. WALL SIGN, FLAT. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18") inches at all points.

SITE, AREA. The total area within the property lines excluding rights-of-way, easements, etc.

SITE PLAN. A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

SOIL or SOILS. Peat, gravel, sand, clay, subsoil, topsoil, earth or other soils, including overburden.

SOLAR PANEL ENERGY SYSTEM, UTILITY SCALE. An installation, sometimes called a solar farm, principally designed and used to capture and convert solar energy into electric or thermal energy for transmission to the power grid.

SOLAR PANEL ENERGY SYSTEM FOR INDIVIDUAL USE. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to the power grid.

**SPECIAL USE.** The term applies to a use which may be permitted by the issuance of a Special Use Permit by the Township Planning Commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.

**STABLE, PRIVATE.** An accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that not more than three (3) horses are boarded.

**STATE LICENSED RESIDENTIAL FACILITY.** A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. The licensee must be a member of the household and an occupant of the residence. None of the following may be construed to be a State Licensed Residential Facility: a nursing home, home for the aged, or hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; nor an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, nor a residential facility licensed by the State to care for four (4) or fewer minors.

**STORY.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A half-story (1/2) containing independent apartments or living quarters shall be counted as a full story.

**STORY, HEIGHT OF.** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.

**STREET.** A public thoroughfare which affords the principle means of access to abutting property.

**STREET, FUNCTIONAL CLASSIFICATION.** Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) Arterials primarily for mobility, (2) Collectors for both mobility and land access, and (3) Locals primarily for land access.

- a. **PRINCIPAL ARTERIAL.** Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desire.
- b. **MINOR ARTERIAL.** Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.

- c. COLLECTOR. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
- d. LOCAL. Serves as direct land access and access to higher systems.

STREET LINE. The legal line of demarcation between a street right-of-way and land for service, benefit or enjoyment.

STRUCTURE. see BUILDING.

SUBDIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of land less than 40 acres or the equivalent, and that is not exempted from the platting requirements of Act 288 of 1967, as amended. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of Act 288 of 1967 as amended or the requirements of this Ordinance.

TAVERN. An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

TEMPORARY BUILDING USE. A use in a temporary or permanent structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

TEMPORARY OUTDOOR USE. A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

TOWING. See VEHICLE REPAIR.

TOWNSHIP. The Township of Akron, Tuscola County, Michigan.

TRAILER. A structure, standing on wheels, towed or hauled by another vehicle and used for short term occupation, carrying materials, goods or objects or for use as a temporary office.

TRUCK TERMINALS:

- a. A place where transfer between modes of transportation takes place.
- b. A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

TRUCK FARMING: see FARMING, GENERAL.

USE. The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

**UTILITY OR PUBLIC SERVICE BUILDINGS:** Any person, firm, corporation, municipal department or board, duly authorized under state or municipal regulation to furnish, and furnishing: transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services to the public.

**VARIANCE.** A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship due to circumstances unique to the specific property on which the modification is granted by the Zoning Board of Appeals under the provisions of this Ordinance and Act 184 of 1943 as amended.

**VEHICLE REPAIR:** General repair of personal and commercial vehicles, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change.

**VETERINARIAN.** One qualified and authorized to treat diseases and injuries of animals.

**VISUAL SCREEN.** A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms or densely planted vegetation.

**WALL, OBSCURING.** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**WAREHOUSE.** A building used primarily for the storage of goods and materials.

**WATER SUPPLY SYSTEM:** The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

**WHOLESALE AGRICULTURAL PRODUCT STORAGE.** See AGRICULTURAL STORAGE. Also GRAIN AND SEED ELEVATORS.

**WHOLESALE BUSINESS.** A wholesale business is an enterprise which buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

**WILDLIFE GAME PRESERVES:** see RECREATION, PUBLIC AND PRIVATE.

**WIND ENERGY CONVERSION SYSTEM.** The term "wind energy conversion system" shall be abbreviated as "WECS." And shall be a combination of:

- a. A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
- b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- d. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

**WIRELESS COMMUNICATION FACILITY.** Any personal wireless services and structures as defined in the Telecommunications Act of 1996 which includes and provides FCC licensed commercial wireless telecommunication service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ENSM) paging, and similar services that currently exist; or that may in the future be developed.

**YARD.** An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

**YARD, FRONT.** A yard between the front lot line and the nearest point of the main building.

**YARD, REAR.** A yard between the rear lot line and the nearest point of the main building.

**YARD, SIDE.** The yard between the nearest point of the main building and any side line.

**ZONING ADMINISTRATOR.** Administers and enforces the zoning ordinance.

**ZONING DISTRICT.** Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same.

## **Chapter 3 ■ District Regulations**

### **SECTION 3.1 DIVISION OF THE TOWNSHIP**

For the purposes of this Ordinance, all land within Akron Township, excepting for streets and alleys, is divided into the following Zoning Districts.

- AG Agricultural
- R-1 Residential: Single-Family
- RM Residential: Multi-Family
- C Commercial
- I Light Industrial
- N Natural Areas

### **SECTION 3.2 OFFICIAL ZONING MAP**

The boundaries of each Zoning District are defined and established as shown on a map entitled “Akron Township Zoning Map” which accompanies this Ordinance. This map, with all explanatory text, is a part of this Ordinance, Map 1. Zoning Map.

### **SECTION 3.3 INTERPRETATION OF BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply.

- a. Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of said roadways.
- b. Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow said lines.
- c. Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance there from as indicated by given distance or scaled dimension.

### **SECTION 3.4 SCOPE OF REGULATIONS**

No building or structure or part thereof shall be hereafter erected, moved, constructed, or altered, and no new use or change in use of a parcel or structure shall be made unless it conforms with the provisions of this Ordinance, including the regulation for the Zoning District in which it is located.

The regulations applying to Zoning Districts include specific limitation on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

The Zoning Board of Appeals shall have the power to classify a use that is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District regulations of any Zoning District.

### **SECTION 3.5 DISTRICT REGULATIONS TABLES**

Regulations for all Zoning Districts are contained together in the following two tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general requirements of this Ordinance. The reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in Akron Township.

- a. **USES TABLE.** Describes permitted activities all Zoning Districts, Table 1 – Table of Uses. These are identified in the left-hand column of each page. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance. Uses permitted by Special Permit are subject to the process described by [Chapter 14](#) - Special Use Permit Requirements and the conditions.
- b. **DIMENSIONS TABLE.** This table specifies parcel dimensions and setback requirements for parcels in each Zoning District, Table 2 – Schedule of Dimensional Regulations










MAP 1

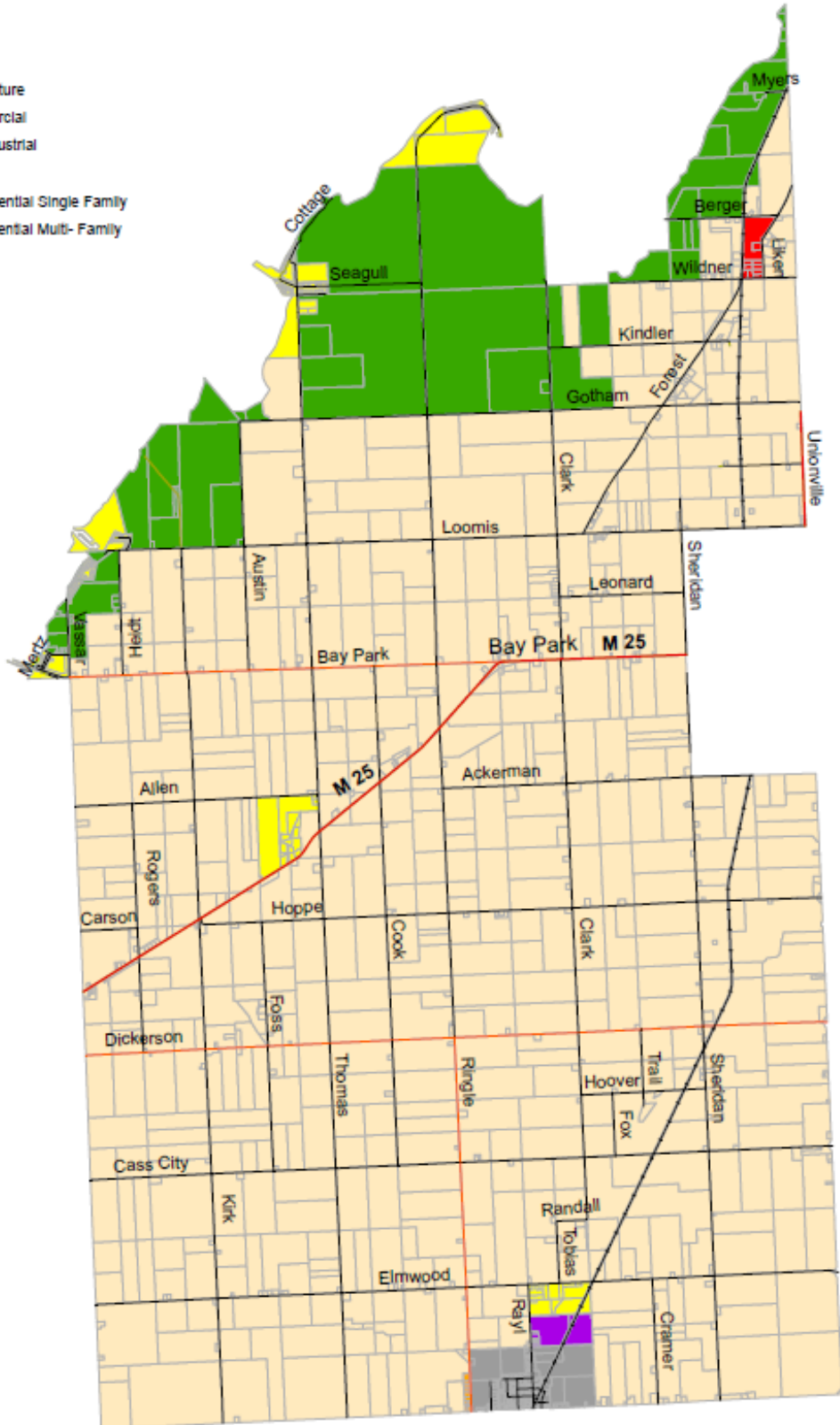
# Zoning Map

Akron Township 2015

Draft



-  Ag- Agriculture
-  C- Commercial
-  I- Light Industrial
-  Natural
-  R-1- Residential Single Family
-  RM- Residential Multi- Family
-  Village



**TABLE 1: TABLE OF USES**

District	Uses Permitted by Right	Uses Permitted by Special Use Permit
<p><b>AG</b> Agriculture</p>	<p>Agricultural retail facilities Cemeteries Child care Farming Forestry Fruit orchards Home occupations Horticulture Kennels Nurseries and greenhouses Public buildings Schools Single-family dwellings Stables and riding academies State licensed residential facilities for 6 or fewer people Truck farming Wind for individual use. Solar Panel Energy System for individual use Accessory buildings and uses, customarily incident to any of the permitted uses</p>	<p>Auction yards Colleges and universities Commercial grain and seed elevators Cottage Industries Golf courses Institutional or private non-commercial recreation centers Intensive livestock production facility Public parks and recreational facility Public service installations Religious, social, educational and human care institutions Shooting range State licensed residential facilities for greater than 6 people Wholesale agricultural product storage Wind Energy System: Utility Grid Wind Energy System Solar Panel Energy System: Utility Scale Wireless communication facilities</p>
<p><b>R-1</b> Residential: Single-Family</p>	<p>Bed and breakfasts Child care Public libraries Public parks and recreational facilities Schools Single-family dwellings State licensed residential facilities for 6 or fewer people Wind energy conversion system for individual use Solar Panel Energy System for individual use Accessory buildings and uses, customarily incident to any of the permitted uses</p>	<p>Camping areas and RV parks Institutional or private non-commercial recreation centers Public buildings Public service installations Religious, social, educational and human care institutions State licensed residential facilities for greater than 6 people Temporary outdoor uses</p>
<p><b>RM</b> Residential: Multi-Family</p>	<p>Child care Home occupations Multiple-family dwellings Single-family dwelling Two-family dwelling Accessory buildings and uses, customarily incident to any of the permitted uses</p>	<p>Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of manufactured home park residents Funeral homes Hospitals Manufactured home parks Public buildings Public parks Public service installations Religious, social, educational and human care institutions Accessory uses or structures such as business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article</p>

District	Uses Permitted by Right	Uses Permitted by Special Use Permit
<p><b>C</b> Commercial</p>	<p>Agriculture-related sales Auto sales Automobile service Banking and financial institutions Body shops Building supply and showrooms Commercial recreation Commercial schools Other retail goods &amp; services establishments Personal services Professional and administrative offices Public buildings Public parks and recreational facilities Restaurants Retail food Schools Towing Utility service buildings Solar Panel Energy System for individual use Accessory buildings and uses, customarily incident to any of the permitted uses</p>	<p>Gasoline stations Mortuaries Religious, social, educational and human care institutions Residential dwelling units Solar Panel Energy System; Utility Scale</p>
<p><b>I</b> Light Industrial</p>	<p>Agricultural facilities Agriculture Bulk storage Distribution facilities, including railroad transfer and storage tracks Greenhouses Kennels Laboratories Manufacturing Production, processing, assembling, treatment or packaging of nonfood goods Public utility installations Trade and industrial schools Truck Terminals Warehousing and outdoor storage Water supply, sewage treatment, and sewage disposal plants Solar Panel Energy System for individual use</p>	<p>Body shops Incinerators Lumber and planing mills Metal plating, buffing, and polishing Mining Reclamation lots and junk yards Towing Vehicle repair Solar Panel Energy System: Utility Scale</p>
<p><b>N</b> Natural Areas</p>	<p>Boating and fishing access sites Commercial fisheries Farming Outdoor and hunting clubs, associations, and camps Outdoor education centers and facilities Public parks Public service installations Single family dwellings Wildlife and game preserves and sanctuaries</p>	<p>Bed and breakfasts Camping areas and RV areas Hotels and motels Private and commercial recreational facilities, subject to State of Michigan regulations Resorts and vacation lodges</p>

District	Uses Permitted by Right	Uses Permitted by Special Use Permit
	Accessory uses	

**TABLE 2: SCHEDULE OF DIMENSIONAL REGULATIONS**

All values are required minimum lengths and areas

District	AG	R-1	RM	C	I	N
<b>Lot Area</b>	3 acres for farm-related operations, or 1 acre for single-family dwellings	1 acre, or 20,000 square feet when water and sewer available (See district text regarding pre-platted subdivisions)	1 acre, or 20,000 square feet if water and sewer available	1 acre	1 acre	3 acres
<b>Lot Width</b>	200 feet for farm-related operations, or 132 feet for single-family dwellings	100 feet.  56 feet for pre-platted subdivisions.	100 feet	150 feet	150 feet	80 feet
<b>Front Yard</b>	40 feet	20 feet from road right-of-way, or the ordinary high-water mark if located on Lake Huron.	40 feet	50 feet from the right of way line	50 feet	40 feet
<b>Rear Yard</b>	40 feet	20 feet.  10 feet for pre-platted subdivisions.	30 feet	25 feet	40 feet. Where the I district abuts an AG with residential use, or any residentially zoned district, the rear yard shall be 60 feet.	40 feet
<b>Side Yard, each</b>	10 feet	8 feet,  5 feet for pre-platted subdivisions.	15 feet	20 feet. Where a C district abuts an AG, R1 district, or residential use, side yard shall be 50 feet.	20 feet. Where the I district abuts an AG with residential use, or any residentially zoned district, the rear yard shall be 60 feet.	10 feet
<b>Corner Yard</b>	40 feet for both yards	20 feet for both yards	40 feet for both yards	50 feet for both yards	50 feet for both yards	40 feet for both yards
<b>Minimum Housing Unit</b>	900 square feet	900 square feet.  750 square feet for pre-platted subdivisions.	See Section 6.4	not applicable	not applicable	not applicable

Akron Township Zoning Ordinance

---

<b>Maximum Structure Height</b>	35 feet, or 2.5 stories for principal structure. Max height for farm-related operations is 150 feet.	35 feet, or 2.5 stories for principal structures	35 feet, or 2.5 stories. Accessory structures may not exceed 20 feet.	40 feet, or 3 stories	40 feet, or 3 stories	35 feet, or 3.5 stories
<b>Maximum Lot Coverage</b>	None for farm-related operations; 30% for single-family dwellings.	30%. 50% for pre-platted subdivisions.	35%	None	None	30%
<b>Accessory Structures</b>	See district text.	See district text.	See district text.	See district text.	See district text.	See district text.

## **Chapter 4 ■ AG - Agriculture District Regulations**

### **SECTION 4.1 INTENT AND PURPOSE**

This district is intended for agricultural and single family residential uses together with compatible uses. The purpose of this zone is to encourage the preservation of agricultural farming practices.

### **SECTION 4.2 USES PERMITTED BY RIGHT**

- a. Agricultural retail facilities
- b. Cemeteries
- c. Child care
- d. Farming
- e. Forestry
- f. Fruit orchards
- g. Home occupations
- h. Horticulture
- i. Kennels
- j. Nurseries and greenhouses
- k. Public buildings
- l. Schools
- m. Single-family dwellings
- n. Stables and riding academies
- o. State licensed residential facilities for 6 or fewer people
- p. Truck farming
- q. Wind conversion systems for individual use
- r. Solar Panel Energy System for Individual Use, see Section 10.5(d) for siting requirements.
- s. Accessory buildings and uses, customarily incident to any of the permitted uses.

### **SECTION 4.3 USES PERMITTED BY SPECIAL USE PERMIT**

- a. Auction Yards
- b. Colleges and Universities
- c. Commercial Grain and Seed Elevators
- d. Cottage Industries
- e. Golf Courses
- f. Institutional or Private Non-commercial Recreation Centers
- g. Intensive Livestock Production Facility
- h. Public Parks and Recreational Facility
- i. Public Service Installations
- j. Religious, Social, Educational and Human Care Institutions
- k. Shooting Range
- l. State Licensed Residential Facilities for greater than 6 people
- m. Wholesale Agricultural Product Storage
- n. Wind Energy System: Utility Grid Wind Energy System
- o. Solar Panel Energy System: Utility Scale
- p. Wireless Communication Facilities

Regulations for Special Uses are found in [Chapter 14](#) - Special Use Permit Requirements.

### **SECTION 4.4 DIMENSIONAL REQUIREMENTS**

- a. Lot Area, Minimum:
  - 1. Agriculture/Farm Operations and Uses – The minimum lot size shall be three (3) acres.
  - 2. Single-Family Dwelling Uses – The minimum lot size shall be one (1) acre.
  
- b. Lot Width, Minimum:
  - 1. Agriculture/Farm Operations and Uses – Two hundred (200) feet.

2. Single-Family Dwelling Uses – One hundred thirty-two (132) feet.
- c. Front Yard, Minimum –Forty (40) feet from the road right-of-way.
  - d. Rear Yard, Minimum - Forty (40) feet.
  - e. Side Yard, Minimum – Each side yard shall be a minimum of ten (10) feet.
  - f. Corner Yard, Minimum – Forty (40) feet from the road right-of-way for both yards.
  - g. Housing Unit, Minimum – Nine hundred (900) square feet.
  - h. Height, Maximum – Thirty-five (35) feet or two and one half (2.5) stories for principal structure. For Agriculture/Farm Operations and Uses, the maximum height for accessory structures is one hundred fifty (150) feet. The maximum height for Agriculture/Farm Operations and Uses accessory structures does not include silos and radio towers.
  - i. Lot coverage, maximum percent:
    1. Agriculture/Farm Operations and Uses – None.
    2. Single-Family Dwelling Uses – Thirty (30) percent.
  - j. Accessory Structures - No accessory structures may be located closer than ten (10') feet to the principal structure or in the front yard. However, accessory structures may be located in side yards in front of the principal structure's front building line, but may not be located within the required front yard. Accessory structures shall be set back a minimum of ten (10) feet from the side and rear yard lot lines. For non-conforming lots, placement of accessory structures are to be determined and approved by the Zoning Administrator. Minimum distance from the lot line in non-conforming lots shall be three (3) feet.



## **Chapter 5 ■ R-1 – Residential: Single-Family District Regulations**

### **SECTION 5.1 INTENT AND PURPOSE**

This district is intended for single-family residential uses. The purpose of this zone is to encourage a residential environment of low-density, single-family detached dwellings along with other residentially related facilities that serve the residents in the districts.

### **SECTION 5.2 USES PERMITTED BY RIGHT**

- a. Bed and breakfasts
- b. Child care
- c. Public libraries
- d. Public parks and recreational facilities
- e. Schools
- f. Single-family dwellings
- g. State licensed residential facilities for 6 or fewer people
- h. Wind energy conversion system for individual use
- i. Solar Panel Energy System for Individual Use, see Section 10.5(d) for siting requirements.
- j. Accessory buildings and uses, customarily incident to any of the permitted uses.

### **SECTION 5.3 USES PERMITTED BY SPECIAL USE PERMIT**

- a. Camping areas and RV parks
- b. Institutional or private non-commercial recreation centers
- c. Public buildings
- d. Public service installations
- e. Religious, social, educational and human care institutions
- f. State licensed residential facilities for greater than 6 people
- g. Temporary outdoor uses

Regulations for Special Uses are found in [Chapter 14](#) - Special Use Permit Requirements.

## SECTION 5.4 DIMENSIONAL REGULATIONS

Existing lots and pre-platted subdivisions created prior to the effective date of this zoning ordinance are considered *nonconforming lots* and their continuance shall be governed by Section 10.1 – Nonconformities, unless specified below. Should any of following provisions for the R-1 Zoning District (Chapter 5) differ from the requirements of Section 10.1, then the requirements of Chapter 5 shall govern.

- a. Lot Area, Minimum – Except for existing lots and pre-platted subdivisions, the minimum lot size for new lots shall be one (1) acre. If water and sewer are available, then the minimum lot size for new lots can be twenty thousand (20,000) square feet.
- b. Lot Width, Minimum:
  3. New Lots – One hundred (100) feet.
  4. Existing Lots and Pre-Platted Subdivisions – The minimum lot width shall be fifty-six (56) feet for new construction, or as platted for existing structures.
- c. Front Yard, Minimum – Twenty (20) feet from the road right-of-way, or the ordinary high-water mark if located on Lake Huron.
- d. Rear Yard, Minimum:
  1. New Lots – Twenty (20) feet.
  2. Existing Lots and Pre-Platted Subdivisions – Ten (10) feet.
- e. Side Yard, Minimum:
  1. New Lots – Eight (8) feet.
  2. Existing Lots and Pre-Platted Subdivisions – Five (5) feet.
- f. Corner Yard, Minimum – Twenty (20) feet from the road right-of-way for both yards.
- g. Housing Unit, Minimum:
  1. New Lots – Nine hundred (900) square feet.
  2. Existing Lots and Pre-Platted Subdivisions – Seven hundred fifty (750) square feet.
- h. Height, Maximum – Thirty-five (35) feet or two and one half (2½) stories for principal structures.

- i. Lot coverage, Maximum Percent:
  - 1. New Lots – 30%.
  - 2. Existing Lots and Pre-Platted Subdivisions – 50%.
  
- j. Accessory Structures – No accessory structures may be located closer than ten (10) feet to the principal structure or in the front yard. However, accessory structures may be located in side yards in front of the principal structure's front building line, but may not be located within the required front yard. Accessory structures shall be set back a minimum of ten (10) feet from the side and rear yard lot lines. For non-conforming lots, placement of accessory structures are to be determined and approved by the Zoning Administrator. Minimum distance from the lot line in non-conforming lots shall be three (3) feet.

## **Chapter 6 ■ RM - Residential: Multi-Family District Regulations**

### **SECTION 6.1 INTENT AND PURPOSE**

The intent and purpose of this district is to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the non-residential districts and the single-family district. This district is further provided to provide a variety of housing styles, designs and costs to meet the needs of existing and potential residents while promoting development and preservation of neighborhoods of higher density than in the R-1 district.

### **SECTION 6.2 USES PERMITTED BY RIGHT**

- a. Child care
- b. Home occupations
- c. Multiple-family dwellings
- d. Single-family dwelling
- e. Two-family dwelling
- f. Accessory building and uses customarily incident to any of the above permitted uses.

### **SECTION 6.3 USES PERMITTED BY SPECIAL USE PERMIT**

- a. Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of manufactured home park residents.
- b. Funeral homes
- c. Hospitals
- d. Manufactured home parks
- e. Public buildings
- f. Public parks
- g. Public service installations
- h. Religious, social, educational and human care institutions

- i. Accessory uses or structures such as business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.

Regulations for Special Uses are found in [Chapter 14](#) - Special Use Permit Requirements.

## **SECTION 6.4 DIMENSIONAL REQUIREMENTS**

- a. Lot Area, Minimum – Forty-three thousand, five hundred and sixty (43,560) square feet, or twenty thousand (20,000) square feet of water and sewer available.
  - b. Lot Width, Minimum – One hundred (100) feet.
  - c. Front Yard, Minimum – Forty (40) feet from the road right-of-way.
  - d. Rear Yard, Minimum – Thirty (30) feet
  - e. Side Yard, Minimum – Each side yard shall be a minimum of fifteen (15) feet.
  - f. Corner Yard, Minimum – Forty (40) feet from the road right-of-way for both yards.
  - g. Housing Unit, Minimum
    - 1) Efficiency Apartment – Is a dwelling unit containing not over six hundred forty (640) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities.
    - 2) One Bedroom Unit – Is a dwelling unit containing a minimum floor area of at least six hundred and forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities.
    - 3) Two Bedroom Unit – Is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities.
    - 4) Three or More Bedroom Unit – Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet.
- The number of dwelling units on a site shall not exceed twenty (20) dwelling units per acre.
- h. Height, Maximum – Thirty-five (35') feet or two and one half (2.5) stories. Accessory structures may not exceed twenty (20') feet.
  - i. Lot coverage, maximum percent- Thirty-five (35%) percent.
  - j. Accessory Structures – No accessory structures may be located closer than ten (10) feet to the principal structure or in the front yard. However, accessory structures may be located in side yards in front of the principal structure's front building line, but may not be located

within the required front yard. Accessory structures shall be set back a minimum of fifteen (15) feet from the side and rear yard lot lines.

## **Chapter 7 ■ C - Commercial District Regulations**

### **SECTION 7.1 INTENT AND PURPOSE**

The intent and purpose of this district is to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential and agricultural areas. Further it is designed to provide a transition between major thoroughfares and residential districts.

### **SECTION 7.2 USES PERMITTED BY RIGHT**

- a. Agriculture-related Sales
- b. Auto sales
- c. Automobile service
- d. Banking and financial institutions
- e. Body Shops
- f. Building supply and showrooms
- g. Commercial recreation
- h. Commercial schools
- i. Other retail goods & services establishments
- j. Personal services
- k. Professional and administrative offices
- l. Public buildings
- m. Public parks and recreational facilities
- n. Restaurants
- o. Retail food
- p. Schools
- q. Towing
- r. Utility service buildings
- s. Solar Panel Energy System for Individual Use, see Section 10.5(d) for siting requirements.

- t. Accessory building and uses customarily incident to any of the above permitted uses.

### **SECTION 7.3 USES PERMITTED BY SPECIAL USE PERMIT**

- a. Gasoline stations
- b. Mortuaries
- c. Religious, social, educational and human care institutions
- d. Residential dwelling units
- e. Solar Panel Energy System: Utility Scale

Regulations for Special Uses are found in [Chapter 14](#), Special Use Permit Requirements.

### **SECTION 7.4 DIMENSIONAL REQUIREMENTS**

- f. Lot Area, minimum – Forty-three thousand, five hundred and sixty (43,560) square feet.
- g. Lot Width, minimum – One hundred fifty (150) feet.
- h. Front Yard, Minimum – Fifty (50) feet from the road right of way line.
- i. Rear Yard, Minimum – Twenty-five (25) feet
- j. Side Yard, Minimum – Each side yard shall be a minimum of Twenty (20) feet. Where a C district abuts an AG district with a single-family residential use or any residentially zoned district, the side yard shall be fifty (50) feet in the C district.
- k. Corner Yard, Minimum – Fifty (50) feet from the road right-of-way for both yards.
- l. Height, maximum – Forty (40') feet or three (3) stories.
- m. Lot coverage, maximum percent - None.
- n. Accessory Structures – Accessory structures are not subject to a property line setback, except where a C district abuts an AG district with a single-family residential use or any residentially zoned district, accessory structures shall be set back a minimum of ten (10) feet from lot lines.



## **Chapter 8 ■ I - Light Industrial District Regulations**

### **SECTION 8.1 INTENT AND PURPOSE**

This district is intended for light industrial uses and is designed to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and or treatment of finished or semi-finished products from previously prepared material. The general goals of this use district include, among others, the following specific purposes:

- a. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for all types of manufacturing and related uses.
- b. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
- c. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.

### **SECTION 8.2 USES PERMITTED BY RIGHT**

- a. Agricultural facilities
- b. Agriculture
- c. Bulk storage
- d. Distribution facilities, including railroad transfer and storage tracks
- e. Greenhouses
- f. Kennels
- g. Laboratories
- h. Manufacturing
- i. Production, processing, assembling, treatment or packaging of nonfood goods
- j. Public utility installations
- k. Trade and industrial schools

- l. Truck terminals
- m. Warehousing and outdoor storage
- n. Water supply, sewage treatment, and sewage disposal plants.
- o. Solar Panel Energy System for Individual Use, see Section 10.5(d) for siting requirements.

### **SECTION 8.3 USES PERMITTED BY SPECIAL USE PERMIT**

- a. Body shops
- b. Incinerators
- c. Lumber and planing mills
- d. Metal plating, buffing, and polishing
- e. Mining
- f. Reclamation lots and junk yards
- g. Towing
- h. Vehicle repair
- i. Solar Panel Energy System: Utility Scale

Regulations for Special Uses are found in [Chapter 14](#), Special Use Permit Requirements.

### **SECTION 8.4 DIMENSIONAL REQUIREMENTS**

- a. Lot Area, Minimum – Forty-three thousand, five hundred and sixty (43,560) square feet.
- b. Lot Width, Minimum – One hundred and fifty (150) feet.
- c. Front Yard, Minimum – Fifty (50) feet from the road right of way line.
- d. Rear Yard, Minimum – Forty (40) feet. Where the I District abuts an AG district with a single-family residential use or any residentially zoned district, the rear yard shall be sixty (60) feet in the I district
- e. Side Yard, Minimum – Twenty (20) feet. Where the I district abuts an AG district with a single-family residential use or any residentially zoned district, the side yard shall be sixty (60) feet in the I district.
- f. Corner Yard, Minimum – Fifty (50) feet from the road right-of-way for both yards.
- g. Height, Maximum – Forty (40) feet or three (3) stories.
- h. Lot coverage, Maximum Percent – None.

- i. Accessory Structures – Accessory structures are not subject to a property line setback, except where an I district abuts an AG district with a single-family residential use or any residentially zoned district, accessory structures shall be set back a minimum of ten (10) feet from lot lines.

## **Chapter 9 ■ N - Natural Areas District Regulations**

### **SECTION 9.1 INTENT AND PURPOSE**

This district is intended to protect the shores and adjacent land area of Lake Huron from inappropriate use, while permitting appropriate, compatible uses of the land related to the ecological and natural resources in the district.

### **SECTION 9.2 USES PERMITTED BY RIGHT**

- a. Boating and fishing access sites
- b. Commercial fisheries
- c. Farming
- d. Outdoor and hunting clubs, associations, and camps
- e. Outdoor education centers and facilities
- f. Public parks
- g. Public service installations
- h. Single family dwellings
- i. Wildlife and game preserves and sanctuaries
- j. Accessory Uses

### **SECTION 9.3 USES PERMITTED BY SPECIAL USE PERMIT**

- a. Bed and breakfasts
- b. Camping areas and RV parks
- c. Hotels and motels
- d. Private and commercial recreational facilities, subject to State of Michigan regulations
- e. Resorts and vacation lodges

Regulations for Special Uses are found in [Chapter 14](#), Special Use Permit Requirements.

### **SECTION 9.4 DIMENSIONAL REQUIREMENTS**

- k. Lot Area, Minimum – The minimum lot size shall be one hundred thirty thousand, six hundred and eighty (130,680) square feet, or three (3) acres.

- l. Lot Width, Minimum – The minimum lot width shall be eighty (80) feet.
- m. Front Yard, Minimum – The minimum front yard shall be forty (40) feet.
- n. Rear Yard, Minimum – The minimum rear yard shall be forty (40) feet.
- o. Side Yard, Minimum – Each side yard shall be a minimum of ten (10) feet.
- p. Corner Yard, Minimum – Forty (40) feet from the road right-of-way for both yards.
- q. Height, Maximum – Thirty-five (35) feet or three and one half (3.5) stories.
- r. Lot coverage, Maximum Percent – Thirty (30%) percent.
- i. Accessory Structures – No accessory structures may be located closer than ten (10) feet to the principal structure or in the front yard. However, accessory structures may be located in side yards in front of the principal structure's front building line, but may not be located within the required front yard. Accessory structures shall be set back a minimum of ten (10) feet from the side and rear yard lot lines. For non-conforming lots, placement of accessory structures are to be determined and approved by the Zoning Administrator. Minimum distance from the lot line in non-conforming lots shall be three (3) feet.

## **Chapter 10 ■ General Requirements**

### **SECTION 10.1 NONCONFORMITIES**

- a. **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- b. **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.
  - 1) **ILLEGAL** nonconformities are those that have been developed in conflict with zoning regulations.
  - 2) **LEGAL** nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.
    - a) The nonconformity existed legally before the effective date of this Ordinance.
    - b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
    - c) **Nonconforming Setback or Lot Size only:** The nonconformity resulted from land acquisition by a government agency, such as for a road right of way.
    - d) **Nonconforming Buildings or Structures only:** The building or structure does not extend into a public right of way, or over a neighboring property line.
- c. **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of twelve (12) months or more, any reuse of the land or structure must conform to all requirements of this Ordinance.
- d. **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.
- e. **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired **PROVIDED** that such restoration does not exceed fifty percent (50%) of its assessed value, as determined by the assessing officer, exclusive of foundations, provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.

- f. REPAIR. Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than fifty (50%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity.
- g. CHANGING USES. If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- h. NONCONFORMING LOTS. In any district in which single family dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.
- i. INVENTORY OF NONCONFORMITIES. The Township Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in Akron Township. Listed properties shall be arranged in the order of the Township Assessor's parcel identification numbers. This inventory should not list illegal nonconformities. Illegal nonconformities are violations of the ordinance and should be kept in the active files of the Zoning Administrator. In theory, the inventory of legal nonconformities should only expand if a Board of Appeals action allowing the nonconformity is issued.

All listed properties shall also be identified on a large scale map of the Township which shall be available for public inspection.

Each listing in the Inventory of Nonconformities shall include the following information.

- 1) Date each parcel listed on inventory.
- 2) Parcel identification number.
- 3) Property address.
- 4) Current owner(s).
- 5) Property description.
- 6) Parcel dimensions.
- 7) Current zoning district.
- 8) Current use of property.
- 9) Description of all nonconformities (Use, lot, structures, and signs), and date nonconforming status occurred, if known.

## **SECTION 10.2 USE REGULATIONS**

- a. **ZONING PERMITS REQUIRED.** All construction requires a permit through the Akron Township Zoning Administrator.
- b. **PRIOR BUILDING PERMITS.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within two (2) years of the date of issuance.
- c. **ACCESSORY USES.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
  - 1) Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
  - 2) Buildings or structures necessary for provision of essential services.
  - 3) Gardens, garden ornaments and usual landscape features within required yard space.
  - 4) Fences, walls, and screens within required yard space. Fences in the required yards on the water side of waterfront lots are specifically excluded from the definition of accessory structures and are not permitted.
  - 5) Retaining walls.
  - 6) Off street parking for licensed autos, recreational vehicles and other motor vehicles.
  - 7) Home Occupations.
  - 8) Use of premises as a voting place.
  - 9) Storage sheds, playhouses, and shelters for transit or school bus passengers.
  - 10) Radio or TV antennas.
  - 11) Swimming Pools – Swimming pools shall be in compliance of the requirements of the zoning district setbacks and the Tuscola County building codes.
  - 12) Front yard handicap access facilities in residential districts, with proof of need.
  - 13) Wind and solar facilities for personal use located on the property for which they are generating power.
- d. **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Central Michigan District Health Department and applicable State agencies.



- e. **INOPERATIVE OR DISMANTLED VEHICLES.** The storage of dismantled, wrecked and/or unlicensed vehicles within any residential district is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or storage does not exceed ninety (90) days.
- f. **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of two (2') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25') feet from their point of intersection.
- g. **STORAGE OF GARBAGE.** All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.
- h. **FENCES, WALLS AND NONBOTANICAL SCREENS.** In all agricultural, residential and commercial districts, no fence, wall or hedge plantings shall exceed a height of four (4') feet within twenty (20') feet of any street right-of-way line. Fences, walls or structural screens shall not exceed four (4') feet in any front yard or six (6') feet in any side or rear yard. Fences that enclose public or institutional uses, playgrounds or public landscaped areas, shall not exceed eight (8') feet in height and shall not obstruct vision. Fences in the required yards on the water side of waterfront lots are specifically prohibited. Fences in pre-platted subdivisions shall not exceed three (3') feet in height within twenty (20') feet of any street right-of-way line, including private roads, and shall not obstruct vision.
- i. **STORAGE OF EQUIPMENT AND MATERIALS.** In all commercial and industrial districts, the open storage of any equipment, vehicles and all materials, shall be screened from public view, from a street and from adjoining properties by an enclosure consisting of a wall equal in height to the equipment, vehicles and all materials to be stored. In no instance shall said wall be less in height than four feet six inches (4'-6") measured from the surface of the adjacent building flooring.
- j. **HEAVY EQUIPMENT STORAGE.** Overnight parking of commercial vehicles licensed for road use, in excess of one and one half (1.5) tons rated capacity, including all semi-truck tractors and trailers, is allowed in all districts except in any Residential Zoning District where the lot is less than one (1) acre in area. If there is deed restriction to limit heavy equipment storage, that deed restriction will take precedence over this regulation. This regulation does not apply to emergency vehicles or equipment.
- k. **FIRE AND EXPLOSIVE HAZARDS.** The storage, utilization of, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
  - 1) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the municipality.

- 2) All such buildings or structures shall be constructed and located per state and federal requirements.
- 3) The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act 207 of 1941 as amended.

### **SECTION 10.3 DWELLING REGULATIONS**

- a. **MUST COMPLY WITH CODE REQUIREMENTS.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a Manufactured Home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Manufactured Home Construction and Safety Standards" of the United States Department of Housing and Urban Development.
- b. **MANUFACTURED HOME INSTALLATION.** In the event that a dwelling is a Manufactured Home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission. Each Manufactured Home must have a perimeter wall or skirting which has the same dimensions as the Dwelling. No Manufactured Home shall have any towing mechanism, undercarriage or chassis exposed.
- c. **SITUATIONS IN WHICH TEMPORARY DWELLINGS ARE ALLOWED.** Use of a Manufactured Home for a temporary Dwelling may be authorized under the following circumstances.
  - 1) **SINGLE FAMILY HOME UNDER CONSTRUCTION BY OWNER.** One (1) Manufactured Home, housing only the owner(s) of a Parcel and their immediate family members, may be placed on any Parcel. The Temporary Permit shall be valid for up to one (1) year, and may be renewed not more than once for the same period by the Zoning Administrator.
  - 2) **REPAIR OF DAMAGED CONFORMING SINGLE FAMILY DWELLING.** One (1) Manufactured Home may be placed temporarily on a Parcel. The Manufactured Home may house only the owner(s) of the Parcel and immediate family members during the repair of a Single Family Home. The Temporary Permit shall be valid for up to one (1) year and may be issued by the Zoning Administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Building Inspector.
  - 3) **ADDITIONAL REQUIREMENTS.** All of the following requirements must be met before any Temporary Permit may be issued for placement and temporary occupancy of a Manufactured Home.
    - a) **UTILITIES.** The proposed water supply and sanitary facilities must be inspected and approved by the Central Michigan District Health Department.
    - b) **BUILDING PERMIT.** A building permit must have been issued to the Parcel owner(s) for construction or repair of a Single Family Home on the Parcel.

- c) COMPLY WITH DISTRICT REGULATIONS. Placement of the Manufactured Home must comply with all Setback and Lot Coverage requirements for the applicable Zoning District.
- d) APPLICATION CONTENTS. All applications for temporary manufactured home and recreational vehicle occupancy shall be made to the Building Inspector and shall contain:
  - (1) The name of the owner of the manufactured home or recreational vehicle.
  - (2) The location of the proposed parking site as to street or road and house number, business address or by legal property description where no house number or business address is available.
  - (3) The make, width and length of the manufactured home or recreational vehicle and the vehicle license number, if any.
  - (4) The date of the application.
- d. STRUCTURES TO BE OF UNIFORM QUALITY. Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar or higher in quality than the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
- e. MAINTENANCE. A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- f. ONE SINGLE FAMILY DWELLING PER PARCEL. Unless the structure is part of an approved Planned Unit Development, only one (1) single family detached dwelling will be allowed to be erected on a parcel.
- g. FOUNDATION. All single family dwellings, except manufactured homes located in manufactured home parks, must be firmly attached to a permanent foundation meeting the Township Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
- h. DIMENSIONS. All single family dwellings must have a minimum width across any front, side and rear elevation of twenty (20') feet and comply in all respects with the Township Building Code, including minimum heights for habitable rooms.
- i. ROOF. All one or two family dwellings, other than manufactured homes located inside manufactured home parks, must have a pitched roof, the principal portion of which has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6") inches beyond the walls.
- j. EXTERIOR DOORS. Every single family dwelling must have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.

- k. RECREATIONAL VEHICLE (RV). Recreational vehicles may be used as dwellings if they are placed on property owned by the resident of the RV and if they are not kept on the property more than six (6) months each calendar year. No RV may be rented to another party or occupied by another party other than the owner of the land on which the RV is placed. During the period when the RV is placed on the owner's property, it must be hooked to a well and septic system located on the same property.
- l. ACCESSORY BUILDING NOT FOR DWELLING USE. No portion of an accessory building in an AG, R-1, or RM Zoning District is to be used as a dwelling.
- m. ATTACHED GARAGE YARD REQUIREMENTS. Attached garages shall be considered part of the principal building for the purpose of computing required yards.
- n. STATE LICENSED RESIDENTIAL FACILITY. No State licensed residential facility for six people or less shall be located within one thousand (1000') feet of another state licensed residential facility.

#### **SECTION 10.4 PARCEL REGULATIONS**

- a. MINIMUM LOT FRONTAGE. The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the Front Lot Line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the Front Yard Setback Line.
- b. ACCESS TO A STREET. All parcels created after the effective date of this Ordinance shall have access to a public street. In addition, any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, shall have a hard surfaced approach to a public street.
- c. WATER FRONTAGE. All parcels having water frontage and abutting a public right-of-way or a private road shall maintain the yard on the water side as an open and unobstructed yard, excepting that a covered or uncovered boat well shall be permitted after review and approval of plans by the Zoning Board of Appeals. Accessory structures shall be permitted in the front yard between the minimum front setback line and the main building provided that the minimum front yard setback remains open and unobstructed.

#### **SECTION 10.5 STRUCTURE REGULATIONS**

- a. PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS list of the DISTRICT REGULATIONS chapters, must be adhered to, as well as any requirements listed herein.
  - 1) Open porches, paved terraces and patios. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.
  - 2) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one half (2.5') feet.

- 3) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.
- b. PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.
- 1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in the Commercial Zoning District and sixty (60') feet in the Light Industrial Zoning District.
  - 2) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175') feet in the Commercial Zoning Districts or in any Light Industrial Zoning District, subject to the Special Use regulations for accessory uses.
  - 3) Roof mounted Residential antennas, wind generating facilities or flagpoles shall be permitted to a maximum height of forty-five (45') feet in any Residential Zoning District. However, in no case shall the height of such structure exceed the height of the roof peak by more than fifteen (15') feet.
- c. ABANDONED BUILDINGS AND STRUCTURES. Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than six (6) months shall be considered abandoned and come under the provisions of this ordinance and other Township codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once six (6) months have passed, the building or structure shall have to meet all the current standards of all applicable Township codes.
- d. Solar Panel Energy System for Individual Use. Solar panel energy systems for individual use must either be attached to permitted principal or accessory buildings or structures, or be constructed as freestanding accessory structures. Solar panel energy systems may be attached to the roof or the building wall, but not both.
- A. Attached to building. Where attached to a building or structure, the solar panel energy system shall be subject to the same regulations as the building in terms of height and setbacks.
  - B. Roof-mounted. Roof-mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels that are attached or anchored directly to the roof surface.
    1. Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
    2. Flush-mounted solar panels on the building roof may only be located on a rear- or side-facing roof.

3. Flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
  4. Flush-mounted solar panels installed on a building or structure with a flat roof shall not project vertically more than five (5) feet above the roof.
- C. Freestanding Accessory Structures. Freestanding solar panel energy systems that are not attached to a building or structure shall be permitted as accessory structures subject to the following regulations:
1. Freestanding solar panels shall be permitted in the side or rear yard only.
  2. Freestanding solar panels shall maintain a front yard setback the same length as required for the principal building. However, the side or rear yard setback for the accessory building shall be fifty percent (50%) of the similar setback required for the principal building, provided adequate fire truck access is maintained to the property.
  3. When oriented at maximum tilt, free-standing solar panels shall not exceed a height of twelve (12) feet for a residential use or twenty (20) feet for a non-residential use.
  4. Area covered shall be included in the lot coverage calculations for the lot, if applicable.
  5. All power transmission lines shall be located underground.
- D. Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways. Solar panels shall be finished with non-reflective coatings and any exposed frames or components shall have a non-reflective surface.
- E. Removal. If a solar panel energy system for personal use ceases to perform its intended function for more than twelve (12) consecutive months, the property owner shall remove it and all associated materials, equipment, and facilities no later than ninety (90) days after the end of the twelve (12) month period.

## **SECTION 10.6 BUFFERING REGULATIONS**

- a. **INTENT AND PURPOSE.** The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts.

The objectives of this approach are, to give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means, according to a specific

list of options noted in 10.6 subsection (d) BUFFERYARD REQUIREMENTS, and to encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.

- b. **SITUATIONS REQUIRING A BUFFER.** Buffers are required on commercial or industrial property on the side that abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.
- c. **LOCATION.** Buffer yards shall be located on any parcel of land where conflicts in land uses exist between the proposed new land use and existing adjacent land use. Responsibility for, and location of, the buffer yard will be 100% within the boundaries of the proposed new land use. These buffer yards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Buffer yards shall not extend into or be located within any portion of an existing street right-of-way or yard.
- d. **BUFFERYARD REQUIREMENTS.** The type of buffer yard required shall be determined based on the proposed new land use and existing land use as a joint activity between the proponent, the neighboring land use and the Planning Commission. Buffers may consist of any suitable combination of landscaping, fences, berms, distance or other mutually agreed upon means.
  - 1) The Planning Commission, proponent and any neighboring land user shall determine the character of the buffer based on the following criteria:
    - a) Traffic impact
    - b) Increased building and parking lot coverage.
    - c) Increased outdoor sales, display and manufacturing area.
    - d) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
    - e) Visual, noise and air pollution levels
    - f) Health, safety and welfare of the Township.

Where consensus cannot be reached, the Planning Commission shall determine the appropriate buffer using information from all parties and sound judgment. The justification for any buffer determined under these conditions must be documented in the site plan and minutes of the meeting where the buffer was determined.

- 2) **Buffer yard Types and Development Standards:** Buffer yard requirements are stated in terms of the depth of the buffer yard and the number of plant units required per every 100 linear feet of buffer yard. The requirements may be satisfied by any of the options indicated for any given buffer yard type.
  - a) Where required, berms shall be a minimum of three (3) feet in height measured from the average grade at the base to the top of the berm with a slope not greater than

- three (3) feet of run for each one (1) foot of rise. Additional plant materials, sufficient to provide a virtually opaque barrier may be substituted for a fence, where an opaque fence is required, upon approval of the Planning Commission after consultation with adjacent property owners or occupants.
- b) Where required by this ordinance, plant material shall be as follows:
- (1) Deciduous trees shall be planted not more than thirty (30') feet nor less than fifteen (15') feet on centers.
  - (2) Evergreen trees shall be planted not more than thirty (30') feet nor less than ten (10') feet on centers.
  - (3) Multi stem deciduous trees shall be planted not more than ten (10') feet on centers.
  - (4) Deciduous shrubs and spreading evergreens shall be planted not more than five (5') feet nor less than four (4') feet on centers.
  - (5) Where plant materials are planted are planted in two (2) or more rows, planting shall be in staggered rows.
- 3) Existing plant material or fences may be counted as contributing to the total buffer yard requirement.
  - 4) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
  - 5) Buffers are required to extend into the front yard area but shall not be closer to a road right of way than fifteen (15') feet. The Planning Commission may require the buffer to extend to the road right of way if it deems it necessary to accomplish the intent of this ordinance.
  - 6) All plantings including grass must be maintained in good healthy condition and must be replaced if they should die at any time.
  - 7) A drawing of all required landscaping, top and side profile must be submitted to the Planning Commission for review prior to site plan approval.
  - 8) The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All financial deposits must be deposited with the Township prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Township, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned. If the financial assurance does not cover the entire cost of installation, the excess cost will be billed to the owner of the property.



## Chapter 11 ■ Parking

### SECTION 11.1 INTENT AND PURPOSE

This chapter is intended to provide efficient and safe access management and adequate parking area for specific uses as well as to promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

### SECTION 11.2 CONSTRUCTION AND DESIGN

Regulations in this section apply to all Zoning Districts.

- a. APPLICATION. Any person desiring to establish or change a parking area shall submit plans to the Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot.
- b. STANDARDS. The design and construction of parking areas shall conform to the following requirements:
  - 1) Parking spaces shall be at a minimum ten (10') feet by eighteen (18') feet in SIZE. This does not include access drives and aisles. Designated handicapped spaces must be twelve and half (12' 6") feet wide by twenty (20') feet long.
  - 2) HANDICAPPED SPACES. Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance. Please see the current Barrier Free Design Code.

Total in Parking Lot	Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 1,000	2% of total
over 1,000	20, plus 1 for each 100 over 1,000

- 3) Any LIGHTING used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
  - 4) Each off-street parking DRIVEWAY OPENING to a Public Street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90°) degree angle.
  - 5) Each off-street parking driveway shall include an on-site STACKING AREA, which does not function as an access aisle for parking spaces, equivalent to at least five (5%) percent of the spaces in the parking area.
  - 6) All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by accessory structures or plantings, within twenty (20') feet of any Public Street Right-of-Way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction.
  - 7) Except for parallel parking, all parking spaces shall be clearly marked with STRIPING which shall be maintained. Stone lots do not need to be striped.
  - 8) LANDSCAPING. Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
  - 9) Off-street parking areas shall be effectively SCREENED on any side which abuts a residentially zoned district or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
  - 10) ACCESS DRIVES to and from a parking area shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed approved by the Township staff and in the instance of State roads, such as M-25 and M-138, the Michigan Department of Transportation.
  - 11) In cases where the Planning Commission determines that the level of traffic using a parking area or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be SURFACED with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.
- c. SHARED ACCESS. The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives

associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a

construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- d. **DRIVEWAY CLOSURE.** Nonconforming driveways, per this ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review.
- e. The **OCCUPANCY** of a building or any part of a building shall not change from one use to a use in another classification unless the minimum parking requirements are provided for the new use. No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.
- f. Parking spaces may **COUNT TOWARD THE REQUIREMENT** for a Parcel if they are located on it or on an adjoining Parcel where the farthest space is not over five hundred (500') feet from the nearest public entrance to the Principal Building, with a continuous paved walkway between the lot and entrance.

**SECTION 11.3 OFF-STREET PARKING REQUIREMENTS**

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

**TABLE 3: OFF-STREET PARKING REQUIREMENTS**

USE	MINIMUM PARKING SPACES
<b>RESIDENTIAL</b>	
Residential, one-family and two family	Two (2) for each dwelling unit.
Residential, Multiple-family	Two (2) for each dwelling unit.
Manufactured Home Park	Two (2) for each manufactured home unit and one for each employee of the park.
<b>INSTITUTIONAL</b>	
Religious Institutions	One (1) for each three (3) fixed seats.
Hospitals	One (1) for each one (1) bed

USE	MINIMUM PARKING SPACES
Homes for the aged and convalescent homes	One (1) for each four (4) beds
Elementary and junior high schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium
Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
Senior high schools	One (1) for each one (1) teacher, employee or administrator and one for each ten (10) students, in addition to the requirements of the auditorium
Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals plus spaces required for accessory use such as a restaurant or bar
Golf courses open to the general public, except miniature of "Par-3" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
COMMERCIAL	
Dance, halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls, and assembly halls with fixed seats.	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
Establishment for sale and consumption on the premises of beverages, food or refreshments.	One (1) for each one hundred (100) square feet of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, whichever is the greater
Roadside stands	One (1) for every five-hundred (500) square feet of lot area for retail sales and retail uses
Furniture and appliance, household equipment, repair shops, show-room of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein
Gasoline service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump
Laundromats and coin operated dry cleaners	One (1) for each two (2) washing and/or dry-cleaning machines.
Mortuary establishments	One (1) for each fifty (50) square feet of usable floor space

USE	MINIMUM PARKING SPACES
Motel, hotel, or other commercial lodging establishments.	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee
Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room
Nursery school, day nurseries, or child care centers	One (1) for each three hundred and fifty (350) square feet of usable floor space.
Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor space
Banks	One (1) for each one hundred (100) square feet of usable floor space
Business offices or professional offices	One (1) for each two hundred (200) square feet of usable floor space
Professional offices of doctors, dentists or similar professions	One (1) for each fifty (50) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area
<b>LIGHT INDUSTRIAL</b>	
Industrial or research establishments, and related accessory offices	Five (5) plus one (1) for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Warehouses and wholesale establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1700) square feet of usable floor space, whichever is greater

When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one half (½) shall be disregarded and fractions over one half (½) shall require one (1) parking space.

**SECTION 11.4 OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES**

- a. An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.
- b. Uses occupied or built for the purpose of serving customers in their vehicles by a service window or similar arrangements, off-street waiting spaces shall be provided as shown in the following chart.

- c. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- d. Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.
- e. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
- f. No space shall be located closer than fifty (50') feet to any lot in any Residential District, unless wholly within a completely enclosed building or enclosed on all sides facing Residential Zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

**TABLE 4: OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES**

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
1. Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
2. Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window.
3. Car Wash (coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1½) vehicles beyond the washing bay as a drying and vacuum area.
4. Car Wash (tunnel wash)	Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
5. Child Care Centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
6. Dry Cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window.
7. Quick Oil Change	Four (4) vehicles per lane inclusive of vehicle being serviced.
8. Convenience Market	Three (3) vehicles per lane inclusive of the vehicle at the window.
9. Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Zoning Administrator.

**SECTION 11.5 LOADING SPACE REQUIREMENTS**

- a. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial or industrial zone district or other similar use requiring the receipt or distribution of materials or merchandise, there shall be provided and maintained on the same premises with such building additional off- street loading spaces in relation to floor area as follows:

Gross Floor Area (In Square Feet)	Minimum Loading and Unloading Space Required
10,000 - 20,000	One (1) space
20,001 - 50,000	Two (2) spaces
50,001 - 100,000	Three (3) spaces
100,001 +	One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

- b. Each such loading space shall be at least ten (10) feet in width, fifty (50) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall, or a greenbelt, berm, or buffer strip.
- c. Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent properties.
- d. Loading spaces shall not be provided in the front yard, the front side of any building, or on any building side facing and directly visible to a public street, unless the Planning Commission determines such a location is necessary due to the building's location or placement, the existing street patterns, or other factors.

## **Chapter 12 ■ Sign Regulations**

### **SECTION 12.1 SCOPE**

These standards are adopted to:

- a. Maintain and enhance the aesthetics of the community.
- b. Enhance pedestrian and traffic safety.
- c. Preserve public health, safety, and welfare.
- d. Minimize the adverse effects of signs on nearby public and private property.
- e. Minimize driver distraction.
- f. Encourage appropriate plants and landscaping material.
- g. Avoid excessive signage.
- h. Protect and enhance the scenic views and natural landscapes.
- i. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
- j. Promote the use of aesthetically pleasing sign materials and colors.
- k. Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
- l. Preserve the right to enjoy scenic amenities.
- m. Enhance the effectiveness of necessary directional and warning signs.
- n. Preserve property values.
- o. Provide for the effectiveness of permitted signs.
- p. Avoid adverse lighting or reflection.
- q. Require structurally safe signs.

### **SECTION 12.2 PERMIT PROCEDURE**

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the Township Zoning Enforcement Officer. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.



- a. **ACTIONS EXEMPT FROM PERMITTING.** The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.
  - 1) **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
  - 2) **MAINTENANCE.** Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- b. **APPLICATIONS.** Application for a permit to construct or locate a permanent sign shall be obtained from the Township Zoning Administrator. The application shall include the following information.
  - 1) Name, address, telephone number of the landowner, developer, or petitioner.
  - 2) A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
  - 3) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
  - 4) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
  - 5) The proposed dates of construction and completion of the sign.
  - 6) Structural information necessary to comply with all current building codes.
  - 7) In the case of a portable sign, the length of time the proposed sign will be on the site.
  - 8) A fee shall be paid to Akron Township for each sign permit. A schedule of fees shall be established and amended from time to time by the Township Board.
- c. **DURATION OF PERMIT FOR PORTABLE SIGNS.** All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 7 days.

Zoning District	Duration of Permit	Permits per Parcel
RESIDENTIAL: BOTH R-1 & RM	30 days	2 per year
AGRICULTURE	30 days	2 per year
COMMERCIAL	30 days	2 per year
LIGHT INDUSTRIAL	30 days	2 per year

**SECTION 12.3 MEASUREMENT OF A SIGN**

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

**SECTION 12.4 TABLE OF SIGNS PERMITTED****TABLE 5: SIGNS PERMITTED**

District	Type	# Per Parcel	Size	Placement	Height
<b>AG</b>	Non dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
	Small sign	1	6 sq. ft.	Within required yard	4 ft.
	Wall Sign	1	no limit	Anywhere on bldg.	Height of wall
	Portable	1	32 sq. ft.	Within required yard	5 ft.
<b>R-1</b>	Non dwelling use sign	1	18 sq. ft.	Within required yard	6 ft.
<b>RM</b>	Small sign	1	2 sq. ft.	Within required yard	4 ft.
	Wall Sign	1	6 sq. ft.	Any wall	Height of wall
	Portable	1	32 sq. ft.	Within required yard	5 ft.
<b>C</b>	Wall	No limit	32 sq. ft.	Anywhere on bldg.	Height of wall
	Monument/freestanding	1	32 sq. ft.	Within required yard	8 ft.
	Marquee/Canopy	1	32 sq. ft.	On structure	Height of highest eave
	Portable	1	32 sq. ft.	Within required yard	8 ft.
	Electronic message board	1	32 sq. ft.	Within required yard	8 ft.
<b>I</b>	Wall	1	no limit	Anywhere on bldg.	Height of wall
	Monument/freestanding	1	32 sq. ft.	Within required yard	8' at grade of lot line
	Pole sign	1	32 sq. ft.	Within required yard	12'at grade of lot line
	Roof	1	60 sq. ft.	On structure	roof line
	Portable	1	32 sq. ft.	Within required yard	5 ft.
<b>N</b>	Non dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
	Small sign	1	6 sq. ft.	Within required yard	4 ft.
	Portable	1	32 sq. ft.	Within required yard	5 ft.

**NOTES TO TABLE**

- a. In the case of through lots (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.
- b. In the case of a corner lot, situated on two or more streets, signs may be permitted on each street.

- c. Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. A business center shall be allowed one (1) sign not exceeding one (1') foot by four (4') feet for each business within the business center. The entire sign shall not exceed eight (8') feet in height. If more than five (5) businesses are located in one center, additional monument signs will be allowed using the same one (1') foot by four (4') foot signs. One (1) wall is allowed per individual business of thirty-two (32) square feet in a business center.
- d. The height of wall signs may be up to the height of the wall.
- e. Each business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
- f. One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
- g. Parcels with greater than four hundred (400') lineal feet of frontage may be granted additional signage at the site plan review phase.
- h. **POLITICAL CAMPAIGN SIGNS.** Signs up to an area of 6 square feet for each parcel. Signs between six (6) and thirty-two (32) square feet require a permit and are not exempt from these requirements. These signs may be erected no more than thirty (30) days before, and must be removed no more than four (4) days after, the election for which they were made.
- i. **ELECTRONIC MESSAGE BOARDS.** The message/symbol/picture change cycle of a changeable message sign shall be not less than ten (10) seconds per message/symbol/picture.
- j. **NONDWELLING USE SIGNS.** In the AG, R-1, and RM districts, only nondwelling use signs may be illuminated.

## **SECTION 12.5 SIGNS EXEMPT FROM PERMIT REQUIREMENTS**

The following exempt signs are allowed in all zoning districts within the Township. All exempt signs shall comply with setback provisions for the Zoning District in which they are located.

- a. **CONSTRUCTION SIGNS.** These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of twenty (20) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.
- b. **SMALL SIGNS.** In the AG, R-1, and RM zoning districts, one (1) sign, no greater than six (6) square feet or four (4') feet in height is permitted without a permit, provided it is located within the required yard.
- c. **PRIVATE TRAFFIC DIRECTION SIGNS.** Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner.

## **SECTION 12.6 PROHIBITED SIGNS**

Signs are prohibited which:

- a. Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
- b. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- c. Are not properly anchored or secured to a building or the ground.

## **SECTION 12.7 ILLUMINATION**

There shall be no flashing, oscillating, or intermittent, illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously shall have a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.

In the AG, R-1, and RM districts, only nondwelling use signs may be illuminated.

## **SECTION 12.8 NONCONFORMING SIGNS**

Note that portable signs are not considered to be acceptable nonconforming structures.

Nonconforming signs:

- a. Shall not be changed in such a way to remain nonconforming.
- b. Shall not be altered structurally so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

## **SECTION 12.9 CONSTRUCTION AND MAINTENANCE**

The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage and foundation. A sign shall not be

erected or installed until a permit is first obtained from the Township Zoning Administrator and from the Building Inspector.

### **SECTION 12.10 VIOLATIONS AND REMOVAL**

- a. Any sign erected, altered, or converted subsequent to the passage of this Article and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
- b. Upon discovery of a violation of this Article the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the Township Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Article or removed.
- c. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
- d. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in 12.10 b. above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in 12.10 b. and c. above.
- e. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article he shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.
- f. If the decision and order provided for in 12.10 e. above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- g. Nothing in this Section shall prevent the Zoning Administrator or Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

### **SECTION 12.11 ABANDONED SIGNS**

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within 30 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code or the

sign is advertising a structure for sale or lease when vacant, this removal requirement shall not apply.

## ***Chapter 13*** ■ ***RESERVED***



## **Chapter 14   ■   Special Land Use Permit Requirements**

### **SECTION 14.1 INTENT, PURPOSE AND PROCESS**

- a. **INTENT.** The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration for the welfare of adjacent properties and the community as a whole. It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow practical latitude for land use and at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses.

The Planning Commission shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

- b. **PURPOSE.** This chapter provides procedures and standards for regulating activities identified as uses by Special Use Permit for each Zoning District. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
- c. **PROCESS.** Regulation of Special Uses may include up to three separate steps. First is the possibility of a rezoning being required to accommodate the special use. Second is the review of the Site Plan for the proposed use. Third is the decision of whether a Special Use Permit will be granted.
- 1) **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
  - 2) **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
  - 3) **PERMANENCE.** Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance

does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked.

- d. LIST OF USES PERMITTED BY A SPECIAL USE PERMIT. A table that lists all Special Uses, by Zoning District, in Akron Township is shown below. See Section 3.5 - District Regulations Tables for a complete listing of all uses in Akron Township that are permitted by right for each Zoning District.

**TABLE 6: USES PERMITTED BY SPECIAL USE PERMIT**

X = allowed by Special Use Permit	Districts					
	AG	R-1	R M	C	I	N
<b>Automotive Service Stations - <a href="#">Section 14.3</a></b>						
Body shops					X	
Gasoline stations				X		
Towing					X	
Vehicle repair					X	
<b>Cottage Industries – <a href="#">Section 14.4</a></b>	X					
<b>Funeral Homes and Mortuaries - <a href="#">Section 14.5</a></b>						
Funeral homes			X			
Mortuaries				X		
<b>Golf Courses and Other Recreation - <a href="#">Section 14.6</a></b>						
Golf courses	X					
Institutional or private non-commercial recreation centers	X	X				
Shooting ranges	X					

Districts						
X = allowed by Special Use Permit	AG	R-1	R M	C	I	N
<b>High Intensity Uses - <a href="#">Section 14.7</a></b>						
Incinerators					X	
Lumber and planing mills					X	
Metal plating, buffing, and polishing					X	
Reclamation lots and junk yards					X	
<b>Institutional - <a href="#">Section 14.8</a></b>						
Colleges and universities	X					
Hospitals			X			
Public buildings		X	X			
Public parks			X			
Public parks and recreational facilities	X					
Public service installations	X	X	X			
Religious, social, educational and human care institutions	X	X	X	X		
State licensed residential facilities for greater than 6 people	X	X				
<b>Livestock Production Facilities and Other Agricultural Operations - <a href="#">Section 14.9</a></b>						
Auction yards	X					
Commercial grain and seed elevators	X					
Intensive livestock production facility	X					

Districts						
X = allowed by Special Use Permit	AG	R-1	R M	C	I	N
Wholesale agricultural product storage	X					
<b>Lodging Establishments - <a href="#">Section 14.10</a></b>						
Bed and breakfasts						X
Hotels and motels						X
Resorts and vacation lodges						X
<b>Manufactured Home Parks - <a href="#">Section 14.11</a></b>						
Common areas and recreation facilities			X			
Manufactured home parks			X			
<b>Mining - <a href="#">Section 14.12</a></b>					X	
<b>Recreational Vehicle (RV) Park, Campground - <a href="#">Section 14.13</a></b>						
Camping areas and RV parks		X				X
Private and commercial recreational facilities, subject to State of Michigan regulations						X
<b>Wireless Communication Facilities - <a href="#">Section 14.14</a></b>	X					
<b>Wind Energy System: Utility Grid Energy System - <a href="#">Section 14.15</a></b>	X					
<b>Miscellaneous Special Uses - <a href="#">Section 14.16</a></b>						
Residential dwelling units				X		
Temporary outdoor uses		X				
Accessory Uses			X			
Solar Panel Energy System: Utility Scale – Section 14.17	X			X	X	

## **SECTION 14.2 HOW A SPECIAL USE PERMIT IS REVIEWED**

- a. **SUBMISSION OF APPLICATION.** The application package is to be submitted to the Township Zoning Administrator.
  - 1) **CONTENTS.** The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Township Board.
  - 2) **APPLICATION DEADLINE.** The complete application package must be submitted to the Zoning Administrator at least thirty (30) days before the Planning Commission meeting at which it will be considered.
- b. **CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
  - 1) **SEPARATE.** The rezoning shall be considered separately & prior to the Special Use Permit.
  - 2) **PROCEDURES.** The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board, after submission to the County Planning Commission.
  - 3) **STANDARDS.** All standards required by this Ordinance shall be observed for each action.
  - 4) **PUBLIC HEARINGS.** The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- c. **PLANNING COMMISSION REVIEW AND HEARING.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:
  - 1) **PUBLIC HEARING ON SPECIAL USE.** The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
    - a) **NOTICE.** A notice of public hearing shall be mailed to all parties specified in the [Administration chapter](#) and published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of such hearing.
    - b) **DELAY AT APPLICANT'S REQUEST.** If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public

hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.

- 2) **SITE PLAN REVIEW.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in the Site Plan chapter and any specific standards identified for the Special Use by this chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
  - a) **PUBLIC INPUT.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
  - b) **IF THE SITE PLAN IS DENIED.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
- 3) **CONSIDERATION OF SPECIAL USE PERMIT.** Following the close of the public hearing, consideration of the Special Use permit shall take place.
  - a) **OPEN MEETING.** Note that the Open Meetings Act requires this vote to take place in an open public meeting.
  - b) **PROMPT DECISION.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
  - c) **REAPPLICATION.** An application for a Special Use Permit that has been denied may not be resubmitted until one (1) year after the date of denial has passed.
  - d) **TERMS OF PERMIT.** A Special Use Permit consists of a permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
  - e) **REVOCAATION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item e – Terms of Permit, the permit remains valid as long as all of those conditions are met and is transferable from owner to owner or “runs with the land.”

However, the Planning Commission shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated.

- (1) **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
  - (2) **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.
  - (3) **PLANNING COMMISSION ACTION.** The Zoning Administrator shall notify the chair of the Planning Commission of the violation of conditions of the Special Use Permit at the time a violation notice has been sent. Revocation of the Special Use Permit shall be considered at the next regular Planning Commission meeting. The Planning Commission's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
  - (4) **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
  - (5) **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.
- f) **STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.**
- (1) **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards and any applicable standards from this chapter.
  - (2) **ADDITIONAL CONDITIONS.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may include but are not limited to changing the parking, lighting or building configuration to promote compatibility on the site. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the

Planning Commission's minutes, written on the site plan itself, communicated to the applicant in writing, and based directly on the intent of this ordinance. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.

- (3) ENFORCEMENT OF CONDITIONS. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

### **SECTION 14.3 AUTOMOTIVE SERVICE STATIONS**

- a. INTENT. It is the intent of this section to exercise a measure of control over service stations and permitted buildings, and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this section are to:
- 1) Promote the type of development that will be compatible with the other land use activities located in areas where service stations will be constructed.
  - 2) Control those aspects of service station design, site layout and operation which may, unless regulated, be damaging to surrounding uses of land.
  - 3) Minimize the traffic congestion and safety hazards that can be in service station activity.
- b. USES THAT MAY BE PERMITTED. Gasoline stations and vehicle repair, PROVIDED such accessory uses and services are conducted wholly within a completely enclosed building.
- c. SITE DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
- 1) Minimum site size. Fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150') feet.
  - 2) Site location. The proposed site shall have at least one (1) property line on a principal or minor arterial road.
  - 3) Building setback. The gasoline station, or permitted buildings shall be setback fifty (50') feet from all street right-of-way lines and shall not be located closer than fifty (50') feet to any property line in a residential district unless, separated there from by a street or alley.
    - a) No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than twenty (20') feet to the line of any street right-of-way.
    - b) Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.
  - 4) Access drives. No more than one (1) driveway approaches shall be permitted directly from any principal or minor arterial nor more than one (1) driveway approach from any other street, each of which shall not exceed thirty-five (35') feet in width at the property line.



- a) If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable.
  - b) No driveway or curb cut for a driveway shall be located within ten (10') feet of an adjoining property line and shall be no less than twenty-five (25') feet from any adjacent lot within a R-1 or RM District as extended to a curb or pavement.
- 5) Curbing and paving. A raised curb at least six (6") inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
  - 6) Fencing. A solid fence or wall six (6') feet in height shall be erected along all property lines abutting any lot within a residential district.
  - 7) Lighting. Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets.

#### **SECTION 14.4 COTTAGE INDUSTRIES**

- a. INTENT. It is the intent of this section to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial and industrial uses are known as cottage industries and are defined within this section.
- b. SPECIAL USE STANDARDS.
  - 1) The particular uses conducted by the cottage industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
  - 2) The use is environmentally sound regarding the project site and region.
  - 3) No additional service demands will be created by the use.
- c. SPECIFIC STANDARDS
  - 1) Not more than three (3) employees working on the premises in addition to the members of the family residing on the premises.
  - 2) The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes.
  - 3) Multiple uses may be permitted within the cottage industry. The total area occupied by all uses within the cottage industry, including storage, shall not exceed one thousand five hundred (1,500) square feet. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), except as specifically provided by the special use permit.
  - 4) One (1) non-illuminated sign not exceeding eight (8) square feet.

- 5) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner.
- 6) No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.
- 7) No disabled, unlicensed or inoperable vehicles of any kind, including trailers, semi cabs or tractor trailers shall be stored outside.
- 8) All outside storage and other evidence of a cottage industry shall be screened from view from the road and all adjacent properties either by fencing, berming or vegetation.

#### **SECTION 14.5 FUNERAL HOMES AND MORTUARIES**

- a. **AUTHORIZATION.** Because funeral homes and mortuaries perform special and necessary services to urban populations, and in recognition of the unique location and site development characteristics of these functions, such uses of land may be authorized by special use permit within the Commercial and Light Industrial Districts.
- b. **USES THAT MAY BE PERMITTED.** Funeral homes and mortuaries, PROVIDED that the conduct of all aspects of activities related to such uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building.
- c. **DEVELOPMENT REQUIREMENTS.** The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

Yards. Front, side and rear yards shall be at least fifty (50') feet, except on those sides adjacent to non-residential districts wherein it shall be twenty-five (25') feet. All yards shall be appropriately landscaped in trees, shrubs and grass. No structures or parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified, and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

#### **SECTION 14.6 GOLF COURSES AND OTHER RECREATION**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses. These uses are: Golf Courses, Shooting Ranges, and Institutional or Private Non-Commercial Recreation Centers. These uses may include Public or private Golf Courses, Country Clubs, Driving Range, Racket Sport, Gun Clubs, and Swimming Facilities. This section does not include uses that are accessory uses to a residential use.

- a. **SITE LOCATION.** Site location should be allowed which enhance the natural environment and amenities for community life.

- b. **DEVELOPMENT REQUIREMENTS.** The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.
- 1) Minimum site shall be twenty (20) acres or more.
  - 2) Access shall be so designed as to provide all ingress and egress directly onto or from an arterial or principal collector thoroughfare.
  - 3) Minimum site for tennis, racket sport and swimming facilities may occupy no less than four (4) acres.
  - 4) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
  - 5) Minimum yard and height standards require that no building shall be closer than fifty (50') feet to any property or street line.

#### **SECTION 14.7 HIGH INTENSITY USES**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations for each zone. These uses are: incinerators; lumber and planing mills; metal plating, buffing, and polishing; and reclamation lots and junk yards.

- a. **GENERAL.** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- b. **TREE BUFFERS FOR LANDFILLS AND JUNKYARDS.** Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width and must be natural vegetation. This buffer shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All plantings must adequately provide a vegetated buffer all year round.
- c. **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.
- d. **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Tuscola County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- e. **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.

f. FENCE REQUIREMENTS.

- 1) AROUND INCINERATOR. Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance that can be locked during hours when no operation is taking place.
- 2) AROUND RECLAMATION LOT AND JUNK YARD. A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.
- 3) AROUND LUMBER OR PLANING MILL OR METAL PLATING, BUFFING, AND POLISHING OPERATIONS. All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.

**SECTION 14.8 INSTITUTIONAL**

- a. AUTHORIZATION. In recognition of the many institutional types of non-residential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this section may be authorized by the issuance of a Special Use Permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this section can be complied with.
- b. USES. The following uses may be authorized in those districts as noted under the respective Zoning Districts, and provided the applicable conditions are complied with:
  - 1) Institutions for Human Care. State Licensed Residential facilities for greater than 6 residents, Hospitals, Day Care, Sanitariums, Nursing or Convalescent Homes, Assisted Living Homes, Homes For The Aged and Philanthropic and Charitable Institutions. Camp or Correctional Institutions are prohibited.
  - 2) Religious Institutions. Churches, synagogues, or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.
  - 3) Educational and Social Institutions. Public and private elementary and secondary schools, and institutions for higher education, auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities. Camp or correctional institutions are prohibited.

- 4) Public Buildings, Public Parks, and Public Service Installations. Publicly owned and operated buildings, publicly owned parks, public utility buildings and structures, transformer stations and sub-stations and gas regulator stations.
- c. SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the District in which such use is proposed to be located.
- 1) Motor vehicle entrance should be made on a Principal Arterial or immediately accessible from a principal arterial road as to avoid the impact of traffic generated by the institutional use upon a residential area.
  - 2) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.
- d. HOSPITALS. (for overnight stay)
- 1) The proposed site shall be at least five (5) acres in area.
  - 2) The proposed site shall have at least one (1) property line abutting a principal or minor arterial road.
  - 3) No more than twenty-five percent (25%) of the gross site shall be covered by structures.
- e. RELIGIOUS INSTITUTIONS.
- 1) The proposed site shall be at least one (1) acre in size plus one-half (1/2) acre per hundred (100) seats in the main auditorium.
  - 2) No building shall be closer than forty (40') feet to any property or street line.
  - 3) No more than twenty-five (25%) percent of the gross site area shall be covered by structures.
- f. For All Other Uses That May Be Permitted, except public utility transformer stations and substations, gas regulator stations and housing for religious personnel attached to a church or school function.
- 1) No building shall be closer than forty (50') feet to any property or street line.
  - 2) No more than twenty-five (25%) percent of the gross site area shall be covered by structures.
  - 3) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
- g. For Public Utility Transformer Stations and Substations, Gas Regulator Stations:
- 1) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.

- 2) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

## **SECTION 14.9 LIVESTOCK PRODUCTION FACILITIES AND OTHER AGRICULTURAL OPERATIONS**

Intensive livestock production facilities, wholesale agricultural product storage, auction yards, and commercial grain and seed elevators, as defined in this ordinance shall:

- a. **COMPLIANCE WITH APPLICABLE LAWS.** Shall comply with all applicable local, state and federal standards including, for example, the Federal Clean Water Act (being P.L. 92-500 of 1972, as amended, 33 USCS 1251 et seq), point source pollution control parts of the Michigan Natural Resources and Environmental Protection Act (being parts 31-53 of P.A. 451 of 1994, as amended, M.C.L. 324.3101-324.5399), and the most recent Generally Accepted Agricultural and Management Practices, published and adopted by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (being P.A. 93 of 1981, as amended, M.C.L. 286.471 et seq). Where required by the Right to Farm Act for nuisance protection, New and Expanding Livestock Production Facilities (as defined in the Generally Accepted Agricultural and Management Practices) shall have proposed sites verified by the Michigan Department of Agriculture.
- b. **SETBACKS:** The following requirements shall apply to every parcel, building, structure, or use on which an intensive livestock production facility, wholesale agricultural product storage, auction yard, or commercial grain and seed elevator is located:
  - 1) **Front Yard** – The minimum front setback shall not be less than the greater of one hundred (100') feet from the right of way or one hundred sixty six feet (166') from the center of the road.
  - 2) **Rear Yard** – The minimum rear setback shall not be less than fifty (50') feet.
  - 3) When a proposed intensive livestock production facility is adjacent to any dwelling, the parcel owner of the proposed new use shall establish one of the following buffers on his parcel adjacent to, and along the contiguous boundary of the parcel on which the dwelling is located:
    - a) a buffer area (setback) of five hundred (500) feet, or
    - b) a buffer of tree cover on the periphery of the property that is no less than fifty (50) feet in width and must be natural vegetation. This buffer shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All plantings must adequately provide a vegetated buffer all year round.

- c) or any combination of the above or an alternative mutually agreed upon by the property owner of the new use and the property owner of the existing contiguous use.
- c. MINIMUM PARCEL AREA. No building, structure or use shall be established on any parcel less than forty (40) acres.

### **SECTION 14.10 LODGING ESTABLISHMENTS**

- a. STATEMENT OF INTENT. It is the purpose of this section to establish reasonable requirements for transient lodging facilities in the N, Natural Areas District. It is intended that these regulations will provide for facilities, such as bed and breakfasts, hotels and motels, and resorts and vacation lodges, in the Township that are appropriate in scale and location so as to not create undue traffic congestion, noise or other interference with the predominantly rural and scenic character of the Township.
- b. QUALIFYING CONDITIONS
  - 1) Minimum Floor Area: Each guest room shall contain not less than one hundred (100) square feet of floor area.
  - 2) The maximum number of guests per unit shall not exceed six (6) persons.
  - 3) Minimum Lot Area: The minimum lot size shall be one (1) acre with a minimum width of one hundred (100) feet.
  - 4) Maximum Lot Coverage: All buildings, including accessory buildings, shall not occupy more than thirty-five percent (35%) of the net area within property lines.
  - 5) Minimum Yard Dimensions: All buildings shall set back no less than fifty (50) feet from any street line, and no less than twenty-five (25) feet from any side or rear property line.
  - 6) Maximum Building Height: The maximum building height shall be two and a half (2.5) stories, but not to exceed thirty-five (35) feet.
  - 7) Site Screening: Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than seventy-five (75) feet to any street line, except for headlight screening which shall not be closer than thirty (30) feet.
  - 8) Lighting. No lighting shall have a source of illumination or light lenses visible outside the property lines of the parcel or lot, and shall in no way impair safe movement or traffic on any street or highway.
  - 9) Accessory Uses: Uses such as swimming pools and other outdoor recreational uses, meeting rooms, restaurants, taverns or bars, and a caretaker's or proprietor's residence shall be permitted provided that these uses are located on the same site as the principal use to which they are accessory. Appropriate permits shall have been obtained from regulating County or State agencies.

- 10) Well and Septic System: Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by owner.
- 11) Fencing or Planting Buffer: In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
- 12) Activities and Outdoor Gatherings: Activities made available to guests shall be on the lot used for the facility or on lands under the direct control of the operator either by ownership or lease. Outdoor gatherings of guests or other individuals shall be carried on in such a manner and at such hours as to not be disruptive to neighboring properties.
- 13) Density of Development: The maximum number of rental units which may be developed at any single location shall be twenty (20). Accessory uses shall be as approved as a part of the special use permit approval process.

#### **SECTION 14.11 MANUFACTURED HOME PARKS**

Manufactured Home Parks must comply with the following standards. These shall be specified, by reference, as conditions for approval of a Special Use Permit for a Manufactured Home Park

- a. STATE PERMIT COORDINATION. The Michigan Mobile Home Commission has issued comprehensive rules regulating safety, licensing, construction, business practices and other aspects of Manufactured Home Parks under the authority of Section 11(2) of the Mobile Home Commission Act (Public Act 96 of 1987). Special Use Permit approval for a Mobile Home Park constitutes "preliminary local zoning approval" as provided by the Act. A construction permit and license for operation of the Manufactured Home Park must be obtained from the Michigan Mobile Home Commission after Special Use Permit approval.
- b. EXCEPTIONS TO STATE STANDARDS. The Michigan Mobile Home Commission's Rules establish basic standards to be met in any Michigan community when constructing a Manufactured Home Park. Overall, these standards are hereby adopted, by this reference, as the standards for local zoning approval, with the exceptions noted below.
- c. BUFFERS AND GREENBELTS. Where a Manufactured Home Park abuts an AG, R-1, RM, or I district, the entire perimeter of the park shall be enclosed by a fence at least four (4') feet high and there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. The greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart or at least two rows of deciduous or evergreen shrubs which will grow to a mature height of at least six (6') feet, planted not more than six (6') feet apart.
- d. DIMENSIONAL REQUIREMENTS.
  - 1) Park Site Standards.
    - a) Mobile homes intended for residential use must be located within a properly authorized Manufactured Home Park.
    - b) Minimum site size for Manufactured Home Park shall be forty (40) acres.



- c) Minimum number. At least thirty (30) spaces shall be completed and ready for occupancy along with related park improvements before first occupancy.
- d) Minimum site location standards require each proposed site to have at least one (1) property line not less than two hundred (200') feet in length abutting a principal or minor arterial or collector street. The arterial or collector street shall be paved and of sufficient design capacity as required by the Tuscola County Road Commission to safely and effectively handle any increased traffic generated.
- e) Minimum site access standards require a minimum of two (2) site access points and all points of entrance or exit from the Park are to be paved to a minimum width of twenty-four (24') feet for a two-way or one-way. All street entrance or exit drives shall not be located closer than three hundred and fifty (350') feet from the intersection of any two (2) arterial streets, and no street parking shall be allowed within one hundred (100') feet of intersection with the public street.
- f) Minimum Side Yard dimensions require that no building upon the premises shall be located closer than fifty (50') feet from any property line.
- g) Maximum height for any building or structure shall not exceed two and one-half (2 1/2) stories or thirty-five (35') feet.

2) Manufactured Home Space Standards

- a) Minimum space shall be five thousand (5,000) square feet and the lot shall not be less than fifty (50') feet in width. Park density shall not exceed six (6) units per gross acre of park site. For each five (5%) percent increase in open space, an increase of one unit per gross acre of park site will be granted up to eight (8) units per acre.
- b) Minimum space yard dimensions for front yards and rear yards shall be ten (10') feet and for the side yards shall be a minimum of (10') feet from the nearest space line and the aggregate side yard dimensions shall not be less than twenty-five (25') feet.

The front yard is the yard which runs from the hitch end of the stand to the nearest space line. The rear yard is the opposite end of the stand and the side yards are at right angles to the ends.

Yard area shall not be encroached upon by enclosed buildings or structures, except that surfaced parking area or surfaced patio area may be provided in yard areas but in all cases shall not be closer than five (5') feet from a space side yard line.

- c) Space improvement standards require that each stand consisting of a solid reinforced concrete slab at least four (4") inches in depth. All off-street parking spaces provided on individual mobile home space or on the mobile home park site shall be clearly defined and hard surfaced with bituminous or concrete surfacing which shall be durable and well drained under normal use and weather conditions.

An outdoor concrete surfaced patio area of not less than two hundred (200) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home.

- d) Storage facilities shall be waterproof and will provide a maximum space of five hundred (500) cubic feet for each mobile home space.
- e. ROADS. Roadways within a manufactured home park shall be developed to the standards required by Akron Township residential subdivision streets. Roads where no parking is allowed must be posted with "No Parking" signs.
- f. PEDESTRIAN CIRCULATION. A pedestrian circulation system, separate from vehicular roadways and meeting the Mobile Home Commission Rules' construction requirements for same, must be provided. That is, such a system is not optional for Manufactured Home Parks in the Township. A pedestrian circulation system must be paved, connect all dwelling units, any community building and be a minimum of a four (4') foot wide hard surface.
- g. RECREATIONAL LAND. At least five (5%) percent of the gross site area must be devoted and landscaped for recreational uses. Uses may include playgrounds, open space for sports or picnic areas, as examples.
- h. SALE OF MANUFACTURED HOMES PROHIBITED. The sale, display or storage of Manufactured Homes in any portion of the Manufactured Home Park is expressly prohibited. However, a vacant Manufactured Home located on a Manufactured Home Space and owned by its former resident, connected to utilities, and offered for sale or rent is not in violation of this provision.
- i. CONSTRUCTION WITHIN THE MANUFACTURED HOME PARK. Where the park is developed in phases, future construction access must be routed to minimize the amount of traffic through the completed phases of the park.

## **SECTION 14.12 MINING**

Mining includes the extraction of minerals, including solids, such as coal, ores, liquids, such as crude petroleum and gases such as natural gases. Mining also includes quarrying, groundwater diversion, soil removal, milling, crushing, screening, washing and flotation of materials, and any other preparation customarily done at the mine site or as part of a mining activity.

- a. Excavation approved by a governmental body or competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
- b. Excavation of limited scope and duration and which is undertaken for the immediate use and development of the land excavated, pursuant to a valid building permit issued from the Township, such as for purposes of building construction, septic tanks or swimming pools. However, the removal from the site of soils in excess of five hundred (500) cubic yards shall not be undertaken unless and until a soil extraction permit shall first have been obtained from the Township Board. Soil removal in connection with an excavation for immediate use and development of land shall be completed within ninety (90) days of issuance of the building permit.
- C. Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming

operations and irrigation or stock watering ponds. However, the removal from the site of soils in excess of five hundred (500) cubic yards shall not be undertaken unless and until a soil extraction permit shall first have been obtained from the Township Board.

### **SECTION 14.13 RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND**

- a. OCCUPANCY. Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents, or other short-term housing or shelter arrangements.
- b. RESIDENT MANAGER. Each RV park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented. The manager's residence shall include the business office for the park and at least one thousand (1,000) square feet of living area for the manager's family.
- c. REGULATORY COMPLIANCE REQUIRED. RV parks or campgrounds must maintain compliance with all regulations of the Michigan Department of Community Health and the Michigan Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance.
- d. GREENBELT, FENCE AND SETBACK. The entire perimeter of any RV park or campground shall be enclosed by a fence at least four (4') feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All individual campsites are to be setback at least seventy-five (75') feet from any street right of way or neighboring property line.
- e. ACCESS AND CIRCULATION. Each park shall be served by not more than one (1) point of access to each abutting street or road. No such access shall require a turn at an acute angle for vehicles moving in the direction intended. Design of curbs and pavements at such access points shall be such as to facilitate easy movements for vehicles with trailers attached. Clear vision areas shall be maintained for drivers, extending one hundred fifty (150') feet in each direction on any abutting road and for twenty five (25') feet on the park entrance road. Roadways within the park shall be hard surfaced, dust free, and at least twenty four (24') feet wide for two way traffic or twelve (12') feet wide for one way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.
- f. PERSONAL CARE FACILITIES. Each RV park or campground shall include men's and women's restroom and bathing facilities in all weather, heated structures. These facilities shall include adequate water outlets, washbasins, toilets, showers and waste containers. These facilities shall be provided uniformly throughout the park at a ratio not less than one (1) toilet and sink for each eight (8) camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
- g. OTHER PUBLIC FACILITIES. Each RV park or campground shall provide at least one (1) public telephone for each forty (40) sites. Also, each park shall have waste pump-out facilities for recreational vehicles which shall have an approved connection to a municipal

sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility. Each park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) large enough to accommodate a three-day (3) accumulation of solid waste with all sites in the park occupied. Said service shall provide pick up of waste at least weekly when the park is operating and frequently enough to insure that said container(s) are never overloaded. Finally, at least fifteen (15%) percent of the site, not including the greenbelt and setback areas as defined in this Section, shall be devoted to shared open space uses, including, but not limited to, playgrounds, picnic areas, court or field sports, or natural areas. This shall not include parking and vehicle circulation areas.

- h. **INDIVIDUAL CAMPSITE REQUIREMENTS.** Each RV parking site or campsite shall be a minimum of twelve hundred (1,200) square feet in area and shall include the following amenities; an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, unless in a specified metal fire ring in a specified location. Metal trash container with a lid and volume of at least two (2) cubic feet which shall be emptied daily by park personnel to the solid waste facility and a gravel or hard surfaced parking area of at least two hundred (200) square feet.

#### **SECTION 14.14 WIRELESS COMMUNICATION FACILITIES**

- a. **INTENT AND PURPOSE.** The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will,
  - 1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township,
  - 2) Minimize adverse visual effects of towers through design and siting standards,
  - 3) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
  - 4) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.
- b. **DISTRICT REGULATIONS.** A wireless communication facility shall require a building permit in all instances and may be permitted as follows:
  - 1) A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance.
  - 2) Newly constructed towers in the Agricultural District are allowed by Special Use Permit under the following situations:

The Township Board finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building

within a one and one half (1.5) mile radius of the proposed tower location due to one or more of the following reasons:

- a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
  - c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
  - d) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- c. COLOCATION. Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:
- 1) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
  - 2) Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
  - 3) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

- d. TOWER CONSTRUCTION. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and National Building Code construction standards for steel structures.

- e. TOWER, ANTENNA AND ACCESSORY BUILDING DESIGN. Proposed or modified towers and antennas shall meet the following design requirements:
  - 1) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
  - 2) Commercial wireless telecommunication service towers shall be of a monopole design unless the Township Board determines that an alternative design would better blend into the surrounding environment.
  - 3) Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
  
- f. TOWER SETBACKS. Towers shall conform with each of the following minimum setbacks requirements:
  - 1) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
  - 2) Towers shall be set back from planned public right-of-ways as shown on the Township's Master Plan by a minimum distance equal to one half of the height of the tower including all antennas and attachments.
  - 3) Towers shall not be located between a principal structure and a public street, with the following exceptions:
    - a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
    - b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
  - 4) A tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.
  - 5) Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit, except where they are being collocated on existing towers or structures.
  
- g. TOWER HEIGHT. In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed two hundred (200') except as granted by the Zoning Board of Appeals.

- h. TOWER LIGHTING. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
- i. SIGNS AND ADVERTISING. The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.
- j. ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS. Abandoned or unused towers or portions of towers shall be removed as follows:
  - 1) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
  - 2) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.
- k. INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an inter-modulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least ten (10) calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.
- l. MODIFICATIONS. A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:
  - 1) The applicant and/or co-applicant wants to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:
    - a) Change in the number of facilities permitted on the site;
    - b) Change in the technology used for the wireless service facility.
  - 2) The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.
- m. SITE PLAN SUBMISSION REQUIREMENTS.
  - 1) General Filing Requirements

- a) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
- b) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
- c) Original signatures for the applicant and all co- applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.

2) Location Filing Requirements

- a) Identify the subject property by including the Municipality as well as the name of the locality, name of the nearest road or roads, and street address, if any.
- b) Tax map and parcel number of subject property.
- c) Zoning district designation for the subject parcel.
- d) A line map to scale showing the lot lines of the subject property and all properties within three hundred (300) feet and the location of all buildings, including accessory structures, on all properties shown.

3) Siting Filing Requirements

- a) A one-inch-equals-forty (40) feet vicinity plan showing the following:
  - (1) Property lines for the subject property.
  - (2) Property lines of all properties adjacent to the subject property within three hundred (300) feet.
  - (3) Tree cover on the subject property and adjacent properties within three hundred (300) feet, by dominant species and average height, as measured by or available from a verifiable source.
  - (4) Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300) feet.
  - (5) Proposed location of antenna, mount and equipment shelter(s).
  - (6) Proposed security barrier, indicating type and extent as well as point of controlled entry.
  - (7) Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300) feet including driveways proposed to serve the personal wireless service facility.
  - (8) Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.



- (9) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
  - (10) Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
- b) Siting elevations, or views at-grade from the north, south, east and west for a fifty (50') foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
- (1) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
  - (2) Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
  - (3) Any and all structures on the subject property.
  - (4) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- 4) Design Filing Requirements
- a) Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
  - b) Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
  - c) Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
  - d) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
  - e) If lighting of the site is proposed, the applicant shall submit manufacturers computer generated point to point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

## **SECTION 14.15 WIND ENERGY CONVERSION SYSTEM**

### **a. INTENT.**

- 1) Promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of non-wind utility supplied electricity.
- 2) Permit the safe, effective and efficient siting and operation of utility grid wind energy systems and farms.
- 3) Wind energy systems are not to destroy the natural beauty of the shoreline.

### **b. DEFINITIONS**

- 1) Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
- 2) ANSI: American National Standards Institute.
- 3) Commencement of Construction: Excavation for turbine foundations. Preparation of the substation site, lay down yards, staging areas, and office set up, etc., are not considered commencement of construction.
- 4) dB(A): The equivalent sound pressure level (Leq) in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- 5) Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
- 6) Habitable or Inhabited Structure: Any permanent structure usable for human living or nonagricultural commercial purposes. An area used only for storage incidental to a residential use, and any barn, farm outbuilding, hunting blind, ice fishing shanty or other similar item that is not occupied by a human on an ongoing basis outside of the relevant activity, are not included in this definition.
- 7) IEC: International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
- 8) ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
- 9) On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the consumer.
- 10) Participating or Leased Property: Any parcel of property in Akron Township that has a Utility Grid wind energy system or related facilities on it, or is under easement or lease to any Applicant or any Utility Grid Wind Energy System owner. Any parcel of property in Akron Township that does not meet this definition is a “Non-Participating or Non-leased Property.”

- 11) Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
  - 12) SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
  - 13) Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at an inhabited structure.
  - 14) Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
  - 15) Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
  - 16) Total Height: When referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point.
  - 17) Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
  - 18) Wind Turbine: A wind energy system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.
  - 19) Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.
- c. **ON SITE WIND ENERGY SYSTEMS (NET METERING):** An On Site Use wind energy system is intended to primarily serve the needs of the consumer. An On Site Use wind energy system shall be considered a use by right in the Agricultural district and subject to setback restrictions from all property lines.
- d. **WIND ENERGY SYSTEM SITE ASSESSMENT FOR UTILITY GRID WIND ENERGY SYSTEMS:** Prior to construction of a Utility Grid wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Anemometer towers or "Met Towers," more than 65 feet in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system shall also be a Special Land Use.

Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with the local government that will include:

- 1) applicant identification, a site plan drawn to scale of up to one (1) inch equals one hundred (100) feet and unless otherwise requested by Akron Township.
- 2) a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and

- 3) Applicant/owner/operator shall procure and maintain comprehensive general and public liability and such other policies of insurance customary to the wind energy system industry. Applicant/owner/operator shall provide such insurance coverage in such amounts and with such limits as are acceptable to the Township Board. The applicant/owner/operator shall maintain these insurances for the duration of the installation, operation, removal and site restoration of the Met tower. Certificates of said insurance shall be provided to the Township Board prior to issuance of a special use permit, and current certificates of insurance shall be provided to the Township Board annually within 30 days after the policy anniversary or issuance date. The insurance carrier shall be instructed to notify the Township Board if such insurances expire for any reason. Failure of the applicant/owner/operator to maintain these insurances at all times shall result in revocation of the Special Land Use Permit.
  - 4) The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- e. UTILITY GRID WIND ENERGY SYSTEMS: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use. Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with the local government and shall include the following:
- 1) Applicant Identification: Applicant name, and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved. The application may include a legal description or parcel identification numbers of the properties involved) and any additional contact information.
  - 2) Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
  - 3) Site Plan: The site plan shall be drawn to a scale of up to one (1) inch to equals one hundred (100) feet and unless otherwise requested by Akron Township and will include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include
    - a) the project area boundaries, the location, height and dimensions of all existing and proposed above-ground structures and locations of underground collection lines.
    - b) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
    - c) existing topography, and
    - d) water bodies, waterways, wetlands, and drainage channels
  - 4) Insurance: Applicant/owner/operator shall procure and maintain comprehensive general and public liability and such other policies of insurance customary to the

wind energy system industry. Applicant/owner/operator shall provide such insurance coverage in such amounts and with such limits as are acceptable to the Township Board. The applicant/owner/operator/ shall maintain these insurances for the duration of the installation, operation, decommissioning, removal and site restoration of the Grid Utility wind energy system. Certificates of said insurance shall be provided to the Township Board prior to issuance of a special use permit, and current certificates of insurance shall be provided to the Township Board annually within 30 days after the policy anniversary or issuance date. The insurance carrier shall be instructed to notify the Township Board if such insurances expire for any reason. Failure of the applicant/owner/operator to maintain these insurances at all times shall result in revocation of the Special Land Use permit.

- 5) Consent Documents: Copies of any written waivers from neighboring property owners.
- 6) Sound Pressure Level: Copy of the modeling and analysis report.
- 7) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through *Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116*, must receive approval from the Michigan Department of Agriculture to locate a WES on the property prior to construction. **MDA - Farmland Preservation**
- 8) Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
- 9) Environmental Impact: Copy of the Environmental Impact analysis.
- 10) Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- 11) Shadow Flicker: Copy of the Shadow Flicker analysis.
- 12) Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and estimated quantity of all hazardous materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- 13) Decommissioning: Copy of the decommissioning plan.
- 14) Complaint Resolution: Description of the complaint resolution process.
- 15) An applicant shall remit an application fee, in the amount specified in the fee schedule adopted by the Board of Trustees. This schedule shall be based on the cost of the application review and may be adjusted from time to time.
- 16) In addition to the application fee, the applicant shall together with the initial application pay to Akron Township a deposit in an amount to be determined by resolution of the Township Board ("Deposited Amount"). The Deposited Amount shall be held in escrow for purposes of reimbursing Akron Township for its costs and expenses incurred for hiring consultants and experts as Akron Township shall, at its sole discretion, deem desirable to review the application, examine, evaluate and verify the data and

statements presented by the applicant/owner/operator, and to cover the administrative and legal costs incurred by Akron Township over the term of construction and for the first six months of continuous operation of the Utility Grid wind energy system. At any time the balance of the account shall fall below fifty percent (50%) of the Deposited Amount, the applicant/owner/operator shall deposit such additional amount into the account as is necessary to bring the account balance equal to the Deposited Amount. If at any time the balance of the account shall fall below fifty percent (50%) of the Deposited Amount for a continuous period of thirty (30) days, the application shall be considered to have been withdrawn, or the Special Land Use Permit for the Utility Grid wind energy system may be revoked. The Zoning Administrator or township designee shall be charged with monitoring the account and giving monthly reports to the Township Board. After a period of six months of continuous operation of the Utility Grid wind energy system following completion of construction, any balance remaining in the account shall be returned to the applicant/owner/operator.

17) The Utility Grid wind energy system project shall meet the following standards and requirements:

- (1) Exclusion Zone: In addition to the Wind Energy Overlay District that encompasses the entirety of Akron Township, all proposed Utility-Grid Wind Energy Systems are subject to an exclusion zone.
- (2) It is the intent and purpose of the Utility-Grid Wind Energy Exclusion Zone to provide residents in specified areas of Akron Township and adjacent villages relief from Utility Grid wind energy systems. Akron Township permits Utility-Grid Wind Energy Systems as a special use requiring a Special use Permit within the Wind Energy Overlay. Wind turbines that are part of a Utility-Grid Wind Energy System are restricted from all property in the Exclusion Zone as depicted on the Utility-Grid Wind Energy Exclusion Zone map, regardless of the zoning district.
- (3) The boundaries of the Utility-Grid Wind Energy Exclusion Zone is hereby defined and established as shown on the map which accompanies this Zoning Ordinance and which map, with all explanatory matter thereon, is hereby made part of this Zoning Ordinance.

b) Set-Backs:

- (1) Setbacks from inhabited structures: Each wind turbine shall be set back from the nearest inhabited structure a distance of at least one thousand (1000) feet.
- (2) Setbacks from Non Leased Property: The distance between a Wind Turbine and the property lines of adjacent non-leased properties shall be at least one and one tenth (1.1) times its total height.
- (3) Setbacks from Leased Property: Where a property is leased on both sides of a private property line the tower may be placed on the property line. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- (4) Public Roads, transmission lines: Each wind turbine shall be set back from the nearest public road a distance no less than one and one tenth (1.1) times the total height of the wind turbine or two hundred (200') feet, whichever is greater,

determined at the nearest boundary of the underlying right-of-way for such public road.

- (5) All setbacks shall be measured from the center point of the Wind Turbine.
- c) Wind turbines and access roads: Wind related facilities shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines.
- e) SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.
- f) Sound Pressure Level: The sound pressure level generated by a Utility Grid wind energy system shall not exceed 50 dB(A) as measured at an inhabited structure. This sound pressure level shall not be exceeded for more than 6 minutes in any hour of the day. If the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- g) As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels.
- (1) Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type 1 sound meter, which has been calibrated according to a National Institute of Standards and Technology acoustic standard within the previous 12 months and shall be field-calibrated with an ANSI Type 1 calibrator.
- ii Documentation of the sound pressure level measurements shall be provided to the local government within one hundred twenty (120) days of the commercial operation of the project.
- iii Measurements shall exclude invalid samples that are contaminated by extraneous noise sources other than the Wind Turbine(s). Monitoring shall not be done during precipitation events or extreme weather conditions. Compliance shall be demonstrated by taking forty (40) valid 15-second Leq sound level readings, excluding the two highest 15-second readings (5% of the monitoring period) and any samples contaminated by extraneous noise sources other than Wind Turbines, and forming the arithmetic average of the remaining 15-second Leq sound readings.
- iv The background Leq sound level (without Wind Turbine sound) shall be established either by monitoring with the nearby Wind Turbines turned off, or by

sound level monitoring of Leq at a similar location unaffected by the Wind Turbine sound, and that background level shall then be subtracted (on an energy basis) from the measurement of the Wind Turbine to obtain the Wind Turbine only sound pressure level.

- 18) Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded and the tower shaft shall not be illuminated, unless required by the FAA or the Michigan Tall Structures Act. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. These requirements must be met prior to the commencement of construction but not at the time of application.
- 19) Safety: All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- 20) Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.
- 21) Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq., as amended) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management



(MCL 324.35301 et seq.). The applicant shall enter into a road use agreement with the Tuscola County Road Commission before beginning construction.

- 22) Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee ([APLIC](#)) published guidelines to prevent avian mortality.

- 23) Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for global positioning system correction systems (RTK), radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system or mitigates the interference to the affected party's reasonable satisfaction. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- 24) Shadow Flicker:

- a) The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at inhabitable structure with direct line-of sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special use Permit Application to the Planning Commission.

- b) The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected duration of the flicker at these locations from sunrise to sunset over the course of a year.
  - c) Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated by the modeling software used in the report.
  - d) The analysis shall identify problem areas where shadow flicker may affect the occupants of the habitable structures and describe measures that shall be taken to eliminate or mitigate the problems.
  - e) A shadow flicker mitigation plan shall also be submitted with the shadow flicker modeling report for any shadow flicker exceeding thirty (30) hours per year. Any shadow flicker complaint shall be addressed by the applicant and be reasonably mitigated.
- 25) Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include:
- a) the anticipated life of the project,
  - b) the estimated decommissioning costs net of salvage value in current dollars and provide that this figure shall be updated every fifth (5th) year after commercial operation of the Utility Grid wind energy system,
  - c) confirmation that each Wind Turbine, Wind Turbine foundation, and all electrical components and associated facilities within the Wind Turbine foundation, will be removed to a depth of sixty (60) inches below original grade, or to the level of bedrock, whichever is less. The Zoning Administrator may approve a land owner's request for any concrete foundations or other infrastructure to remain for other uses,
  - d) the anticipated manner in which the project will be decommissioned and the site restored, which shall be completed within eighteen (18) months after the Utility Grid wind energy system reaches the end of its useful life unless a longer period is approved by the Township Board,
  - e) A requirement for notice to the Township one year in advance of decommissioning. A surety bond, letter of credit, corporate guaranty or other similar financial instrument acceptable to the planning commission that is equal to the cost of decommissioning is required. The amount of security shall be adjusted to equal the latest estimated net decommissioning costs under subpart (25)(b) above.
  - f) The Utility Grid energy system or an individual turbine shall be presumed to be at the end of its useful life if no more than ten percent (10%) of cumulative nameplate capacity in commercially viable electricity is generated for a continuous period of twelve (12) months. In such event, the Township Board shall request, and the owner/operator shall provide, a status report and plan regarding the affected Utility Grid energy system or individual turbine, detailing the steps to be taken to decommission the Utility Grid energy system or affected turbine or, as applicable, to achieve renewed operational status. If in the Township Board's discretion applicant/owner/operator fails to provide a viable plan to bring the Utility Grid wind

energy system or turbine(s) to renewed operational status, the Township Board may, at its discretion, order that the Utility Grid energy system or affected turbine be decommissioned. Failure of the applicant/owner/operator to decommission as ordered shall result in the issuance of a stop operations order and revocation of the Special Land Use Permit.

- g) Wind production summary reports by month shall be provided annually for the Utility Grid wind energy system and each turbine to be submitted to the Zoning Administrator by January 31<sup>st</sup> of each year, for the preceding year.
  - h) The Township Board shall be notified within thirty (30) days of any changes in the status of the Utility Grid wind energy system or an individual turbine, including cessation of use, change in ownership, or change in the terms of the underlying lease to the subject property.
- 26) Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction, operations and for the life of the wind turbine, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the township Zoning Administrator by January 31<sup>st</sup> of each year, for the preceding year.
- 27) Conflicting provisions: In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Utility-Grid Wind Energy Systems, the provisions of this section shall control.
- 28) Annual Reporting
- a) Wind production summary reports by month shall be provided annually for the Utility Grid wind energy system and each turbine to be submitted to the Zoning Administrator by January 31<sup>st</sup> of each year, for the preceding year.
  - b) A report of all complaints and resolutions to complaints shall be filed with the township Zoning Administrator by January 31<sup>st</sup> of each year, for the preceding year.

## **SECTION 14.16 MISCELLANEOUS SPECIAL USES**

- a. Special Uses That May Be Permitted
  - 1) Temporary outdoor uses.
  - 2) Residential dwelling units.
- b. Temporary Outdoor Uses

- 1) EXEMPT ACTIVITIES. School fund raising activities are exempt from the special use permit requirements of this section. Private garage and yard sales in the AG, R-1, and RM districts are exempt from the special use permits requirements of this section.
- 2) EVIDENCE OF OWNERSHIP OR PERMISSION. Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- 3) LENGTH OF PERMIT. A temporary permit may be granted by the Planning Commission for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one proponent shall not exceed six (6) months in one calendar year.
- 4) STRUCTURES: OUTDOOR USES. Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
  - a) It is no larger than one hundred and fifty (150) square feet,
  - b) There is no foundation,
  - c) No portion of the structure may become unattached or move as a result of wind,
  - d) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.Structures of any kind must be removed PRIOR to expiration of the permit.
- 5) STRUCTURES-INDOOR USES. Structures for the display of indoor sales items are allowed provided they are not used for human shelter.

One structure for sales items is allowed under the following conditions:

  - a) There is no foundation,
  - b) No portion of the structure may become unattached or move as a result of wind,
  - c) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.Structures of any kind must be removed PRIOR to expiration of the permit.
- 6) USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW. If the use is for greater than three (3) days, within a thirty (30) day period, a site plan, in conformance with the requirements outlined in [Chapter 15](#), must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.

- a) OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED. The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted.
  - b) TEMPORARY SIGNS. Temporary signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two temporary sign permits may be granted for one parcel in a year.
  - c) SANITARY FACILITIES. Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
  - d) DISPLAY OF GOODS. Display and sale of goods may not be within the required yards for the zoning district.
- 7) USES NOT REQUIRING AN OFFICIAL SITE PLAN OR PLANNING COMMISSION APPROVAL. Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of NONPROFIT ORGANIZATIONS, in [Chapter 2](#), may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if,
- a) The use is for three (3) days or less within a thirty (30) day period,
  - b) A drawing of the site and description of activity is provided and,
  - c) No structures for display, sale or storage remain on the site other than during the hours of operation,
  - d) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.
  - e) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
  - f) The temporary use location must meet all yard requirements of the zone in which it is located.
- c. Residential Dwelling Units

AUTHORIZATION. Because residential uses may be compatible and harmonious to certain commercial activities, and in recognition of the unique site development characteristics of these functions, such uses of land may be authorized by Special Use Permit within the Commercial District.

## **SECTION 14.17 SOLAR PANEL ENERGY SYSTEM: UTILITY SCALE**

### **A. Purpose**

The purpose of this section is to establish guidelines for the siting of solar panel energy systems placed on a lot with the intent to provide utility-scale energy to the grid which shall be hereafter referred to as Solar Panel Energy System: Utility Scale. It is further the purpose and intent of this Section to:

1. Promote the safe, effective, and efficient use of solar panel energy systems in order to reduce the consumption of fossil fuels in producing electricity and decrease the air and water pollution that results from the use of conventional energy systems.
2. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse effects of solar panel energy systems, including aesthetic impacts and risks to the property values of adjoining properties.
3. Establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of solar panel energy systems shall be governed.

**B. Utility-scale solar panel energy systems shall be permitted as a Special Land Use in specified zoning districts as the principal use on a parcel, subject to the following regulations:**

1. Siting of solar panels must conform to the front, side, and rear yard setback requirements of the zoning district.
2. When oriented at maximum tilt, free-standing solar panels shall not exceed a height of twenty-five (25) feet.
3. Area covered shall be included in the lot coverage calculations for the lot, if applicable.
4. All power transmission lines shall be located underground.

### **C. Glare.**

Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways. Solar panels shall be finished with non-reflective coatings and any exposed frames or components shall have a non-reflective surface.

### **D. Permits.**

Utility-scale solar panel energy systems shall conform to applicable industry standards. Applicable Township and County permits shall be obtained for a Utility-scale solar panel energy system in accordance with the Building and Electrical Codes, including any pertinent permitting requirements described in the Akron Township Zoning Ordinance. In all cases, a Special Use Permit must be approved first by the Akron Township Planning Commission.

E. Batteries.

When a battery storage system is included as part of the utility-scale solar panel energy system, it must be placed in a secure temperature-controlled enclosure when in use. When no longer in use, such batteries must be disposed of in accordance with applicable laws and regulations.

F. Removal.

1. The applicant shall submit a decommissioning plan. The plan shall:
  - a. State the anticipated life of the project,
  - b. Describe estimated decommissioning costs in current dollars and provide that this figure shall be updated every fifth (5th) year after commercial operation of the utility-scale solar panel energy system,
  - c. The decommissioning plan shall be signed by the party responsible for decommissioning and the landowner (if different),
  - d. Define the conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.),
  - e. State that all equipment, conduit, structures, fencing, roads, and foundations will be removed by the end of the decommissioning period,
  - f. Require property to be restored to the condition it was in prior to the development of the utility-scale solar panel energy system,
  - g. Describe the timeframe for completion of decommissioning activities,
  - h. Describe any agreement (e.g. lease) with landowner regarding decommissioning,
  - i. State the party currently responsible for decommissioning,
  - j. Describe any plans or circumstances requiring an update of the decommissioning plan.
2. A recorded copy of the decommissioning plan shall be submitted to the Planning Commission.
3. Decommissioning Period. Decommissioning shall be completed within 18 months of determination by the Zoning Administrator that the utility-scale solar panel energy system is no longer being maintained in an operable state of good repair, unless the current responsible party with ownership interest in the facility provides substantial evidence to the Planning Commission of the intent to maintain and reinstate operation of the utility-scale solar panel energy system.
4. A surety bond, letter of credit, corporate guaranty, or other similar financial instrument acceptable to the Planning Commission that is equal to the cost of decommissioning is

required. The amount of security shall be adjusted to equal the latest estimated net decommissioning costs under subpart (F)(1)(b) above.



## **Chapter 15 ■ Administration, Enforcement, and Amendments**

### **SECTION 15.1 PEOPLE INVOLVED IN THE ZONING PROCESS**

The provisions of this Ordinance shall be carried out by the Akron Township Planning Commission, the Zoning Board of Appeals, the Township Board of Trustees and the Township Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

a. **ZONING ADMINISTRATOR:**

The Township Board, with the recommendation of the Planning Commission, may employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. The Township Board may designate the Zoning Administrator as the Building Inspector. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance:

- 1) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.** All applications for site plans shall be submitted to the Zoning Administrator who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action (see REVIEW PROCESS Table in this Chapter). The Zoning Administrator shall maintain a record of all applications, including documentation for each.
- 2) **ISSUE WRITTEN DENIAL.** When any application for a site plan is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- 3) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- 4) **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- 5) **RECORD NONCONFORMING USES.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.

- 6) RECORD SPECIAL USES. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- 7) RECORD INTERPRETATIONS OF ORDINANCE. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- 8) PUBLIC INFORMATION. The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- 9) RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five (5) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
- 10) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

b. PLANNING COMMISSION:

- 1) MEMBERSHIP. The Planning Commission shall be composed of between five (5) and nine (9) members, comprised of
  - a) One member of the Township Board selected by the Township Supervisor as an ex officio member, and
  - b) Four residents of the Township, representing, insofar as possible, different professions or occupations, who shall be appointed by the Township Supervisor, subject to the approval of a majority of the members elected to the Board.
- 2) TERMS OF OFFICE. The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- 3) RULES OF PROCEDURE. The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
- 4) FUNCTION: The duties of the Planning Commission shall be as outlined in Public Act 110 of 2006, commonly known as the Michigan Zoning Enabling Act.
- 5) MEETINGS. The Planning Commission shall meet at least 4 times per year or as determined by the Township Board and Planning Commission, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.

- 6) PER DIEM OR EXPENSES. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.
  - 7) MASTER PLAN. The Planning Commission shall make and adopt a master plan as a guide for the development of the Township. Plan contents, adoption, amendment, approval by the Township planning commission, hearing and publication shall be according to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
  - 8) ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
  - 9) ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
    - a) SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
    - b) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit.
    - c) REZONING OR TEXT AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.
- c. TOWNSHIP BOARD OF TRUSTEES.

On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. Likewise, the Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Township Board may review all zoning decisions of the Planning Commission. The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Board may also act to waive any fee.

## **SECTION 15.2 ADMINISTRATIVE PROCESSES**

- a. APPLICATION: Before proceeding with the erection, alteration, moving or use of any building or structure, or the use of any premises subject to the provisions of this Ordinance, the owner thereof shall first obtain a certificate of zoning approval from the Zoning Administrator. No permit shall be required for the erection or installation of a fence unless specifically provided. Applications shall be made in writing upon forms provided by the Township. It shall be the duty of all architects, contractors, and other persons having charge

of erection or movement to determine that proper certification has been issued before undertaking any such work, and all persons performing such work in violation shall be deemed guilty of violation in the same manner as the owner of the premises.

- b. **BUILDING PERMIT REQUIRED:** The issuance of a Building Permit, showing compliance with the zoning Ordinance, signifies compliance with the requirements of this Ordinance. A building permit must be obtained from the Akron Township building official before any of the following activities may legally take place:
  - 1) Occupancy and use of vacant land (including parking lot construction).
  - 2) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit by the Akron Township Building Inspector.
  - 3) Any use of land or a building that would be identified as a Use by Special Use Permit by the Uses Table in [Chapter 3](#), District Regulations, for the Zoning District in which the parcel is located.
  - 4) Any change of a nonconforming use or building.
- c. **APPLICATION REVIEW PROCESS.** On submission of an application for a site plan, the Zoning Administrator will review the application material as described by the REVIEW PROCESS Table that accompanies this Chapter. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation.
- d. **RECORD MAINTAINED.** The zoning administrator shall keep a record of each application for a site plan that has been submitted including the disposition of each one. This record shall be a public record, open for inspection upon request.
- e. **REVIEW PROCESS TABLE.** This Table follows at the end of this Chapter.

### **SECTION 15.3 ENFORCEMENT**

This Ordinance shall be enforced by the Zoning Administrator for Akron Township.

- a. **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
- b. **VIOLATIONS AND PENALTIES.** Any building or structure which is erected, altered, maintained, or used or any use of land which is begun, maintained or changed in violation of this Ordinance is hereby declared to be a nuisance per se. Violations of any provisions of this Ordinance are declared to be enforceable under the Township Ordinance covering Municipal Civil Infractions and the rules adopted.
- c. **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

## **SECTION 15.4 AMENDMENTS**

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by Public Act 110 of 2006, as amended, for the enactment of the original Ordinance. It shall be necessary to publish only a summary of the section or sections to be amended to the Ordinance.

- a. **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- b. **AMENDMENT PROCEDURE:**
  - 1) **PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE.** Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
  - 2) **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
  - 3) **PUBLIC HEARING** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing.
  - 4) **RESUBMITTAL.** No application for a rezoning that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.
  - 5) Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.

## **SECTION 15.5 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS**

- a. If the Township is required to provide notice and hearing under the Michigan Zoning Enabling Act, the township shall publish a notice of the request in a newspaper of general circulation in the community.
- b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent 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.

- c. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
  - 1) Describe the nature of the request.
  - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. 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.
  - 3) State when and where the request will be considered.
  - 4) Indicate when and where written comments will be received concerning the request.
- d. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner.
- e. If 11 or more adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.

## **SECTION 15.6 SITE PLAN REVIEW**

- a. SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW. The Township Planning Commission must review and approve site plans before granting approval to Special Use Permits, including those for subdivision plats.
  - 1) The proposed project will have more than two (2) dwelling units.
  - 2) The proposed project is in a commercial (C) zoning district.
  - 3) The proposed project is in a light industrial (I) district.

In the case of existing development, a Site Plan Review is required when,

- 4) The project involves increasing the footprint by ten (10%) percent or more, of any residential structure with more than two (2) units, or any commercial or industrial structure or use.
- 5) The project involves expansion of an acceptable nonconforming use, building or structure. Unacceptable nonconforming uses may not expand.

**AT NO TIME SHALL A SITE PLAN REVIEW BE REQUIRED AS A PART OF THE DECISION PROCESS FOR A REZONING!** This is because the decision to rezone property should be based on consideration of its effects on long range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

b. SITE PLANS

- 1) **APPLICATION DEADLINES.** If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least fifteen (15) days before the date of a Planning Commission meeting in order to be reviewed at said meeting.
- 2) **APPLICATION MATERIAL.** Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least four (4) copies of a site plan that meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.
- 3) **SITE PLAN CONTENTS.** All applicants shall complete the site plan review checklist with persons described in item (b4) of this section. The site plan review checklist is available with the Zoning Information Packet at the Township offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the permit issued pursuant to site plan approval, and is subject to the enforcement provisions of Section 15.4 -Enforcement of this Ordinance.

- a) **SCALE.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three acres or less, or one inch equals two hundred (1" = 200') feet for larger sites.
- b) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- c) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Tuscola County Register of Deeds will be the legal description upon which a site plan decision is based.
- d) **SITE FEATURES.** The site plan must depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- e) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped

- parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
- f) **UTILITIES.** The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
  - g) **STRUCTURES.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
  - h) **SUPPLEMENTARY MATERIAL.** The site plan shall be complemented by any additional information that, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
- 4) **STAFF REVIEW OF SITE PLAN.** Before the site plan is reviewed by the Planning Commission, or contracted engineering services, Public Works Director and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project.
- 5) **PLANNING COMMISSION REVIEW OF SITE PLAN.** The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.
- a) **APPROVAL.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any permit that may be granted for the proposed project. Deviations from the site plan will only be permitted as outlined by Section 15.5 - Amendment.



- b) **CONDITIONAL APPROVAL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing.
  - c) **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- 6) **RECORD TO BE MAINTAINED.** This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator, documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same, documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.
- c. **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.
- 1) **DISTRICT REGULATIONS.** The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
  - 2) **SUPPLEMENTARY REGULATIONS.** The project must comply with any and all of the General Requirements that may apply to it, as identified in [Chapter 10](#) of this Ordinance.
  - 3) **SPECIAL USE STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use also must be satisfied.
  - 4) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
  - 5) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and

location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the Tuscola County Road Commission shall be sought.

- 6) **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- 7) **UTILITIES.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- 8) **SIGNS AND LIGHTING.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground mounted standards adjacent to or the parking lot or vehicular use areas.
- 9) **FIRE PROTECTION.** The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- 10) **ENVIRONMENT.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property, or properties, or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Public Health, or other agencies.
- 11) **STORM DRAINAGE.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.

12) CONSISTENCY WITH ORDINANCE INTENT. The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in [Chapter 1](#), and with the purpose of the District in which the subject parcel is located.

- d. PERFORMANCE BOND. Further, the Planning Commission is empowered to require and at its option may require a performance bond or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, the performance bond shall be forfeited. The Township shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Township Supervisor. The Township Supervisor may, at his/her discretion, call upon professional assistance from the Township Engineer, or building inspectors. In cases where the provisions above have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

## **Chapter 16 ■ Zoning Board of Appeals**

### **SECTION 16.1 ESTABLISHMENT**

The Township Board, exercising the authority of Act 110 of the Public Acts of 2006, as amended, hereby provides that a Township Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members.

### **SECTION 16.2 MEMBERSHIP**

The Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Akron Township Planning Commission, one member shall be a member of the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for misfeasance, nonfeasance or malfeasance of duty or misconduct in office upon written charges and after public hearing. The Zoning Board of Appeals shall annually elect its own Chair, Vice-Chair, and Secretary at its January meeting or as soon thereafter as practicable.

The Township Board shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular 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.

A per diem or reimbursement for expenses actually occurred shall be allowed to the Board of Appeals and shall exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.

### **SECTION 16.3 TERMS OF OFFICE**

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or Township Board whose terms shall be limited to the time they are members of the Zoning Board, Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired

shall be filled for the remainder of the term. A Township Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

#### **SECTION 16.4 BOARD OF APPEALS PROCEDURES**

- a. **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business with out comment or interruption from the public in attendance.
- b. **RECORDS.** Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the member and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.
- c. **RULES OF PROCEDURE.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.
- d. **MAJORITY VOTE.** The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- e. **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

#### **SECTION 16.5 APPEALS, METHOD FOR TAKING**

Any appeal from a ruling of the Zoning Administrator or body concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within 10 days after the date of the Zoning Administrator's decision which is the basis of the appeal. Any appeal shall be in writing on standard forms. The Zoning Administrator shall transmit to the Board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken. Any appeal to the Board of Appeals shall be accompanied with a payment of a fee established by resolution of the Township Board to cover costs of processing such appeal.

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the Township. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning

Administrator may certify to the Board of Appeals after the notice of the appeal shall have been filed with him that for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

## **SECTION 16.6 DECISIONS**

The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

## **SECTION 16.7 DUTIES**

The Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.

- a. REVIEW. The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator, or by any other official in administering or enforcing any provisions of this Ordinance.
- b. INTERPRETATION. The Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this Ordinance as follows:
  - 1) So as to carry out the intent and purposes of this Ordinance.
  - 2) To determine the precise location of the boundary lines between zoning districts; or,
  - 3) To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- c. VARIANCES. The Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this Ordinance PROVIDED all of the five criteria are satisfied. These are:
  - 1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

- 2) The variance will do substantial justice to the applicant, as well as to other property owners.
  - 3) The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
  - 4) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
  - 5) The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.
- d. Rules for Granting of Variances: The following rules shall be applied in the granting of variances.
- 1) In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variances applies. The breach of any such conditions shall automatically invalidate the permit granted.
  - 2) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six months after the granting of the variance.
  - 3) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
  - 4) In authorizing any variance, the Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.
  - 5) The Board of Appeals may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the Board may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

## **SECTION 16.8 LIMITATIONS**

The Board of Appeals, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, or to prohibit a use which is permitted in this Ordinance, change permitted uses in a district, nor may it determine the validity of this Ordinance.