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Preamble

Ordinance No. 2004-1012

Greendale Township
Midland County, Michigan

In accordance with the authority and intent of The Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, Greendale Township desires to promote the public health, safety, and general welfare; to conserve lands, waters, and other natural resources; to provide for the orderly development of the township; to reduce hazards to life and property from fire, flooding, air and water pollution; to facilitate adequate provision for a system of transportation, education, recreation, and other public facilities; and to reduce the dangers of excessive public costs which result from unguided development.

Article I. Short Title and Purpose

Section 1.01 Title

This Ordinance shall be known and may be cited as the GREENDALE TOWNSHIP ZONING ORDINANCE, and shall hereinafter be referred to as the Ordinance.

Section 1.02 Purpose

The purposes of this Ordinance are as follows:

- a) To meet the needs of the citizens for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
- b) To ensure that use of land shall be situated in appropriate locations and relationships;
- c) To limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities;
- d) To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements;
- e) To promote public health, safety and welfare.

Section 1.03 Authority

This Ordinance is ordained and enacted into law pursuant to the provisions of and in accordance with the State of Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

Section 1.04 Rights and Remedies

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 1.05 Validity

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, clause or provision hereof be declared by any court to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole, or any part hereof, other than the part so declared to be unconstitutional or invalid.

Section 1.06 Repealing Clause

The Zoning Ordinance of Greendale Township presently in effect and all amendments thereto are hereby repealed; provided, however, that if this Zoning Ordinance shall be subject of a successful public referendum or be judicially determined to have been unlawfully adopted, such public referendum or judicial determination shall then automatically reinstate the present Greendale Township Zoning Ordinance and all of its amendments to their full effect. The repeal of existing zoning ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate any existing violation of the prior ordinances if the use, so in violation is in violation of the provisions of this ordinance.

Section 1.07 Effective Date

The ordinance shall take effect immediately upon publication thereof. Adopted by the Township Board, Township of Greendale, County of Midland, Michigan, on this **DATE of MONTH, YEAR.**

Article II. Interpretation of Wording

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

- a) The particular shall control the general.
- b) The word “shall” is always mandatory and never discretionary. The word “may” is permissive.
- c) Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
- d) A “building” or “structure” includes any part thereof.
- e) The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
- f) Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions or events, the terms “and”, “or”, “either...or”, such conjunction shall be interpreted as follows:
 - 1) “And” denotes that all the connected items, conditions, provisions or events apply in combination.
 - 2) “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- g) The term “person” or “entity” shall mean an individual, partnership, corporation or other associations or their agents.
- h) “Township” shall refer specifically to Greendale Township.
- i) Terms not defined shall be assumed to have the meaning customarily assigned to them.

Article III. Definitions

Accessory Building. Any subordinate building or structure, such as private garages and farm buildings, located on the same lot with a principal building or use. When an accessory building is attached to a principal building by a wall or roof, said accessory building shall be considered a part of the principal building for the purpose of determining the required dimensions of yards. For the purposes of this Ordinance, cargo containers, railroad cars, and similar prefabricated items, and structures are not considered accessory buildings.

Accessory Use. Any use customarily found with and incidental to a principal use.

Adult Arcade; Adult Bookstore; Adult Video Store; Adult Cabaret; Adult Entertainment Facilities; Adult Motel; Adult Motion (or Mini-Motion) Picture Theater; Adult Novelty Business; or Adult Theater. (See Sexually Orientated Business)

Adult Foster Care.

- a) **Adult Foster Care Home, Family:** is a single-family dwelling occupied as such in which one (1) but not more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.
- b) **Adult Foster Care Home, Group:** is a single-family dwelling occupied as such in which more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.
- c) **Foster Care Home, Family:** is a single-family dwelling occupied as such in which one (1) but not more than six (6) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by parent or legal guardian.
- d) **Foster Care Home, Group:** is a single-family dwelling occupied as such in which more than six (6) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.

Adjacent Property Owners. Persons owning property which borders another property, including the opposite side of the public thoroughfare.

Agriculture. The art and science of cultivating the soil, producing crops or raising livestock, and the processing of crops or livestock, or milk produced on the same premises. Not included in this definition are riding stables, fur farms, hog or poultry farms using garbage as a principal source of feed, dairy processing operations or the sale of nursery stock not produced on the premises.

Airport. A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators and appropriate lighting.

Alley. A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.

Altered. A change in the usage, location, construction, square footage or height of a building or structure.

Automobile Repair. Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles or engines; collision repair, such as body, frame or fender straightening and repair; sandblasting or overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Automobile Sales Area. Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

Automobile Service Station. Buildings or premises, or portions thereof, arranged or designed to be used for the retail sale of oil, gasoline or other fuel for the propulsion of motor vehicles and may include facilities for changing tires, tube repairing, polishing, greasing, hand washing or minor servicing of such motor vehicles, but excluding bumping and painting and mechanical washing equipment.

Automobile Wash Establishment. A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Average. For the purpose of this Ordinance, the term “average” will be an arithmetic mean.

Bar (Lounge and Pub). A commercial establishment in which the sole primary activity is the on-site sale and consumption of alcoholic beverages. Secondary activities include the preparation and sale of food for on-site consumption. Subordinate activities may include provisions for a live band or singer, recorded music, video presentations, dance floor or similar activities. (See Eating Establishments – Restaurant).

Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast Facility. See definition for tourist home.

Bedroom. A dwelling room used or intended to be used by human beings for sleeping purposes.

Billboard. See Sign. Off Premises.

Board of Appeals. As used in this Ordinance, this term means the Greendale Township Zoning Board of Appeals.

Building. A structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or property of any kind.

Building Area. The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building Width. The width of a lot left for building after required side yards are provided.

Building Height. The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roof; and to the mean height level between eaves and ridge of gable, hip and gambrel roof. When the terrain is sloping the ground level is measured at the average wall line.

Bulk Station. A place where crude petroleum, gasoline, naphtha, benzyl, propane, kerosene, benzene or any other liquid are stored for wholesale or commercial purpose, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

Campgrounds. Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Cargo / Shipping/ Storage Container (hereinafter referred to as "Cargo Container"): Any metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, or which appears substantially similar to such containers in appearance. Such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally, a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles of goods or commodities; generally capable of being mounted or moved on a rail car or loaded on a ship.



Typical Cargo Container

Church. See Religious Institution.

Clinic. A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist or the like, except that human patients are not lodged overnight.

Club or Lodge. Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational or recreational purposes.

Commercial. The use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services or the maintenance or service offices of recreation or amusement enterprise or garage, yard and/or basement sales operating more than 12 days during any one 12 month period. Commercial use shall not include a municipal recreation use even though a fee may be charged for said use. For purposes of this ordinance, a use meeting the above definition shall be considered commercial without regard to the presence or absence of a business license, state or federal sales tax license or identification number or other such instrument.

Commercial Amusement. A facility operated for profit which affords entertainment and recreation, such as pool halls, miniature golf and bowling lanes.

Condominium Unit. That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this Ordinance.

Drive-In Establishment. Establishments which offer goods and services directly to customers waiting in motor vehicles. (Also see Eating Establishments)

Dwelling Unit. A building or portion of a building, that has sleeping, living, cooking and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In case of buildings or structures that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit. Furthermore, a dwelling unit shall meet the following standards:

- a) It complies with the minimum square footage requirements. (See Section 14.02).
- b) It is firmly attached to a solid foundation constructed on the site in accordance with the township building code, which shall be a fully enclosed basement or crawl space.
- c) It does not have exposed wheels, undercarriage or chassis.
- d) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- e) The dwelling complies with all pertinent building and fire codes.

Dwelling, Single-Family. A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all respects to the standards set forth in Dwelling Unit.

Dwelling, Multiple-Family. A building or structure used for residence purposes for two (2) or more families, living independently of each other and conforming in all respects to the standards set forth in Dwelling Unit.

Eating Establishments – Restaurants. A restaurant is an establishment selling food items ordered from a menu and prepared on the premises for immediate consumption.

- a) Carry-out. A fast service restaurant which does not have sit down eating arrangements and consumption of food on the premises is prohibited (or discouraged).
- b) Drive-in. A restaurant where consumption of food on the premises is encouraged (in car, no seating facilities) and where food is provided by “car-hop” or self-service.
- c) Sit-down Restaurants. Those restaurants which provide seating arrangements.
- d) Combination. A restaurant which provides any combination of sit-down, carry-out, and/or drive-in services.

Educational Institutions. A public or private school that offers students an academic curriculum, including kindergartens, elementary schools, middle schools, charter schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research and recreational purposes.

Efficiency Unit. A dwelling unit for one individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred fifty (350) square feet of usable floor area.

Erected. Includes built, constructed, reconstructed, extension, enlargement, moved upon or any physical operation on the premises intended or required for a building or structure. Excavation, fill drainage, and general land improvements that are not required for a building or structure, shall not be considered to fall within this definition.

Essential Services. The phrase “essential services” means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternate tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations and other major public utility structures are not included within this definition.

Event Venues. A facility where special events (i.e. celebration, ceremony, wedding, reception, corporate function, or similar activity) for the benefit of someone other than the property owner takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. Special Event Facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility such as for a fundraiser for a charitable non-profit organization

Family. A family is defined as:

- a) Up to four (4) unrelated persons residing in a dwelling unit, with no roomers or boarders allowed.
- b) Two (2) or more persons residing in a dwelling unit, related by blood or marriage and consisting of husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, niece, nephew, stepchildren, legally adopted children, foster children and legal wards or any combination thereof.
- c) A collective number of individuals living together in a dwelling unit whose relationship must be of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond characteristic of a cohesive unit. This relationship does not include any society, club, fraternity, sorority, association, lodge, federation, group, coterie or organization, nor does it include a group of individuals whose association is temporary or seasonal in character or nature or for the limited duration of their education, nor does it include a group whose sharing of a dwelling unit is not to function as a family, but merely for convenience and economics. One professional

caregiver, such as a nurse, nanny, physical therapist, etc. caring for any person residing in the dwelling, may also reside in the dwelling.

Farm. Any parcel of land containing at least ten (10) acres which is used for the raising of commercial agricultural products, trees, livestock, poultry or dairy products. A farm may include a dwelling and accessory structures or buildings, located within the property boundaries, necessary for the storage or housing of farm implements, farm products or farm animals used in farming operations. Not included in this definition are riding stables, fur farms, hog or poultry farms using garbage as a principal source of feed, dairy processing operations or the sale of nursery stock not produced on the premises.

Farm Building. Any detached accessory building or structure used for the storage or housing of farm implements, produce or livestock.

Fast-Food Carry-Out Restaurant. An establishment where food and drink is prepared and dispensed to customers, primarily for consumption off the premises, either across a counter or through some type of service window to customers waiting in vehicles.

Feedlot. A concentrated animal feeding operation, which is operating in accordance with the State of Michigan Right to Farm Act, as amended, involving the rearing and feeding of cattle, poultry, sheep, goats or similar agricultural animals, in such density and at such scale as to cause or potentially cause adverse effects on water quality or nuisance conditions for neighboring property owners.

Fences or Walls. An upright structure or barrier of wood, stone, brick, posts, wire mesh, etc. which is designed to enclose, protect, divide, confine or define a boundary.

Foster Care Center. An establishment, or a distinct part of an establishment, which provides supervision, assistance, protection or personal care, in addition to room and board.

Garage, Private. An accessory building or structure, either attached or unattached to the principal building, used primarily to park or store motor vehicles and recreational equipment..

Garage, Public. A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing or parking motor vehicles. This definition shall not include private garage.

Gas and Oil Processing Facilities. Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Department of Environment, Great Lakes, and Energy, or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

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 for each face of the building.

Greenbelt. (1) A strip of property, parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to carry out the requirements of this Ordinance. (2) A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Ground Floor Area. The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar areas.

Guest House. A building which is on the same lot or building site as the principal dwelling and is used for the accommodation of guests of the occupants of the dwelling.

Hazardous Substances. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Home Occupation. Any primary or subordinate occupation conducted solely by the immediate family within the home or on the premises and clearly secondary and incidental to the residential use of the premises.

Hospital. An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

Housing For The Elderly. Dwelling units designed and operated for people sixty-two (62) years of age or older.

Hotel. A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Institutional or Public Use. Government buildings, places of worship, educational institutions, hospitals, parks, museums, cemeteries, civic centers, libraries and other public or quasi-public uses.

Junkyard. Any land, building, or structure used for the storage, recycling and/or sale of paper, rags, scrap metals, other scrap or discarded materials; or for the dismantling, storage or salvaging of vehicles not in running condition; or of machinery or parts thereof. This shall not include a dumping ground.

Kennel. Any establishment which boards, trains and cares for dogs, cats, and other small animals for remuneration.

Lighting, Source of. For purposes of this Ordinance, the source of light shall refer to the lamp, light bulb or filament which is exposed or visible through a lens material. Exposed mercury vapor lamps, high or low pressure sodium or neon lamps shall be considered a direct source of light.

Loading Space. An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

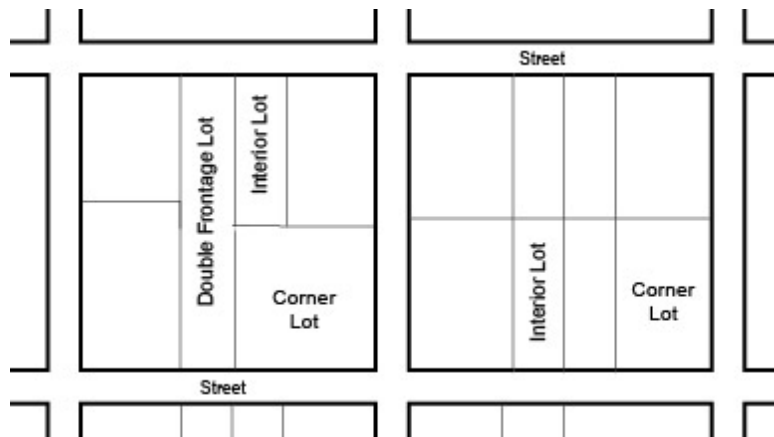
Lot or Premises. The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area and width required by this Ordinance for the district in which located, but not including any area within an abutting right-of-way or traffic lane.

Lot, Corner. A lot where the interior angle of the two adjacent sides at the intersection of the two thoroughfares is less than 135 degrees. A lot abutting a curved thoroughfare or thoroughfares shall be considered a corner lot if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight line extended, from an interior angle of less than 135 degrees.

Lot, Coverage. The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

Lot, Depth. The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage. A lot other than a corner lot having frontage on two (2) parallel streets.

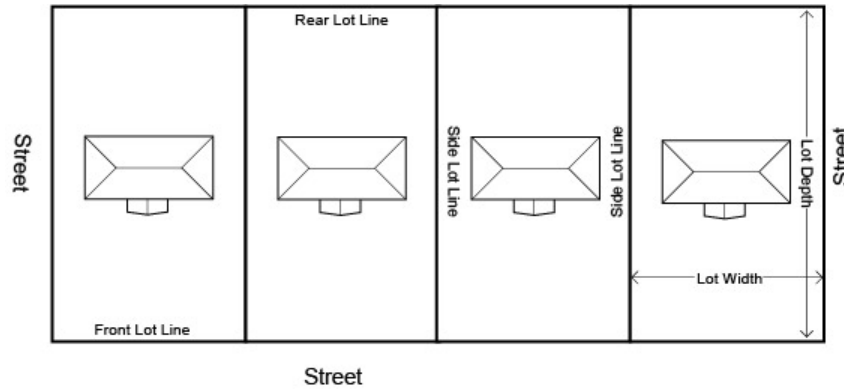


Lot, Interior. A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines. The property lines bounding the lot with reference to set back shall be determined as follows:

- a) **Front Lot Line:** In the case of an interior lot abutting upon one public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered and will serve as a greenbelt with a minimum setback of thirty-five (35) feet.

- b) **Rear Lot Line:** The lot line being opposite the front lot line. In case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- c) **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



Lot of Record. A parcel of land defined by a legal description and recorded in the office of the Midland County Register of Deeds on or before the effective date of this Ordinance.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line.

Manufactured Home. A factory built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 or 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 frame.

Master Plan or Comprehensive Plan. The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern or future community development. It consists of a series of maps, charts and written material representing in summary form the community’s conception of how it should grow in order to bring about the very best community living conditions.

Migratory Labor. Temporary or seasonal labor employed in planting, harvesting or construction.

Mobile Home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to required utilities and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. “Mobile home” does not include a recreational vehicle or motor home.

Mobile Home Park. A parcel or tract of land under the control of a person upon which three (3) or more mobile 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 incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Modular Housing. Housing which is manufactured off-site, often mass produced, and designed so that sections are interchangeable.

Motel or Motor Court. A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Motor Home. See Recreational Vehicle definition.

Native Vegetation Strip. See Greenbelt definition.

Non-Conforming Building. A building, structure or part thereof, lawfully exists at the effective date of this Ordinance, which now does not comply with this Ordinance.

Non-Conforming Lot. A lot which was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

Non-Conforming Use. A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.

Noxious Matter or Materials. Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.

Nude Model Studio. (See Sexually Orientated Business).

Nudity or a State of Nudity. Knowingly or intentionally displaying in public or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- a) A woman breast feeding a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- b) Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
- c) Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nuisance Factor. An annoying, unpleasant thing, such as noise, dust, odor, glare, fumes, heat; electronic or atomic radiation; objectionable affluent; noise or congregation of people, particularly at night and passenger traffic.

Nursery, Plant Materials. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.

Nursery School (Day Care Center). Any building used for the daytime care or education of preschool age children with or without compensation, and including all accessory buildings and play areas. Facility as licensed and regulated by the state under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the Family Independence Agency.

Nursing Home. A health establishment which provides nursing care under the direction of a licensed physician to patients who, for reason of illness or physical infirmities, are unable to care for themselves properly.

Odorous Matter. Any matter or material that yields an odor which is offensive in any way to a person with reasonable sensitivity.

Off Street Parking Lot. A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.

Office. Space within a building for the transaction of business, clerical work, the discharge of administrative or professional duties or services, or the like, including mechanical or electronic devices used in connection therewith. Storage shall be limited to that incidental to the office function only and shall not occupy more than twenty-five (25) percent of the total office area.

Open Air Business. Any use operated for profit, substantially in the open air, including:

- a) Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair or rental services.
- b) Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar activities.
- c) Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- d) Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.

Outdoor Recreation Facilities. Outdoor recreation facilities shall include golf courses, campgrounds, nature centers, hiking trails, cross-country skiing trails, riding stables, gun and archery ranges, tennis courts, picnic areas, wildlife areas and similar uses.

Parcel. The contiguous land in the same ownership or control which is not divided by a public street. A parcel may consist of one or more lots as described by metes and bounds or by recorded plat.

Park. Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking Space. An area of definite length and width exclusive of drives, aisles or entrances, giving access thereto, and fully accessible for storage or parking of permitted vehicles.

Permanent Accessory Dwelling Unit (ADU) - A residential living unit on the same parcel as a principal residential dwelling. The permanent ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit, a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling. The permanent ADU is a structure built on a foundation and has a square footage between 200 and 800 square feet.

Pets. Any domesticated dog, cat or other animal, excluding reptiles and exotic animals, commonly kept for companionship, protection or hunting purposes, and not for commercial purposes.

Pick-up Camper. See Recreational Vehicle definition.

Planned Unit Development (PUD). Land under unified control which allows a development to be planned and built as a unit and which permits, upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements and the timing and sequencing of the development. Planned Unit Development also includes land developed under Michigan Condominium Act, MCL 559.101, and et seq.

Portable or Temporary Storage Container (hereinafter referred to as "Portable Storage Container"): A portable or moveable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, valuables or merchandise (typically known as PODS, MODS, etc.), and which is leased on a short-term basis for temporary storage purposes.



Typical Portable Storage Container

Principal Use. The main use of land or structures, as distinguished from a secondary or accessory use.

Professional Office. The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate brokerage and the like.

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

Public Utility. Any person, firm, corporation, municipal department board or commission fully authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services or sewage

disposal. Public utility does not include telecommunications providers, defined within the Michigan Telecommunications Act, MCL 484.2101. Et seq., nor other service excluded by law from public utility statute.

Recreational Vehicle. A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers and tent trailers.

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

Repair Shop. A garage, building or area where repairs of motor vehicles, boats, travel trailer, farm equipment or similar equipment are made for a fee.

Resort. A recreational lodge, camp or facility operated for gain and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, snowmobiling, pack trails, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

Restaurants. (See Eating Establishments)

Roadside Stand. An accessory and temporary farm structure operated for the purpose of selling local agricultural products, part of which are raised or produced on the same farm premises.

Retail and Retail Stores. Any building or structure in which goods, wares or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

Right-of-Way Line. The established right-of-way line, or in the event there is no established right-of-way line, said right-of-way line shall be 33 feet from the center of public thoroughfare.

Sanitary Landfill. A private or public sanitary landfill that meets all of the requirements of Public Act 641 of 1978 and Public Act 64 of 1979 and the rules promulgated under these Acts by the Michigan Department of Natural Resources.

School. (See Educational Institutions).

Sexual Encounter Center. (See Sexually Oriented Business)

Sexually Oriented Business or Adult Entertainment Facilities. A business or commercial enterprise engaging in any of the following: (a) adult arcade; (b) adult bookstore or adult video store; (c) adult cabaret; (d) adult motel; (e) adult motion picture theater; (f) adult theater; (g) nude model studio; (h) sexual encounter center; or escort agency. Additionally, a business or commercial enterprise which includes goods, services or performances which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities or specified anatomical areas, or which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas, in conjunction with or on the same premises as other business or commercial enterprises, including but not limited to

massage establishments, establishments for the consumption of beer or intoxicating liquor on the premises, steam baths or taxi dance halls.

For the purpose of interpreting the application and definition of the above list, the terms or designations shall have the following expanded meanings:

Adult Arcade. Any place which the public is permitted or invited where coin-operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store. A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

- a) An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, or an establishment with a segment or section devoted to the sale or display of such material; or
- b) Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

Adult Cabaret. A night club, bar, restaurant or similar commercial establishment that regularly features:

- a) Persons who appear in a state of nudity;
- b) Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- c) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
- d) Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience of customers.

Adult Motel. A hotel, motel, or similar commercial establishment that:

- a) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any the above.
- b) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of times less than the twelve (12) hours.

Adult Mini-Motion Picture Theater. An enclosed building with a capacity of less than fifty (50) persons having as the principal activity the presentation of motion picture material characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “Specified anatomical areas,” for observation by patrons therein.

Adult Motion Picture Theater. A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas

Adult Novelty Business. A business which has as the principal activity the sale of devices for simulated “specified anatomical areas” or devices designed for “specified sexual activities.”

Adult Personal Services Business. A business having as the principal activity the performance of acts with an emphasis on matters depicting, describing, or relating to “specified anatomical areas” or “specified sexual activities,” for observation or participation by patrons.

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Nude Model Studio. Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Principal Activity. A use accounting for more than twenty percent (20%) of a business’ stock in trade, display space, floor space, or movie display time per month.

Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b) Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons are in a state of nudity.

Specified Anatomical Areas. Are defined as:

- a) Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and
- b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities. Means and includes any of the following:

- a) The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.
- b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c) Masturbation, actual or simulated; or
- d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

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

Sign. Any device, display, or structure that is visible from a public place and that has words, letters, figures, designs, symbols, logos, illumination, or projected images. This definition does

not include architectural elements incorporated into the structure or facade of a building. For the purposes of this ordinance, “signs” do not include those only visible from the inside of a building or athletic field/stadium; nor do “signs” include those held by or attached to a person.

Sign, Animated. Any sign having a conspicuous and intermittent variation in the illumination or the physical position of any part of the sign.

Sign, Temporary. A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, or other lightweight material that is neither permanently installed in the ground nor permanently affixed to a building or structure that is permanently installed in the ground. The term “temporary sign” includes, but is not limited to, A-frame signs, lawn signs, banners, inflatable signs, and window signs. The term “temporary sign” does not include flags, and signs that are intended to regularly move, such as motorized signs.

Solar Energy Facility Definitions:

- a) **Building Integrated Solar Energy System:** A solar energy system that consists of integrating photovoltaic devices into the building structure, such as the roof or the wall, and which does not alter the relief of the roof or wall.
- b) **Ground-Mounted Solar Energy System:** A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.
- c) **Photovoltaic Device:** A system of components that generates electrical energy from incidental sunlight by means of photovoltaic effect, whether or not the device is able to store the electric energy produced for later use. For purposes of this ordinance, a photovoltaic device shall also be known as a solar device.
- d) **Roof-Mounted Solar System:** A solar energy system in which solar panels are mounted to a roof of a building, either as a flush-mounted system or as modules fixed to frames which can be tilted.
- e) **Solar Array:** Any number of devices connected together to provide a single output of electrical energy or other energy.
- f) **Solar Energy Facility, Large:** A utility-scale solar energy system intended to generate electric energy or other energy by converting sunlight, whether by solar devices or other conversion technology, for the sale, delivery, or consumption of the generated energy by more than one end-user, and typically the power output of that system is equal to or greater than 1 megawatt.
- g) **Solar Energy Facility, Small:** A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether photovoltaic devices or other conversion technology, primarily for consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 1 megawatt. Small solar energy systems shall only be an accessory use to a principal use.
- h) **Wall-Mounted Solar Energy System:** A solar energy system that is mounted to a wall of a building, either as a flush-mounted system or as modules fixed to frames which can be tilted.

- i) **Solar Glare:** The effect produced by sunlight reflecting from a solar panel with an intensity sufficient to cause a loss in visibility.

Stable, Private. A stable used or to be used by an individual for housing horses owned by said individual for the personal or family use.

Stable, Public. A stable used to house horses for hire and located not less than one hundred fifty (150) feet from any residential dwelling.

Story. That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

- a) A mezzanine floor shall be deemed a full story only when it covers more than fifty (50) per cent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.
- b) For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty (50) percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes.
- c) An attic shall be deemed a full story when more than fifty (50) percent of the floor area has a ceiling height of at least seven feet-six inches (7'-6").

Street, Highway, Road. A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

Structure. A construction or erection which requires location on the ground or attachment to something having location on the ground.

Telecommunication Towers and Facilities or Tower. All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Accessory Dwelling Unit (ADU) - A residential living unit on the same parcel as a principal residential dwelling. The Temporary ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit or a unit on axles or wheels. However, a temporary ADU is not a recreational vehicle, as defined by this ordinance. The ADU has a square footage between 200 and 800 square feet.

Temporary Building and Use. A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

Thoroughfare. A road or street which is used by the public. This shall not include driveways.

Tourist Home. Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the term tourist home also includes bed and breakfast facility.

Trailer Coach. See Recreational Vehicle definition.

Travel Trailer. See Recreational Vehicle definition.

Variance. A modification of the specific regulations of this Ordinance which is granted by resolution by the Zoning Board of Appeals, in accordance with the terms of this Ordinance.

Veterinary Clinic. An enclosed building wherein small animals such as dogs, birds, cats, or other household pets are given medical or surgical treatment, and use as a boarding kennel is limited to short-time boarding incidental to clinic use. Such clinics are only those under direction of a licensed veterinarian registered with the County of Midland and constructed in such a manner that noise and odor outside of the building are completely eliminated.

Wind Energy System Definitions:

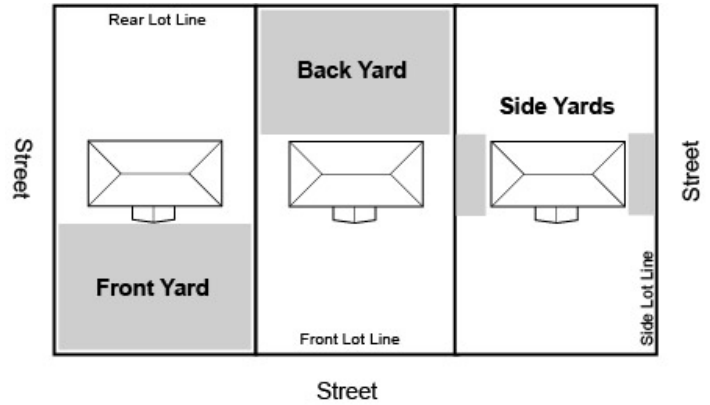
- a) **Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
- b) **ANSI:** American National Standards Institute.
- c) **Applicant:** The individual, group, company or other legal entity proposing the project and any successor individual or organization.
- d) **dB(A):** The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- e) **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- f) **Decommissioning:** The termination of use of a Utility Grid Wind Energy Facility or a portion of a facility.
- g) **Hub Height:** The distance from the ground level base of the structure to the center of the turbine hub or horizontal rotor shaft.
- h) **IEC:** International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
- i) **Inhabited Structure:** Any existing structure useable for living or non-agricultural purposes, which includes but is not limited to, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition.

- j) **ISO:** International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
- k) **Non-Participating Parcel:** Any parcel of land which does not meet the requirements to be a participating parcel.
- l) **On-Site Use Wind Energy Systems:** An On-Site Use wind energy system is intended to primarily serve the needs of the parcel upon which the wind energy system is located.
- m) **Operator:** The applicant and any individual, group or legal entity having legal or financial interest in the wind energy system.
- n) **Participating Parcel:** Any parcel of land that participates by ownership, lease or easement agreement, or other contractual agreement, with a person or entity construction, operating, or submitting a Special Land Use Permit application for a Utility Grid Wind Energy System.
- o) **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.
- p) **SCADA Tower:** A temporary or permanent 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.
- q) **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.
- r) **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.
- s) **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- t) **Turbine Height:** The distance from the ground level base of the structure to the highest point on the tip of a fully vertical rotor blade.
- u) **Utility Grid Wind Energy Systems:** A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
- v) **Wind Energy System:** A wind energy conversion 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.
- w) **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 Utility Grid Wind Energy System.

Yards. The open spaces on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except as provided in this Ordinance, and as herein defined:

- a) **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building on said lot or highway right-of-way line as the case may be.
- b) **Back Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the back lot line and the nearest point of the principal building on said lot.

- c) **Side Yard.** An open space between buildings and the side lot line extending between the front and back yards, the width of which is the minimum horizontal distance from the nearest point of the side lot line to the nearest point of the principal building on said lot.



Zoning Administrator. The official designated by the Greendale Township Board to administer and enforce the provisions of this Ordinance.

Zoning Permit. Written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions of this Ordinance.

Terms not herein defined shall have the meaning customarily assigned to them.

Article IV. General Provisions

Section 4.01 The Effect of Zoning

Zoning affects all building, structures, and uses. Except as herein specified, no building, structure or premises shall hereafter be used or occupied; and no building, structure or part thereof shall be erected, moved to, re-constructed, enlarged or altered except in conformity with the regulations herein specified for the zoning district in which said building, structure or part thereof is located.

Section 4.02 Uses Not Listed Are Excluded.

Uses and structures are permitted within the various Districts only if specifically listed as Principal Permitted Uses and Structures or Principal Uses and Structures Subject to Special Approval in the various zoning districts. Accessory use, buildings and structures are permitted incidental to the principal uses in the various zoning districts.

Section 4.03 Prohibited Uses and Scope of Regulations.

Throughout this Ordinance, in general, those uses not designated as being permitted are prohibited.

Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or, if similar, to such listed uses. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal use. Special uses are permitted as listed or if similar to the listed special uses and if the required conditions are met.

All uses, buildings and structures shall conform to the area, placement and height regulations of the district in which located, unless otherwise provided in this Ordinance.

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance.

Furthermore, any business or organization in violation of local, state or federal law in prohibited from locating or operating within Greendale Township. The operation of a business or organization in violation of local, state or federal law is a violation of this Zoning Ordinance.

The fact of any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities in the Ordinance and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township.

Section 4.04 Required Spaces of Areas.

No lot shall be divided or reduced so as to make the required area or dimensions less than the minimum required by this Ordinance.

Section 4.05 Drainage

All surface water runoff from a site shall be drained to an established or maintained public drainage way or to a properly designed private drainage retention basin on or accessible to the site.

Section 4.06 Fences or Walls

Fences or walls shall not be erected within the required right-of-way of a public thoroughfare.

Section 4.07 Corner Clearance

In all districts, where yards are adjacent to the intersection of two public thoroughfares, no buildings, structures, plantings, fences or walls that obstruct clear vision shall be erected or maintained which are higher than three feet for a distance of 150 feet, as measured from the intersection of the center lines of the public thoroughfare.

Section 4.08 Lot Accessibility

No building or structure shall be built on or moved to a lot unless said lot abuts a public thoroughfare or upon a permanent unobstructed access easement of record to a public thoroughfare. Said access easement of record shall have a minimum width of 30 feet, except where an access easement of record of less width existed prior to the effective date of this ordinance.

Section 4.09 Water Supply and Sewage Disposal Facilities

Septic tanks, drain fields and similar buried wastewater disposal facilities shall be permitted in districts with the approval of the Midland County Health Department.

Section 4.10 Essential Services

Essential services as described in Article 3, shall be permitted in any district as authorized by Greendale Township Planning Commission, the County of Midland and the State of Michigan if those services are deemed to be reasonable and necessary for the public convenience and service. The services shall be designed, erected, or landscaped to conform harmoniously with the general architecture and plan of such district.

Section 4.11 Driveways

All driveway and driveway culverts hereafter installed or repaired shall be done only after obtaining a permit from the Midland County Road Commission.

All driveways along M-20 hereafter installed or repaired shall be done only after also obtaining a permit from the Michigan Department of Transportation.

Section 4.12 Accessory Buildings or Structures

All accessory buildings or structures attached to a principal building shall be considered a part of said principal building and shall comply in all respects with the requirements applicable to said building.

All accessory buildings or structures not so attached shall be located no less than five (5) feet from the side and rear lot line, and no less than 50 feet from the right-of-way line of the public thoroughfare fronting the premises.

All accessory buildings should have a maximum lot coverage of 35%.

Section 4.13 Animal Housing and Shelter.

No building or structure intended for use as housing or shelter for animals, other than those animals commonly known as “pets”, shall be erected or moved to within 100 feet of a neighboring lot line or dwelling. The keeping of such livestock and animals shall be permitted provided they are properly housed and fenced so as not to become a public nuisance and subject to this Ordinance.

The raising and keeping of fowl and/or rabbits and/or other small animals commonly raised for human consumption shall be limited in number no greater than is required to satisfy the personal needs of the human occupiers of the premises.

The keeping of animals not generally considered to be domestic by Animal Control authorities or endangered species are prohibited, unless properly licensed. The keeping of said animals shall be in quantities no greater than that permitted for domestic animals and shall be subject to site plan review and approval by the Planning Commission.

Section 4.14 Oil, Gas, and Other Drilling Activities.

Operations of oil, gas or brine wells, including drilling completion, storage or any other type of related operation and any other well drilled for oil or gas exploration purposes shall be controlled exclusively by the Supervisor of Wells of the State of Michigan, as provided in Act 61 of the Public Acts of Michigan of 1939, as amended, being Sections 319.1 through 319.27 of the Michigan Compiled Laws.

Section 4.15 Dilapidated and Unsafe Buildings and Structures.

No building, structure or part thereof shall be left in a dangerous or hazardous condition by virtue of disrepair, damage, depreciation, collapse, an act of God; or by defects in the drainage, plumbing, lighting or construction; or by reason of the existence of a nuisance likely to cause sickness among the occupants thereof; or by virtue of any other reason. Whenever a building, structure or part thereof is dangerous or detrimental to life or health in the opinion of the Zoning Administrator, Building Inspector, and/or the Midland County Health Officer, the same may be declared public nuisance and an order may be issued to the owner or occupant thereof to repair, alter, rehabilitate, abate, remove or otherwise improve, as the order shall specify.

If said building or structure is occupied as a dwelling, the Zoning Administrator, Building Inspector, and/or the Midland County Health Officer may issue an order requiring all persons therein to vacate said dwelling within not less than 24 hours, or more than ten days. Whenever the Zoning Administrator, Building Inspector, and/or the Midland County Health Officer is satisfied that the danger has ceased to exist and that said dwelling is fit for human habitation, said order may be revoked.

Section 4.16 Dwellings and Mobile Homes.

All dwellings shall meet the following standards:

- a) Complies with the minimum square footage requirements. (See Section 14.02)
- b) Complies with all building, construction and fire codes applicable to its construction or manufacture.
- c) Is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- d) A mobile home shall have full perimeter foundation or skirting installed within forty-five (45) days of moving the mobile home to the premises.

Section 4.17 Permanent Accessory Dwelling Units (ADU)

Accessory dwelling units are allowed in all residential zoning districts, subject to the requirements of this ordinance:

- a) Any lot with, or zoned for, a principal dwelling unit may have one permanent ADU.
- b) ADUs shall be between 200 square feet and 800 square feet.
- c) Unattached ADUs shall meet the requirements for setbacks for the principal structure in the zoning district.
- d) An unattached ADU is not permitted in the front yard of a residential lot.
- e) All ADUs will be subject to occupancy permits.
- f) All ADUs must comply with all building, construction and fire codes applicable to its construction or manufacture.
- g) All ADUs shall be required to be connected to basic utilities such as public water or sewer or to such private facilities approved by the local health department.
- h) Lots can have one permanent ADU and one temporary ADU.

Section 4.18 Temporary Accessory Dwelling Units (ADU)

- a) Any lot with, or zoned for, a principal dwelling unit may have one temporary ADU.
- b) ADUs shall be between 200 square feet and 800 square feet.
- c) Unattached ADUs shall meet the requirements for setbacks for the principal structure in the zoning district.
- d) An unattached ADU is not permitted in the front yard of a residential lot.
- e) All ADUs will be subject to occupancy permits.
- f) All ADUs must comply with all codes applicable to its construction or manufacture.
- g) A mobile home, or similar transportable dwelling unit on an axle, shall have skirting installed within forty-five (45) days of moving the dwelling to the premises.
- h) The temporary ADU will be required to obtain temporary permit from the Zoning Administrator. This permit will be valid for three calendar years, with a single one-year extension. Past this period, the owner will be required to obtain another temporary permit, or remove the structure from the property.
- i) All ADUs shall be required to be connected to basic utilities such as public water or sewer or to such private facilities approved by the local health department.
- j) Lots can have one permanent ADU and one temporary ADU.

Section 4.19 Temporary Use of Recreational Vehicles as Dwellings.

Travel trailers, motor homes and other similar recreational vehicles designed with sleeping accommodations shall not be occupied for transient purposes for a continuous period exceeding thirty (30) days per each ninety (90) day period unless connected to electrical service and

County Health Department approved sanitary facilities. Temporary occupancy of such vehicles connected to electrical and sanitary facilities shall not exceed ninety (90) days in any calendar year, except under the provisions of this Ordinance. Permits for temporary use shall be obtained from the Zoning Administrator.

Section 4.20 Substandard Dwelling Occupancy during the Construction of a Dwelling.

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions.

- a) The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
- b) The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of the Ordinance.
- c) Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by the Midland County Health Department, and shall precede occupancy of the substandard dwelling.
- d) Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- e) No annexes or additions shall be added to temporary substandard dwellings.

Section 4.21 Water Setbacks.

No building or structure shall be erected or moved to within less than 50 horizontal feet of a river or lake. This minimum setback requirement may be reduced one foot for every one foot of vertical elevation of the embankment until a minimum setback of 35 feet is reached, as measured from the edge of the embankment.

That part of the setback which lies within 35 feet of the river or lake shall be maintained in its natural condition. Natural conditions may be modified if the Zoning Administrator finds that such modification will not increase run-off, and will provide the shoreline with adequate protection without altering the inherent characteristics of the water body. Trees and shrubs may be trimmed or pruned for a view of the fronting waters and for access thereto.

Where these provisions apply to a non-conforming lot of record, the minimum setback may be reduced by the Zoning Administrator to 25 feet, provided said lot cannot normally accommodate any building within the original imposed setback requirement. Any reduction of setback requirements beyond this limit may only be authorized by the Zoning Board of Appeals.

Section 4.22 Non-Conforming Uses.

- a) **Continuance of Existing Non-Conforming Uses.** A non-conforming use of land, building or structure existing prior to the effective Date of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance, provided that there is no increase or enlargement of the degree or manner of non-conformance.
- b) **Continuation of Existing Non-Conforming Buildings or Structures.** A non-conforming building or structure existing prior to the effective Date of this Ordinance may continue even though it does not conform to the provisions of this ordinance for set back, its location upon a parcel, not meet the minimum size or other non-conformities, provided that there is no increase or enlargement of its non-conforming physical dimensions or other manner of non-conformance.
- c) **Utilization of Existing Non-Conforming Lots.** Lots created and recorded prior to the effective date of this Ordinance may be used even though said lots do not comply with the minimum requirements of their zoned district.
- d) **Change of Use.** A non-conforming use may be changed to a new non-conforming use if the Zoning Board of Appeals finds that the new use would markedly decrease the degree of non-conformance.
- e) **Replacement or Enlargement of Non-Conforming Buildings.** Non-conforming buildings or structures shall not be replaced or enlarged in their non-conforming condition. However, in the event of damage or destruction by fire, casualty or other Act of God, which exceeds 75 percent of the appraised replacement cost of the entire building or structure, same can be repaired or replaced by a building or structure that rests upon the same footprint or foundation and such replacement or repair shall not result in a building or structure which exceeds the degree of legal non-conformity which existed prior to the casualty.
- f) **Estimating Re-construction Expenses.** The estimated expense of re-construction of a non-conforming building or structure shall be determined by the Zoning Administrator. Persons wanting to appeal the decision of the Zoning Administrator may do so to the Zoning Board of Appeals.
- g) **Non-Conforming Uses Discontinued.** If a non-conforming use of land, building or structure is discontinued for a continuous period of six months it shall be conclusively presumed that the non-conforming use is abandoned, and any further use of said land, building or structure shall conform in its entirety to the provisions of this Ordinance.
- h) **Plans Already Filed.** Any use for which a permit has been issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and specifications for which said permit was issued, subject to the conditions of this article and provided construction is commenced within 60 days after the issuance of said permit and diligently pursued to completion.

Section 4.23 Land Divisions

All land divisions submitted to the Township pursuant to the Land Division Act, P A 288 of 1967, of the Public Acts of the State of Michigan, as amended, shall be processed by the Township Land Division Administrator.

Section 4.24 Parking

- a) **Purpose.** Every property owner shall provide and maintain an adequate number of off-street parking spaces and the necessary loading and unloading facilities associated thereto for all occupants, employees and patrons of said property.
- b) **General Requirements.**
 - 1. All off-street parking areas that make it necessary for vehicles to back out directly onto a public thoroughfare shall be prohibited, except for off-street parking areas of residential dwellings.
 - 2. Space for all necessary loading and unloading operations for any commercial, industrial, or other use shall be provided in addition to the required off-street parking area. All loading and unloading operations shall be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
- c) A maximum of two hundred (200) square feet, exclusive of drives, entrances, and exits shall comprise one parking space.
- d) Required parking areas for a building shall be figured on the entire floor area of the first floor; parking for additional stories shall be added to the total of the required area for the first floor. Storage areas on any floor but the first, shall not be included in the total required parking area.
- e) Any proposed building enlargements must include enough additional parking spaces to meet the minimum requirements for the proposed use.
- f) Any lighting used to illuminate any parking area shall be so arranged so as to direct light away from the adjoining premises.
- g) Any parking area in the Commercial or Industrial districts shall be surfaced with asphalt, bituminous concrete pavement, or gravel, if treated in such a way so as to provide a durable and dustless surface and shall be graded and drained to dispose of all surface water.
- h) Planning Commission may limit the number of required parking spaces based on lot characteristics or use.

c) Minimum Required Parking Spaces.

Land Use	Parking Space(s) Required
Single and Multiple-Family Dwellings	Two (2) parking spaces per family unit.
Retail Stores, Grocery Stores, and Personal Service Shops	One parking space for each one hundred fifty (150) square feet of floor area
Bowling Alleys	Five (5) parking spaces per alley
Hotels, motels, tourist's homes and lodging houses	One (1) parking space for each sleeping room; plus one (1) for each two (2) employees on the maximum working shift
Religious institutions, theaters, and auditoriums except schools	One (1) parking space for each four (4) seats; plus one (1) for each (2) employees.

Auto repair and service station	Two (2) spaces for each service bay; plus one (1) space for each employee on maximum shift
Banks, business offices, studios and professional offices of architects, lawyers and similar professions.	Three (3); plus one (1) additional space for each three hundred (300) square feet of floor space
Barber shops and beauty parlors	Two (2) for each operator chair, plus one (1) for each two (2) employees.
Bed and breakfast establishments	Two (2) spaces for the operator; plus one (1) for each guestroom; plus one (1) space for each non-resident employee.
Community center, library, museum or art center	One (1) space for each two hundred (200) square feet of floor area.
Restaurants and Nightclubs	One (1) parking space for each one hundred (100) square feet of floor area
Elementary and Middle Schools (Private Only)	One (1) space for each two (2) employees, plus one (1) space for each four (4) seats where the school contains an auditorium and/or stadium or gym.
High Schools and Colleges (Private Only)	One (1) space for each employee, plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
Home occupations	Two (2) spaces for dwelling use, plus additional spaces as determined by Planning Commission to accommodate customers or clients.
Hospitals, clinics and similar establishments	One (1) for each bed and/or examining room plus one (1) for each two (2) employees on maximum working shift, plus one (1) for each two hundred (200) square feet of floor area.
Laundromats	One (1) for each two (2) washing machines and/or dry cleaning machines
Industrial or warehouse establishments	Two (2) for each three (3) employees on the maximum working shift; plus space to accommodate all vehicles used in connection with the operations of the establishment.
Plumbing, printing and similar service shops and businesses	One (1) for each employee; plus one (1) for each three hundred (300) square feet of floor area
Other Uses Not Specifically Mentioned	In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for use which is so mentioned and to which said use is similar in terms of parking demand shall apply
Mixed Uses in the Same Building	In the case of buildings having mixed uses in the same building, the amount of parking space for each use specified shall be provided, and the space for one use shall not be considered as providing required space for any other use

Changes in Requirements. The Zoning Board of Appeals shall have authority to grant a variance from the foregoing where it is satisfied under the circumstances prevailing that the requirements for off-street parking are unnecessarily too large for the particular development.

Section 4.25 Hazardous Substances

All businesses or industries that store, use or generate hazardous substances as defined in this Ordinance, in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 4.26 Restricted Yard Uses

No yard area shall be used for open dumping or any discarded building materials, trash or household articles or appliances for a period exceeding sixty (60) days.

Section 4.27 Signs

The use and erection of all signs shall be subject to the following provisions:

Intent and Purpose. It is the purpose and intent of the sign ordinance; to protect and further the health, safety and welfare of the residents of the Township, to promote traffic safety, to provide safer conditions for pedestrians, to provide an esthetically pleasing environment, to promote economic development by regulating the construction, alteration, repair, size, location, and number of signs within the Township, and to allow businesses within the Township an adequate mode of advertising.

General Provisions

- a) Flashing, rotating, animated, intermittent, glaring and oscillating signs; the location of any sign hazardous to traffic; and the placement of signs within one hundred fifty (150) feet of each other are prohibited.
- b) Signs that are in need of repair, other than normal maintenance; not securely affixed to a substantial structure; obsolete; affixed to trees, rocks or other natural features; resemble official traffic signs; or obstruct official signs are prohibited.
- c) No sign existing prior to the adoption of this Ordinance, which does not conform to the provisions of this section, shall be reestablished after the activity, business or usage to which it relates has been discontinued for a period of ninety (90) days or longer.
- d) No sign other than traffic or regulatory sign shall be erected in a street or road right-of-way.
- e) No sign shall be erected in such a manner that the position, size, movement, or shape may interfere with the view of, or be confused with, any public traffic sign or device.

- f) Sign illumination shall not cause a reflection or glare on any portion of a public highway or road, in the path of oncoming vehicles or on adjacent premises. Signs attached to a building shall project not more than ten (10) feet from the wall of the building nor exceed the height limitation of buildings in that district.
- g) Temporary signs:
 - 1) During the period of construction, not more than one (1) shall be allowed not to exceed thirty-two (32) square feet in total surface area and shall be located on the premises being utilized for construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.
 - 2) When a new business opens, one (1) additional sign up to thirty-two (32) square feet in total surface area is allowed for up to three (3) months. The sign shall not be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall not be of greater height than five (5) feet above the ground. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.
 - 3) Portable Sign:
 - i. Portable signs not exceeding thirty-two (32) square feet in area for each face of such sign shall be allowed and shall be permitted as temporary signs for periods not to exceed seven (7) consecutive days in a twenty-eight (28) day period on any one (1) lot and not to exceed twenty-eight (28) days in any one (1) year. In no instance shall such signs be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not flash or be located so as to obstruct traffic vision and lighting shall be of a type so as not to be confused with traffic controls and not to cause distraction to vehicle driver.
 - ii. Connections to an energy source for lighting shall be in accord with all codes of the Township and shall not be exposed in any way that may constitute a safety hazard to the public. This provision shall apply to existing portable signs and to new portable signs
 - 4) Signs during election period: Signs up to 32 square feet in size may be displayed 30 days prior to an election. Such sign shall be removed within 10 days after the election.
 - 5) No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line except as authorized by the Township Board and County Road Commission.
 - 6) Temporary signs shall be removed promptly at the end of the display period provided for above.
 - 7) Temporary signs found by the Zoning Administrator to be in a torn, damaged, or unsafe condition must be removed by the owner within three (3) days after his receipt of notice to do so from the Zoning Administrator.

- h) Off-premise signs and billboards regulated by the Michigan Department of Transportation under the Highway Advertising Act, P.A. 106 of 1972 and all other off-premise signs shall be subject to the provisions of Section 4.25.
- i) Signs erected or maintained in violation of this Ordinance shall be removed.

Limitations by District. The use of signs shall be limited in the respective districts to the following, subject to the requirements of Section 4.25

- a) Agriculture (AG) and Residential (R-1).
 - 1) Traffic, or other municipal signs, also private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
 - 2) One (1) on-premise sign for principal and specially approved uses other than dwellings shall not exceed thirty-two (32) square feet in area and set back at least five (5) feet from the front lot line.
 - 3) One (1) wall sign not exceeding eight (8) square feet in area per dwelling unit.
 - 4) One (1) sign per premises or building while said real estate is for sale, rent or lease not exceed sixteen (16) square feet and set back at least five (5) feet from the front lot line. Two (2) signs may be permitted if said property fronts two (2) roads or streets.
 - 5) Not more than two (2) on-premises directional signs for a public place; the total square footage of both shall not exceed thirty-two (32) feet and set back from the front lot line at least five (5) feet.
- b) Residential Districts - R-2 and R-3.
 - 1) Traffic, or other municipal signs, also private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
 - 2) One (1) wall sign not exceeding four (4) square feet in area per dwelling unit.
 - 3) One (1) sign per premises or building while said real estate is for sale, rent or lease not exceeding four (4) square feet and set back at least five (5) feet from the front lot line. Two (2) signs may be permitted if said property fronts two (2) roads or streets.
- c) Commercial Districts - C-1 and C-2 and Industrial (IND).
- d) Traffic, or other municipal signs, also private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
 - 1) Not more than two (2) on-premise signs per principal business or commercial use; the total square footage of both shall not exceed one hundred twenty-eight (128) sq ft and set back from the front lot line at least ten (10) feet.
 - 2) One (1) sign per premises or building while said real estate is for sale, rent or lease not exceeding sixteen (16) square feet and set back at least fifteen (15) feet from the front lot line. Two (2) signs may be permitted if said property fronts two (2) roads or streets.
 - 3) Two (2), one (1) on each side of business, off-premise sign, not exceeding sixty-four (64) total square feet, may be allowed by special approval of the Planning Commission.

Substitution. The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of and other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

Severability. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.

Section 4.28 Bed and Breakfast Facilities.

While this Ordinance is established to enable single family dwelling units to be used as bed and breakfast operations, it is the intent of Greendale Township to preserve the character of the residential district in which the operation is located. A bed and breakfast operation is a subordinate use to a single family dwelling unit subject to the following conditions:

- a) A bed and breakfast operation shall be confined to the single-family dwelling unit and the operator shall live on the premises when the operation is active.
- b) The number of rooms available for guests shall be limited to six (6). Each guestroom shall be equipped with a separate functioning “hard wired” smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
- c) Two (2) off-street paved or graded parking spaces shall be provided for the operator of the bed and breakfast, plus one (1) parking space for each available guestroom and one for any non-resident employee.
- d) The dwelling unit has no exterior evidence, other than one (1) permanently installed sign not exceeding twelve (12) square feet in area, to indicate that the same is being utilized for any purpose other than as a residence and that the sign be in conformance with the requirements of this Ordinance.
- e) Breakfast may be served only to overnight guests and in accordance with state and county public health regulations regarding bed and breakfast facilities.
- f) Not more than two (2) non-resident employees may be hired for the bed and breakfast operation.
- g) The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.
- h) Persons operating a bed and breakfast facility shall apply for and receive a permit from the Zoning Administrator prior to commencing operations. The permit shall be renewed and updated at three-year intervals thereafter. Bed and breakfast facilities are subject to inspection by the department having jurisdiction.

Section 4.29 Basement Dwellings or Earthen Homes.

The use of the basement of a partially built or planned building as a residence or dwelling is prohibited in all zones. The use of a basement more than four feet (4 ft.) below grade completed for sleeping quarters or a dwelling is prohibited unless all township building code

requirements have been met, including proper emergency access to the outside. Further, provided, that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling but considered an Earthen Home.

Section 4.30 Cargo Containers for Permanent Storage

When allowed by zoning, Cargo Containers may be permanently placed on the property if all applicable building regulations are followed, and the property owner obtains approval from the Zoning Administrator. The following regulations shall also apply:

- a) The placement of Cargo Containers as storage use is allowed in all zoning districts.
- b) A building permit is required prior to placement of an outdoor storage container larger than 200 square feet in area, ensuring effective anchoring/foundation according to the then most current edition of the Michigan Building Code.
- c) No Cargo Container may be used as living quarters.
- d) No livestock or pets may be stored in Cargo Containers.
- e) Cargo Containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
- f) Cargo Containers shall be painted in solid colors (colors which blend into the surrounding area). Any writing or graffiti that may be placed on the Container is the responsibility of the property owner and shall be promptly removed.
- g) No motor vehicles are allowed to be used as Cargo Containers for permanent storage.
- h) Cargo containers shall meet the setback requirements of the underlying accessory structure setbacks.
- i) Cargo Containers shall not be stacked above the height of a single container.
- j) No plumbing may be run or connected to a Cargo Container.
- k) Cargo Containers must be placed in the rear or side yard of the property unless screened so as to not be visible from the road and finished in a manner which minimizes its visibility.
- l) Cargo Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
- m) In commercial and industrial districts, Cargo Containers shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
- n) No Cargo Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.
- o) The total amount of accessory structures combined (including traditional accessory structures and outdoor storage containers) shall not occupy more than 35% of the lot area on which these structures are stored.

Section 4.31 Cargo Containers for Temporary Use

Property owners will be required to obtain a temporary zoning permit from the Zoning Administrator. Property owners using Cargo Containers for temporary use must be able to produce for inspection upon request by the Township any documentation related to shipping dates for each container on site. No Cargo Container used for temporary storage shall be kept

on the premises for longer than six months, upon approval, this period may be extended for an additional six months, annually. The following regulations shall also apply:

- a) No Cargo Container may be used as living quarters.
- b) No livestock or pets may be stored in Cargo Containers.
- c) Cargo Containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
- d) Cargo Containers shall be painted in solid colors (colors which blend into the surrounding area). Any writing or graffiti that may be placed on the Container is the responsibility of the property owner and shall be promptly removed.
- e) No motor vehicles are allowed to be used as Cargo Containers for permanent storage.
- f) Cargo containers shall meet the setback requirements of the underlying accessory structure setbacks. Preferred placement of these temporary structures is a driveway or front yard area, if applicable considering setback requirements.
- g) Cargo Containers shall not be stacked above the height of a single container.
- h) No plumbing may be run or connected to a Cargo Container.
- i) Cargo Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
- j) In the Commercial and Industrial districts, Cargo Containers shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
- k) No Cargo Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

Section 4.32 Portable Storage Containers

a) Placement - Portable Storage Containers may be used in all zoning districts and shall adhere to the following restrictions and requirements:

- 1. No Portable Storage Container may be stacked on top of another or on top of any other object.
- 2. Portable Storage Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
- 3. No Portable Storage Container may be used as living quarters.
- 4. No livestock or pets may be stored in Portable Storage Containers.
- 5. No electricity or plumbing may be run or connected to a Portable Storage Container.
- 6. Portable Storage Containers used in a residential district or associated with a residential use must be placed on a driveway or paved area.
- 7. Portable Storage Containers used in a non-residential district or associated with a non-residential use shall not occupy required off-street parking, loading or landscaping areas.
- 8. No Portable Storage Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

b) Time Limit

- 1. Portable Storage Containers shall be removed from the property within three

months from the date of initial placement. Property owners are allowed one additional three months, annually.

2. In no event shall the use of a Portable Storage Container exceed 180 days during any twelve-month period.
3. Portable Storage Containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the lesser of the project's final building inspection or the expiration of the building permit.
4. Portable Storage Containers may not be placed on a vacant lot, unless that lot is associated with an approved building construction project.

Section 4.33 On Site Wind Energy System

An On-Site Use wind energy system with towers 45 feet or less shall be allowed subject to the following requirements. An On-Site Use wind energy system with a tower height greater than 45 feet shall be considered a Special Land Use. Anemometer towers greater 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.

- a) Prior to the installation of an On-Site Use wind energy system with a tower height greater than 65 feet, an application for a Special Land Use permit shall be filed with the local government that will include:
 - 1) Applicant identification
 - 2) A site plan
 - 3) Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met, and
 - 4) proof of the applicant's liability insurance
- b) Property Setback: The distance between an On-Site Use wind energy system and the owner's property lines shall be at least 1 ½ times the tip height of the wind energy system. The distance between an anemometer tower and the owner's property lines shall be at least 1 ½ times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
- c) Sound Pressure Level: On-Site Use wind energy systems shall not exceed 45 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- d) Construction Codes, Towers, & Interconnection Standards: On-Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-Site Use 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. An interconnected On-Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

- e) Safety: An On-Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

Section 4.34 Solar Energy System, Small

- a) Applicability:
 - 1) A system is considered a Solar Energy System, Small only if it supplies electrical or thermal power primarily for on-site use.
 - 2) This ordinance applies to Solar Energy System, Small to be installed and constructed after the effective date of the ordinance, and all applications for Solar Energy Systems on existing structures or property.
 - 3) Any upgrades, modifications or changes that materially alter the size or placement of an existing Solar Energy System, Small shall comply with the provisions of this Chapter.
- b) Permitted Zoning Districts
 - 1) Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same parcel upon issuance of the proper permit and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance.
- c) Design and Installation
 - 1) To the extent applicable, the Solar Energy System shall comply with all applicable building and construction codes, as amended.
 - 2) The design and installation of Solar Energy System shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
 - 3) All wiring must comply with the National Electrical Code, most recent edition, as amended.
 - 4) The Solar Energy System must be constructed to comply with the most recent fire code, as amended.
 - 5) All exterior electrical must be buried below the surface of the ground and follow all local, state, and national electrical standards.
 - i. Solar Energy Systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
 - ii. No portion of a Solar Energy System shall be located within any required setback of any property.

- 6) Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system.
- d) Height Restrictions
- 1) Notwithstanding the height limitations of the zoning district:
 - i. For a building-mounted system installed on a sloped roof that faces the front yard of a property, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
 - ii. For a building-mounted system installed on a sloped roof, not facing the front yard, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
 - iii. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
 - 2) Ground-or Pole-Mounted Solar Energy Systems shall not exceed 20 feet.
- e) Setbacks - Solar Energy Systems must meet the structure setback for the zoning district and primary land use associated with the lot on which the system is located.
- 1) Building or Roof- Mounted Solar Energy Systems - In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side or rear yard exposure.
 - 2) Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not be located in the front yard or extend into the side-yard or rear setback when oriented at minimum design tilt.
 - i. Ground-mounted Solar Energy Systems can be placed in the front yard if the applicant can demonstrate placement in the side or rear yards will:
 1. Decrease efficiency due to topography, structures, or vegetation or
 2. Interfere with septic system or other accessory uses.
 3. If allowed in the front yard, the owner will need to screen panels by planting trees along the right-of-way.
- f) Accessory Size and Lot Calculations
- 1) The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered part of the maximum lot coverage calculations and shall be calculated as part of the property lot coverage limitations for the zoning district.
- g) Signage - A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.

- h) Plan Approval Required - All solar energy systems shall require site plan review by the Planning Commission.
 - 1) Plan Applications - Plan applications for accessory solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mounted system, including the property lines.
 - i. Pitched Roof Mounted Solar Energy Systems - For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - ii. Flat Roof Mounted Solar Energy Systems - For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 - 2) Plan Approvals -. Plan approval does not indicate compliance with Building Code or Electric Code. All applicants will be required to receive a permit after plan approval and prior to construction.
- i) Utility Notification - The owner of the Solar Energy System shall provide written authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and approves of such connection. Off grid systems shall be exempt from this requirement.
- j) Decommissioning - Following the operational life of the project, or at the time the project becomes obsolete, the applicant shall perform decommissioning and removal of the small solar energy system and all its components.

Article V. District Regulations and Zoning Map

Section 5.01 Classification of Zoning Districts

For the purpose as set forth in the Preamble, Greendale Township of Midland County shall be divided into the following Zoning Districts:

- a) Agricultural - **AG**
- b) Single-Family Residential District - **R-1**
- c) Single-Family/Two-Family Residential District - **R-2**
- d) Multiple-Family Residential District - **R-3**
- e) Conservation District – **CONS**
- f) Neighborhood Commercial District - **C-1**
- g) Highway Commercial District - **C-2**
- h) Industrial District – **IND**

Section 5.02 Zoning Map

The areas assigned to each Zoning District and the boundaries shown upon the map entitled “Zoning District Map of Greendale Township, Midland County, Michigan”, are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Ordinance.

Section 5.03 Boundaries of Districts.

Unless otherwise specified, the boundary lines of Zoning Districts shall be interpreted as following along section lines or customary subdivisions of sections or the center lines of highways, streets or waterways; or subdivisions or property lines of legal record at the office of the Midland County Register of Deeds on the date of the enactment of this Ordinance.

Article VI. AG Agricultural District

The following provisions shall apply to the AG Agricultural District.

Section 6.01 Intent

The predominant land use in this District is agricultural. It is the intent of this District to conserve and promote the general continuation of this use.

However, the provisions of this District also recognize the gradual extension of residential and other compatible uses into the District and the importance of adopting good standards to guide such developments in the interest of overall land management resources.

Section 6.02 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

- a) Principal Permitted Uses and Structures.
 - 1) Single-family dwellings mobile homes, and temporary dwellings.
 - 2) General farming, fruit farms and animal and poultry farms, nurseries, greenhouses, or as defined by the Michigan Right to Farm Act.
 - 3) Educational institutions, religious institutions, public fire stations, public or semi-public parks or recreation areas.
 - 4) Private riding stables.
 - 5) Processing of products on the farm premises for sale in a roadside stand which does not exceed two hundred (200) square feet in floor area, provided the facilities for customer entry, exit and parking are provided off-street.
 - 6) Forestry preserves.
 - 7) Golf courses.
 - 8) Wildlife preserves.
 - 9) Bed and breakfast facilities
 - 10) On Site Wind Energy System
 - 11) Cargo Containers for Permanent Storage and Temporary Use
 - 12) Portable Storage Containers
 - 13) Solar Energy System, Small

- b) Uses and Structures Permitted by Special Use Permit.
 - 1) Multiple-family dwellings, mobile home parks.
 - 2) Airports.
 - 3) Animal sales yards as defined and subject to the Michigan Right to Farm Act.
 - 4) Telecommunications towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations and other major public utility structures.
 - 5) Cemeteries, including columbarium, mausoleums and crematories.
 - 6) Commercial riding stables and academies.
 - 7) Gas and oil processing facilities including drilling.
 - 8) Sand and gravel processing facilities including mining.

- 9) Hunting and fishing resorts, resort hotels, including accessory facilities such as stables, corrals, swimming pools, food services and incidental retail sales and services.
- 10) Hospitals, clinics, convalescent homes and institutions of a charitable nature.
- 11) Radio-TV stations, studios.
- 12) Shooting ranges.
- 13) Summer camps.
- 14) Real estate brokerage offices in connection with a specific development for a period not more than that specified at the time special approval is granted.
- 15) Home occupations
- 16) Kennels
- 17) Utility Scale Wind Energy Facility
- 18) Event Venue
- 19) Solar Energy Facility, Large

Section 6.03 Area Dimensions

Requirement	Dimension
Minimum Lot Size	5 acres
Minimum Lot Width	233 feet
Front Yard Setback	50 feet
Side Yard Setback	25 feet
Rear Yard Setback	25 feet
Maximum Building Height	3 stories, 35 feet
Minimum Floor Area	800 square feet
Maximum Building Coverage of Lot	None
Minimum Floor Space per Dwelling Unit	See Article 14.02 (c)

Section 6.04 Accessory Uses, Buildings and Structures

Accessory uses, buildings and structures customarily incidental to the principal use or special approval use are permitted according to the following dimensional standards.

Requirement	Dimension
Side Yard Setback	5 feet
Rear Yard Setback	5 feet
Front Yard Setback	50 feet
Maximum Lot Coverage	35%

Article VII. R-1 Single Family Residential District

The following provisions shall apply to the R-1 Single-Family Residential District.

Section 7.01 Intent

In keeping with the special character of portions of Greendale Township, this District is developed to primarily permit the establishment of single-family residential neighborhoods in rural areas.

Section 7.02 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part for other than one or more of the following specified uses.

- a) Principal Permitted Uses and Structures
 - 1) Single-family dwellings, mobile homes, and temporary dwellings.
 - 2) Public or semi-public parks or recreation areas.
 - 3) Educational Institutions, Religious Institutions, public fire stations and community buildings.
 - 4) Adult Foster Care Facilities
 - 5) Day care
 - 6) On Site Wind Energy System
 - 7) Cargo Containers for Permanent Storage and Temporary Use
 - 8) Portable Storage Containers
 - 9) Solar Energy Systems, Small
- b) Uses and Structures Permitted By Special Use Permit Section
 - 1) Home for the care of human illness, medical clinics and offices.
 - 2) Wildlife or hunting preserves.
 - 3) Guest ranches, including accessory facilities, on not less than twenty (20) acres.
 - 4) Bed and Breakfast.
 - 5) Summer camps.
 - 6) Sawmill-temporary use-not to exceed one (1) year.
 - 7) Home occupations
 - 8) Campgrounds or privately owned recreational park facilities on not less than ten (10) acres.
 - 9) Telecommunication Towers
 - 10) Event Venue
 - 11) Solar Energy Facility, Large

Section 7.03 Area Dimensions

Requirement	Dimension
Minimum Lot Size	1 acre
Minimum Lot Width	132 feet
Front Yard Setback	50 feet
Side Yard Setback	25 feet
Rear Yard Setback	25 feet
Maximum Building Height	3 stories, 35 feet
Minimum Floor Area	800 square feet
Maximum Building Coverage of Lot	35%
Minimum Floor Space per Dwelling Unit	See Article 14.02 (c)

Section 7.04 Accessory Uses, Buildings and Structures

Accessory uses, buildings and structures customarily incidental to the principal use or approved use are permitted according to the following dimensional standards.

Requirement	Dimension
Side Yard Setback	5 feet
Rear Yard Setback	5 feet
Front Yard Setback	50 feet
Maximum Lot Coverage	35%

Article VIII. R-2 Single-Family/Two-Family Residential District

The following provisions shall apply to the R-2 Single-Family/Two-Family Residential District.

Section 8.01 Intent

The purpose of the provisions of this District is to reserve areas principally for single-family and two-family residential uses and to maintain safe and desirable conditions for year-around family living.

Section 8.02 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered or used, on land or premises used, in whole or in part, for other than one or more of the following specified uses:

- a) Principal Permitted Uses and Structures Section
 - 1) Single-family dwellings, mobile homes and temporary dwellings.
 - 2) Two-family dwellings.
 - 3) Religious Institutions.
 - 4) Publicly owned and operated recreation areas, parks and playgrounds, with customary service buildings and structures.
 - 5) Adult Foster Care Facility
 - 6) Day Care
 - 7) On Site Wind Energy System
 - 8) Cargo Containers for Permanent Storage and Temporary Use
 - 9) Portable Storage Containers
 - 10) Solar Energy System, Small
- b) Uses and Structures Permitted By Special Use Permit
 - 1) Home occupations.
 - 2) Bed and breakfast facilities.
 - 3) Publicly owned buildings and community facilities, including schools.
 - 4) Privately owned and operated recreation areas, parks and playgrounds, with customary service buildings and structures.

Section 8.03 Area Dimensions

Requirement	Dimension
Minimum Lot Size	1 acre
Minimum Lot Width	132 feet
Front Yard Setback	50 feet
Side Yard Setback	25 feet
Rear Yard Setback	25 feet
Maximum Building Height	3 stories, 35 feet
Minimum Floor Area	800 square feet
Maximum Building Coverage of Lot	35%
Minimum Floor Space per Dwelling Unit	See Article 14.02 (c)

Section 8.04 Accessory Uses, Buildings and Structures

Accessory uses, buildings and structures customarily incidental to the principal use or approved use are permitted according to the following dimensional standards.

Requirement	Dimension
Side Yard Setback	5 feet
Rear Yard Setback	5 feet
Front Yard Setback	50 feet
Maximum Lot Coverage	35%

Article IX. R-3 Multiple-Family Residential District

The following provisions shall apply to the R-3 Multiple-Family Residential District.

Section 9.01 Intent

This District is intended to offer a wide variety of housing choices in a single district by providing a mixture of single-family and multiple-family dwellings.

Section 9.02 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following uses:

- a) Principal Permitted Uses and Structures
 - 1) Single-family mobile homes, and temporary dwellings.
 - 2) Two-family dwellings.
 - 3) Multiple-family dwellings.
 - 4) Bed and breakfast facilities.
 - 5) Guest houses.
 - 6) Boarding, lodging or rooming houses.
 - 7) Religious institutions.
 - 8) Publicly owned and operated parks and playgrounds with customary service buildings and structures.
 - 9) Adult Foster Care Facility
 - 10) Day Care
 - 11) On Site Wind Energy System
 - 12) Cargo Containers for Permanent Storage and Temporary Use
 - 13) Portable Storage Containers
 - 14) Solar Energy Systems, Small
- b) Uses and Structures Permitted By Special Use Permit
 - 1) Home occupations
 - 2) Publicly owned buildings and community facilities, including educational institutions.
 - 3) Privately owned and operated parks and playgrounds with customary service buildings and structures.

Section 9.03 Area Dimensions

Requirement	Dimension
Minimum Lot Size	1 acre
Minimum Lot Width	132 feet
Lot Width at Bldg	132 feet
Front Yard Setback	50 feet
Side Yard Setback	25 feet
Rear Yard Setback	25 feet
Maximum Building Height	3 stories, 35 feet
Minimum Floor Area	800 square feet
Maximum Building Coverage of Lot	35%
Minimum Floor Space	See Article 14.02 (c)

Section 9.04 Accessory Uses, Buildings and Structures

Accessory uses, buildings and structures customarily incidental to the principal use, or approved use are permitted according to the following dimensional standards.

Requirement	Dimension
Side Yard Setback	5 feet
Rear Yard Setback	5 feet
Front Yard Setback	50 feet
Maximum Lot Coverage	35%

Article X. CONS Conservation District

The following provisions shall apply to the CONS Conservation District.

Section 10.01 Intent

The intent of the Conservation District is to set aside a district specifically for land owned by the State of Michigan to protect the natural resources, flora/fauna, and water quality in these areas, while still making these lands accessible to the general public.

Section 10.02 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

- a) Principal Permitted Uses and Structures
 - 1) Conservation uses that protect the land for public enjoyment.
- b) Uses and Structures Permitted by Special Use Permit Section
 - 1) Publicly owned buildings and facilities.
 - 2) Landfills

Section 10.03 Area Dimensions

Requirement	Dimension
Minimum Lot Size	1 acre
Minimum Lot Width	132 feet
Front Yard Setback	50 feet
Side Yard Setback	25 feet
Rear Yard Setback	25 feet
Maximum Building Height	3 stories, 35 feet
Minimum Floor Area	-
Maximum Building Coverage of Lot	35%, for structures only
Minimum Floor Space per Dwelling Unit	See Article 14.02 (c)

Section 10.04 Accessory Uses, Buildings and Structures

Accessory uses, buildings and structures customarily incidental to the principal use or approved use are permitted according to the following dimensional standards.

Requirement	Dimension
Side Yard Setback	5 feet
Rear Yard Setback	5 feet
Front Yard Setback	50 feet
Maximum Lot Coverage	35%

Article XI. C-1 Neighborhood Commercial District

The following provisions shall apply to the C-1 Neighborhood Commercial District.

Section 11.01 Intent

The purpose for establishing this District is to provide for neighborhood shopping, personal services, and professional office areas, where uses are somewhat more selective than the C-2 Highway Commercial District. Uses in this District are primarily compatible with and of service to Township residential uses.

Section 11.02 Permitted Uses and Structures

- a) Principal Permitted Uses and Structures Section
 - 1) Office buildings for any of the following occupations: executive, administrative, professional, governmental, sales and similar occupations.
 - 2) Medical and dental offices, including clinics, Pharmacies, and Veterinary offices
 - 3) Any generally recognized retail business which supplies such commodities as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, motor oil and minor accessories, or hardware.
 - 4) Any personal service establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty/barber shops, interior decorators, photographers.
 - 5) Financial Institutions
 - 6) Private clubs.
 - 7) Religious institutions.
 - 8) Single-family dwelling or mobile home on same parcel as a C-1 use.
 - 9) Multiple-family dwellings and dwellings above businesses.
 - 10) Restaurants
 - 11) On Site Wind Energy System
 - 12) Cargo Containers for Permanent Storage and Temporary Use
 - 13) Portable Storage Containers
 - 14) Solar Energy Systems, Small
- b) Uses and Structures Permitted by Special Use Permit
 - 1) Automobile service and fuel stations.
 - 2) Motels, hotels and similar tourist lodging facilities.
 - 3) Dry cleaners and self-service laundries.
 - 4) Nursing Home / Assisted Living Facility
 - 5) Car Dealership
 - 6) Nursing Homes, Assisted Living Facilities, and Elderly Care Facilities
 - 7) Event Venue

Section 11.03 Area Dimensions

Requirement	Dimension
Minimum Lot Size	1 acre
Minimum Lot Width	132 feet
Front Yard Setback	50 feet
Side Yard Setback	25 feet
Rear Yard Setback	25 feet
Maximum Building Height	3 stories, 35 feet
Minimum Floor Area per District Dwelling Unit in Sq. Ft.	-
Maximum Building Coverage of Lot	35%
Minimum Floor Space per Dwelling Unit	See Article 14.02 (c)

Section 11.04 Accessory Uses, Buildings and Structures

Accessory uses, buildings and structures customarily incidental to the principal use or approved use are permitted according to the following dimensional standards.

Requirement	Dimension
Side Yard Setback	5 feet
Rear Yard Setback	5 feet
Front Yard Setback	50 feet
Maximum Lot Coverage	35%

Article XII. C-2 Highway Commercial District

The following provisions shall apply to the C-2 Highway Commercial District.

Section 12.01 Intent

This District typically accommodates those retail and business activities that cater to the needs of the permanent residents and non-residents of the area. The District is designed to provide sites for more diversified business types and to serve M-20 traffic.

Section 12.02 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part for other than one or more of the following specified uses:

- a) Principal Permitted Uses and Structures
 - 1) All uses permitted by right in C-1
 - 2) Antique shop.
 - 3) Appliance sales and service.
 - 4) Art galleries.
 - 5) Bakeries.
 - 6) Bowling alleys.
 - 7) Business and professional offices.
 - 8) Carpentry, plumbing, electrical sales, service and contracting offices.
 - 9) Civic, social and fraternal buildings.
 - 10) Curio stores.
 - 11) Florist shops.
 - 12) Furniture stores.
 - 13) Golf driving range and miniature golf.
 - 14) Grocery stores.
 - 15) Hardware stores.
 - 16) Jewelry stores.
 - 17) Lodging, boarding and rooming houses.
 - 18) Libraries and museums.
 - 19) Motels and hotels.
 - 20) Music shops.
 - 21) Nurseries, garden supply, greenhouse, fruit and vegetable stands.
 - 22) Parking lots.
 - 23) Pet sales and veterinary clinics, not including kennels.
 - 24) Printing, publishing, blueprint, photocopy shops.
 - 25) Public buildings.
 - 26) Radio and TV sales and service.
 - 27) Real estate offices.
 - 28) Restaurant, including drive-through
 - 29) Second-hand stores,
 - 30) Sign painting shops.

- 31) Single-family dwellings, mobile homes, on same parcel as business.
 - 32) Sporting goods shops.
 - 33) Swimming pools-public.
 - 34) Taverns and bars.
 - 35) Upholstering, interior decorating.
 - 36) Laundromats, laundries and dry cleaning establishments.
 - 37) Automotive sales and service.
 - 38) Boat sales and service.
 - 39) Building material sales.
 - 40) Farm machinery sales and services.
 - 41) Manufactured and mobile home and travel trailer sales and service.
 - 42) Automobile service stations, including auto repair.
 - 43) Snowmobile sales and service.
 - 44) Vehicle wash establishments.
 - 45) Funeral homes
 - 46) Storage Units
 - 47) On Site Wind Energy System
 - 48) Cargo Containers for Permanent Storage and Temporary Use
 - 49) Portable Storage Containers
 - 50) Solar Energy Systems, Small
- b) Uses and Structures Permitted by Special Use Permit
- 1) Similar uses as approved by the Planning Commission.
 - 2) Multiple tenant retail shopping and service centers.
 - 3) Telecommunication Towers
 - 4) Event Venue

Section 12.03 Area Dimensions

Requirement	Dimension
Minimum Lot Size	2 acres
Minimum Lot Width	150 feet
Front Yard Setback	75 feet
Side Yard Setback	25 feet
Rear Yard Setback	50 feet
Maximum Building Height	3 stories, 35 feet
Minimum Floor Area	-
Maximum Building Coverage of Lot	35%
Minimum Floor Space per Dwelling Unit	See Article 14.02 (c)

Section 12.04 Accessory Uses, Buildings and Structures.

Accessory uses, buildings and structures customarily incidental to the principal use or approved use are permitted according to the following dimensional standards.

Requirement	Dimension
Side Yard Setback	5 feet
Rear Yard Setback	5 feet
Front Yard Setback	50 feet
Maximum Lot Coverage	35%

Article XIII. IND Industrial District

The following provisions shall apply to the IND Industrial District.

Section 13.01 Intent

The purpose of this District is to provide areas within the Township for the encouragement and conduct of industries, for processing raw materials and finished products, for storage of raw materials and industrial products, and for wholesale commercial establishments, including office facilities customarily associated with any permitted use, none of which shall constitute a nuisance to any prior existing permitted use of any adjacent premises.

Section 13.02 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

- a) Principal Permitted Uses and Structures.
 - 1) Machine shops.
 - 2) Sale and service of farm machinery.
 - 3) Storage and warehousing, but not including commercial bulk storage of flammable liquids or gases.
 - 4) Truck terminal maintenance and repair of trucks and trailers of company.
 - 5) Sawmills.
 - 6) Contractor / Landscaping yards
 - 7) On Site Wind Energy System
 - 8) Warehousing
 - 9) Cargo Containers for Permanent Storage and Temporary Use
 - 10) Portable Storage Containers
 - 11) Solar Energy Systems, Small
- b) Uses and Structures Permitted By Special Use Permit
 - 1) The production, processing, assembly, manufacturing or packaging of goods or materials such as; recreational supplies, toys, etc., including testing, repair, storage, distribution and sale of such products.
 - 2) Commercial bulk storage of flammable liquids or gases.
 - 3) Gas or oil processing facilities.
 - 4) Redi-mix concrete, asphalt plants.
 - 5) Foundries.
 - 6) The manufacturing, processing or sales of fertilizers, feeds and other farm supplies.
 - 7) Reduction, conversion and disposal of waste material.
 - 8) The production, processing, assembly, manufacturing or packaging of goods or material such as tanneries, rendering works, refineries, rubber processing, packing houses, etc., including testing, repair, storage, distribution and sale of such products.
 - 9) Mining of sand, gravel etc.
 - 10) Junk yards, salvage yards.

- 11) Sanitary landfills
- 12) Sexually Oriented businesses, adult media stores
- 13) Telecommunication Towers
- 14) Solar Energy Facility, Large

Section 13.03 Area Dimensions

Requirement	Dimension
Minimum Lot Size	2 acres
Minimum Lot Width	150 feet
Front Yard Setback	75 feet
Side Yard Setback	25 feet
Rear Yard Setback	50 feet
Maximum Building Height	3 stories, 35 feet
Minimum Floor Area	-
Maximum Building Coverage of Lot	35%
Minimum Floor Space per Dwelling Unit	See Article 14.02 (c)

Section 13.04 Accessory Uses, Buildings and Structures

Accessory uses, buildings and structures customarily incidental to the principal use or approved use are permitted.

Requirement	Dimension
Side Yard Setback	5 feet
Rear Yard Setback	5 feet
Front Yard Setback	50 feet
Maximum Lot Coverage	35%

Section 13.05 Performance Standards

All property uses in the Industrial District shall be subject to the following applicable conditions:

- a) **Use of Buildings and Structures:** In general, all operations shall be conducted within enclosed buildings; exterior yard storage shall be screened on sides and rear by a solid uniformly finished and maintained wooden or masonry wall or fence of durable material each of which shall be not less in height than the enclosed storage materials, a minimum of six (6) feet height. No front yard shall be used for storage, loading activities, or accessory structures except parking and landscaping.

- b) **Offensive and hazardous emissions:** No use shall discharge any product dust, smoke or odorous matter or noxious or toxic fumes or physical vibration or heat or glare beyond the boundaries of the premises. No noise created from any use shall exceed the level of ordinary conversation at the boundary of the premises.
- c) **Use of Buildings and Structures:** In general, all operations shall be conducted within enclosed buildings; exterior yard storage shall be screened on all sides by a solid uniformly finished and maintained wooden or masonry wall or fence of durable material each of which shall be not less in height than the enclosed storage materials, a minimum of six (6) feet height, when determined necessary by the Planning Commission or Zoning Administrator. No front yard shall be used for storage, loading activities, or accessory structures except parking and landscaping.
- d) **Operating Conditions:** Application for a zoning permit shall be accompanied by a written statement of the property owner on the effects of the operations on traffic, water and air pollution, noise and glare conditions, on fire and safety hazards, emissions of dangerous or obnoxious matter, and on the proposed treatment of any such conditions to maintain the same within the limitations of the Ordinance. It shall show the plans for disposal of sewage and all industrial wastes. It shall specify the fuels to be used, including smoke and pollution control, which shall meet or exceed quality standards established by the State of Michigan.
- e) **Operational Hours:** The Planning Commission may establish operating hours if deemed necessary.

Article XIV. Schedule of Regulations

Section 14.01 Purpose

It is the purpose of the Zoning Ordinance to regulate the size, bulk, height and types of uses and structures in various districts to protect the general health, safety and welfare of residents living or working within such districts. The following Schedule of Regulations stipulates the minimum allowable areas for land and buildings in each district as defined in this Ordinance.

No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms to the minimum area and setback requirements and maximum building heights as established for each district in this Ordinance.

Section 14.02 Schedule of Regulations

District	Minimum Lot Size	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback
AG	5 acres	233 ft.	50 ft.	25 ft.	25 ft.
R-1	1 acre	132 ft.	50 ft.	25 ft.	25 ft.
R-2	1 acre	132 ft.	50 ft.	25 ft.	25 ft.
R-3	2 acres	150 ft.	50 ft.	25 ft.	25 ft.
CONS*	1 acre	132 ft.	50 ft.	25 ft.	25 ft.
C-1	1 acre	132 ft.	50 ft.	25 ft.	25 ft.
C-2	2 acres	150 ft.	75 ft.	25 ft.	50 ft.
IND	2 acres	150 ft.	75 ft.	25 ft.	50 ft.

Maximum Building Height for all Districts: 3 Stories, 35 ft.

District	Minimum Floor Area per District Dwelling Unit in Sq. Ft.	Maximum Building Coverage of Lot
AG	800	None
R-1	800	35%
R-2	800/1,600	35%
R-3	See footnote 3	35%
CONS*	-	35% *for structures only
C-1	-	35%
C-2	-	35%
IND	-	35%

Section 14.03 Footnotes to Schedule of Regulations

- a) A maximum lot ratio of one to four (lot depth cannot exceed four times the lot width) shall be maintained for all new lots created. This ratio will not apply to existing lots. The depth of a lot shall be measured within the boundaries of the lot from the abutting road right-of-way to the most removed boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured within its boundaries from parcel boundary lines which are perpendicular to the abutting road right-of-way, at the road right-of-way.
- b) The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
- c) The minimum floor space per dwelling unit shall be:

Structure	Size
Efficiency	350 square feet
One bedroom apartment	500 square feet
Two bedroom apartment	700 square feet
Three bedroom apartment	800 square feet
Plus an additional eighty (80) square feet for each, additional bedroom	

Section 14.04 Accessory Building Requirements

District	Maximum Lot Coverage	Front Yard Setback	Side Yard Setback	Rear Yard Setback
AG	35%	50 ft.	5 ft.	5 ft.
R-1	35%	50 ft.	5 ft.	5 ft.
R-2	35%	50 ft.	5 ft.	5 ft.
R-3	35%	50 ft.	5 ft.	5 ft.
CONS*	35%	50 ft.	5 ft.	5 ft.
C-1	35%	50 ft.	5 ft.	5 ft.
C-2	35%	50 ft.	5 ft.	5 ft.
IND	35%	50 ft.	5 ft.	5 ft.

Article XV. Site Plan Review

Section 15.01 Purpose

An approved site plan, which included those documents and drawings specified in the article is necessary for certain buildings and uses to ensure that the proposed land use or activities within the proper district and that there has been full compliance with the use requirements specified for the respective district. The site plan shall be required prior to receiving zoning approval for use, erection, or enlargement of any building or structure. The site plan contents necessary to be included with a zoning permit application shall be determined by the type of structure, building and/or uses(s) sought to be approved.

Section 15.02 Class "A" and Class "B" Site Plans and Required Contents

Site plans are divided into Class "A" and Class "B" Site Plans, as set forth herein, based upon the type of structure, building and/or use(s) sought to be approved.

a) Class "A" Site Plan Requirements

A Class "A" Site Plan shall be required for the following uses, buildings or structures: single and multiple-family dwellings, cellar dwellings, mobile homes, home occupations, and any customary accessory uses; and other non-residential buildings or structures which are similar to residential uses when considering floor area, solid waste loads, water use, traffic congestion, noise, smoke and odor and construction costs.

This Site Plan shall include a sketch plan with accurate dimensions showing:

- 1) A legal description of the lot; the name, address, and telephone number of the owner of said lot.
- 2) Boundary lines of the lot, including an arrow point north.
- 3) The shape, size, location and height of all existing and proposed buildings and structures.
- 4) Existing and proposed public thoroughfares and rights-of-way, driveways, parking areas, public or private utility systems, sewage systems, and wells or water supply sources.
- 5) If the Site Plan seeks approval of a home occupation, it shall designate the buildings, structures or portions of the premises to be utilized by the home occupation.
- 6) Existing natural or made-made features such as woods, streams, rivers, lakes and ponds.
- 7) A description of adjacent uses.
- 8) Any other information necessary to establish compliance with this Ordinance.

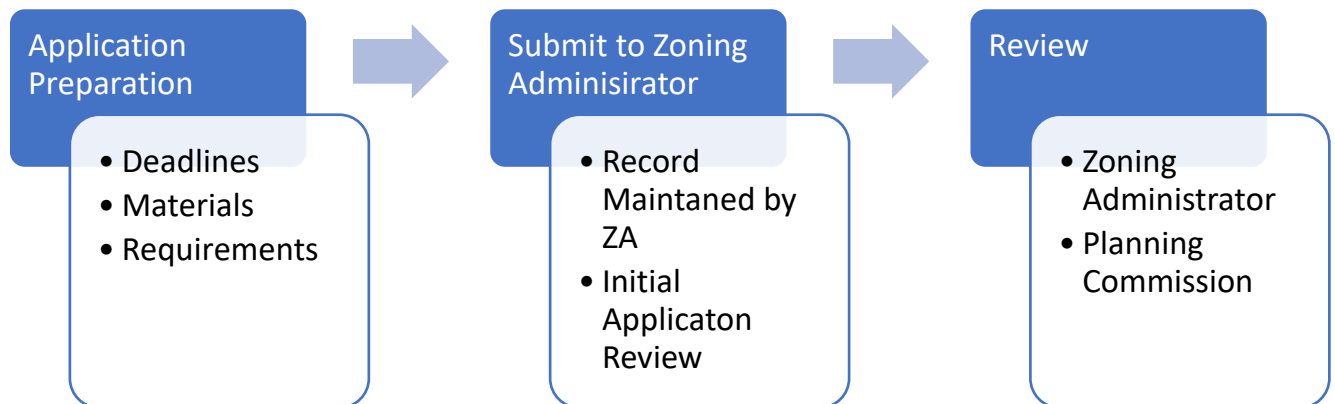
b) Class "B" Site Plan Requirements

A Class "B" Site Plan shall be required for all other non-residential uses, buildings or structures including churches, public buildings, commercial uses and industrial uses. This Site Plan shall be legible and contain the following:

- 1) A legal description of the lot; the name, address and telephone number of the owner, developer and/or designer.
- 2) Boundary lines of the lot including angles, dimensions and reference to section corner, quarter section corner or point of a recorded plat; and an arrow pointing north.
- 3) The shape, size, location and height of all existing or proposed buildings or structures.
- 4) Natural features such as woods, streams, rivers, lakes or ponds; with indication as to which are to be retained and which are to be removed or altered.
- 5) Existing and proposed thoroughfares, driveways, parking areas, loading spaces and sidewalks.
- 6) The size and location of all existing and proposed public or private utilities including sewage disposal systems, wells or water sources.
- 7) Site topography and a description of any changes in grade or drainage systems.
- 8) A description of adjacent uses.
- 9) The current zoning classification.
- 10) Any other information necessary to establish compliance with this Ordinance.

Section 15.03 Site Plan Review Process and Timeline

- a) Application Deadline - If a zoning application requires a Site Plan Review by the



Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies.

- b) Initial Application Review –
 - 1) Within 30 days of receipt of the site plan or special use permit, the Zoning Administrator will review all applications for completeness and accuracy before the application is accepted and officially filed.
 - a. An application is complete with submittal of all the required forms, submittal of all the supporting information required by the zoning ordinance, submittal of any necessary fees.
 - 2) If the application is incomplete, the Zoning Administrator shall notify the applicant in writing, specifying any deficiencies of the application, including any additional information which must be supplied, and that no further action will be taken by the Township on the application until the deficiencies are corrected.
 - 3) The review timelines specified in Section 15.03 will not begin until it has been determined by the Zoning Administrator that the application is complete.
- c) Review Type –
 - 1) Administrative Review - Class “A” Site Plans, except for those submitted with applications for Special Use Permits or for home occupations, shall be reviewed, approved or approval denied by the Zoning Administrator. Upon request by the applicant, the Zoning Official shall, within 30 days, approve or deny the Site Plan.
 - 2) Planning Commission Review – Class “A” Site Plans in connection with Special Use Permit applications or for home occupations and all Class “B” Site Plans shall be received by the Zoning Administrator, when they are determined to be complete, the Zoning Administrator shall forward them to the Planning Commission which shall be the body to review, approve or deny them. Unless the Site Plan is submitted in connection with a Special Use Permit application, the Planning Commission shall approve or deny the Site Plan within sixty (60) days of Planning Commission receipt of same. The Planning Commission shall notify the applicant of the time and date of the meeting at which the Site Plan will be considered and the applicant shall be entitled and encouraged to appear and offer comment.
 - 3) Site Plans submitted in connection with a Special Use Permit application, shall be considered by the Planning Commission in the manner, and along with, consideration of the Special Use Permit application, see Chapter 16.

Section 15.04 Planning Commission Site Plan Review Decision

The Planning Commission shall address the Site Plan Review at a public meeting. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission. The Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:

- a) Recommend approval - An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.
- b) Recommend 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 that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably

as if they were part of the applicant's original submission. At this point in the site plan process any approval is considered preliminary until all conditions are met.

- c) Recommend Denial - 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. A denial of any Site Plan shall set forth in detail the reasons. The basis for denial shall be limited to any defect in form or required information submitted, or if the site plan does not present compliance with applicable requirements and standards contained in this Ordinance, other Township planning documents, other applicable ordinances, or applicable state and federal statutes. The applicant may appeal any denial to the Zoning Board of Appeals. 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.

Section 15.05 Expiration

Approval of the site plan shall be valid for a period of two (2) years. If a building permit has not been obtained and on-site development actually commenced within two (2) years, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

Section 15.06 Revocation

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the Planning Commission. If construction and development does not conform with the approved plan or design appearance, the approval of the site plan shall be revoked by the Zoning Administrator by written notice of the revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan or design appearance to coincide with the owner's construction, or altered plans for construction, to be in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose, and intent of the zoning ordinance.

Section 15.07 Reapplication

No application for a site plan review which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.

Section 15.08 Performance Bond

The Planning Commission shall have the right and authority to 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 ensure 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

inspector. 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.

Article XVI. Special Use Permits

Section 16.01 Special Use Permits

Special Use Permits are required for the construction, operation, maintenance and use of property as Principal Uses and Structures Subject to Special Use Permit set forth in the various zoning districts. Uses requiring special use permits are those uses which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or location qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area and adjacent uses of land. Uses requiring special use permits are also those which, by their very nature are deemed to have unique characteristics and effect on surrounding properties. Special regulation is needed to ensure these uses are not concentrated in any one area thus preventing adverse effects upon the surrounding neighborhoods, negative effects on community standards for aesthetics, the reduction of property values and subsequent negative impact on the community tax base.

Special permit uses may be permitted only in those districts where they are designated by this Ordinance, and may be permitted only when specifically approved by the Planning Commission in accordance with the provisions of this Ordinance.

The Planning Commission is the body that shall review, approve or deny applications for special use permits. Prior to approval of a special use permit, the Planning Commission shall insure that all standards specified in this article, as well as all standards established elsewhere in this Ordinance, shall be satisfied.

Section 16.02 Special Use Standards

All uses by special permit shall comply with the following standards, as well as the specific standards set forth in this Article for the use proposed, if any.

- a) All special uses shall, at a minimum, comply with the general regulations for buildings, structures, uses, lots, yards, etc. contained in this Ordinance: as well as specific requirements for buildings, structures, uses, lots, yards, etc. in the specified zoning district.
- b) Where the proposed special use of land in a particular zoning district is a principal permitted use in another zoning district without special use permit, the proposed special use shall also meet the provisions applicable to such use set forth in the district(s) in which it is a principal permitted use. In the event of a conflict of applicable provisions, those which are the most stringent or restrictive shall apply.
- c) The nature, location, and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the permitted uses of the adjacent lands or buildings.
- d) The special use shall not diminish the value of the land, buildings, or structures in the district; and shall represent an improvement to the property under consideration.
- e) The Special use shall not increase traffic hazards or cause congestion on the public thoroughfares of the area. Adequate access to the parcel shall be furnished.

- f) The water supply and sewage disposal system shall be adequate for the proposed special use; however, the special use shall not overburden any existing services or facilities.
- g) Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, flashing lights or disposal of waste than the operation of any principal permitted uses; nor shall the use increase hazards from fire or other dangers to either the property or adjacent property.
- h) The special use shall be consistent with the intent and purpose of this Ordinance and in conformance with the intent of the Greendale Township Land Use Plan; shall be compatible with the natural environment, and shall protect the public health, safety, and general welfare.

Section 16.03 Special Use Procedures

An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- a) **Application.** An application for special use permit and site plan, filled out in triplicate, shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by a fee, in accordance with the schedule of fees as established by the Township Board of Trustees, to defray costs of processing the application.

One copy of said application and plan shall be returned to the applicant together with permit upon approval by the Planning Commission; one copy, together with fee for the permit, shall be filed with the Township Clerk; and one copy shall be filed with the Planning Commission Secretary.

The complete application package shall be submitted to the Zoning Administrator at least 30 days prior to the Planning Commission meeting at which it will be considered.

The Planning Commission may impose conditions with permit approval which assure compliance with the standards contained in this Ordinance. Said conditions shall be considered an integral part of the special use permit and shall be enforced by the Zoning Administrator.

Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owners.

Special use permits shall be reviewed annually to ensure compliance with this Ordinance. Where compliance is found, the permit is automatically continued. Any non-compliance will be cited by the Planning Commission by written notice to the Owner along with a reasonable time, usually sixty (60) days, to correct the non-compliance. Failure to act in good faith to correct the non-compliance may result in termination of the special use permit.

- b) **Hearing.** Upon receipt of a complete application, the Planning Commission shall hold public hearing on the application as part of the meeting on the special use request. Notice of said hearing shall be mailed to all parties specified in the Administration chapter of this Ordinance and published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of such hearing.
- c) **Site Plan Review.** The Planning Commission shall conduct a site plan review for the proposed special use, using the procedure and standards presented in the Site Plan Chapter and any specific standards identified for the Special Use in this Chapter. If necessary, the Planning Commission may hold site plan review at a meeting after the public hearing.
- d) **Action on Request.** At the public hearing the Planning Commission shall take comment from those present and shall receive written comments previously made or presented at the hearing. The Planning Commission shall afford the applicant, or the applicant's representative opportunity to make comments on the special use permit application and its site plan. Upon closing of the public hearing and in making its determination on the request, the Planning Commission shall address the general and specific criteria applicable to the submitted site plan and to the proposed special use. The Planning Commission may make one of the three decisions on the special use permit request
 - 1) Recommend approval - An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a special use permit.
 - 2) Recommend Conditional Approval - The Planning Commission may elect to attach conditions to its approval of a special use permit. 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 that justifies them, must be identified in the motion for special use permit approval and communicated to the applicant in writing. The conditions shall become a part of the special use permit, as inseparably as if they were part of the applicant's original submission. At this point in the special use permit process any approval is considered preliminary until all conditions are met.
 - 3) Recommend Denial - The vote of a majority of Planning Commission members present at the meeting in which the special use permit is reviewed is required to deny it. A denial of any special use permit shall set forth in detail the reasons. The basis for denial shall be limited to any defect in form or required information submitted, or if the special use permit does not present compliance with applicable requirements and standards contained in this Ordinance, other Township planning documents, other applicable ordinances, applicable state and federal statutes, or the Planning Commission's reasonable exercise of discretion in application of those requirements and standards consistent with the public health, safety and welfare of the township. The applicant may appeal any denial to the Zoning Board of Appeals. The applicant shall be notified in writing of the Planning Commission's denial of the special use permit, with the full text of the motion to deny reproduced in the communication.

- d) **Appeals.** If the request for a special use is denied, the applicant may appeal the decision of the Planning Commission within 30 days of said decision to the Zoning Board of Appeals. Upon filing of an appeal, the application, all relevant documents, testimony, findings and decisions of the Planning Commission shall be made available to the Zoning Board of Appeals.

Section 16.04 Permit Expiration

A special use permit issued under this section shall be valid for a period of two (2) years from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Building Inspector shall notify the applicant, Township Supervisor, Planning Commission and Township Board in writing of the expiration or revocation of said permit.

Section 16.05 Revocation

Any property which is the subject of a special permit which has not been used nor maintained for a period twelve (12) months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Township Planning Commission), for the purposes for which such special permit was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special use shall thereupon terminate.

Section 16.06 Reapplication

No application for a special use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.

Section 16.07 Specific Special Use Permit Standards

In addition to the general standards previously set forth within this Article, the special uses, buildings and structures set forth herein shall comply with the following specific standards for construction, operation and use.

Section 16.08 Airports, Aircraft Landing Fields:

- a) Privately owned and maintained non-commercial aircraft landing strips, more or less parallel to or perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least one hundred (100) feet.
- b) All privately owned and maintained aircraft landing strips shall be at least two hundred fifty (250) feet from a residential dwelling unit on an adjacent property.
- c) All other aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning Commission.

Section 16.09 Automobile Service Stations:

- a) The service area of any automobile service station shall consist of such capacity as to allow the servicing of at least three (3) automobiles per gasoline pump.
- b) Gasoline pumps shall be set back a minimum of twenty-five (25) feet from any street or right-of-way line.
- c) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed within a building.
- d) When adjoining residentially zoned property, a minimum six (6) feet screening fence shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles.
- e) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a minimum six (6) foot screening fence and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding thirty (30) days.
- f) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- g) Only one (1) free-standing sign per street frontage shall be permitted, not exceeding twenty-four (24) square feet in area and complying with zoning setbacks, which shall display only the name of the user or occupant of the premises.

Section 16.10 Campgrounds and Travel Trailer Parks:

- a) Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.

Section 16.11 Child Care Centers, Nursery Schools and Day Nurseries:

- a) Nursery schools and day nurseries for children of preschool age shall provide a lot area and outdoor play area in conformance with State regulations.
- b) The outdoor play area shall be suitably fenced.
- c) All childcare (other than your own) shall require State licensing, as specified in Public Act 116 of 1973, as amended.

Section 16.12 Convalescent Homes:

- a) Convalescent homes shall be designed and constructed in accordance with State regulations.
- b) In Residential Districts, the facilities shall be located not less than fifty feet (50 ft.) from adjoining parcels used for (or likely to be developed for) single-family dwellings.

Section 16.13 Drive-Through Businesses:

- a) The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.

- b) A minimum six (6) feet high obscuring wall shall be provided adjacent to any Residential District.

Section 16.14 Feedlots

- a) All feedlots and animal livestock facilities shall be designed and operated in accordance with the generally accepted agricultural and management practices in effect as promulgated by the Department of Agriculture pursuant to the Michigan Right to Farm Act, MCL 286.471, and et seq.
- b) The operators of feedlots shall comply with all manure management plans required by the Department of Agriculture or operable generally accepted agricultural and management practices. Copies of all manure management plans shall be provided to the Township Zoning Administrator on an ongoing basis.
- c) To the extent that they do not extend, revise, or conflict with the generally accepted agricultural and management practices of the Department of Agriculture, The Planning Commission may require design, density, setback, screening, building enclosures, drainage, manure management and odor controls necessary to protect water quality, nuisance conditions and odors.
- d) All grounds shall be maintained in a secure and sanitary condition.
- e) Proper methods of waste disposal shall be implemented to minimize off-site odors and to prevent ground water contamination.
- f) Feed lots and similar facilities in which there will be a high concentration of livestock, shall be a minimum of one hundred feet (100 ft.) from adjoining residential lots or parcels, and bodies of water, except on-site ponds specifically constructed for purposes of the livestock operation.

Section 16.15 Golf Courses and Country Clubs:

- a) Minimum lot size shall be forty (40) acres.
- b) The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
- c) Practice driving ranges shall be located at least three hundred feet (300 ft.) from existing single-family or multi-family dwellings, provided, however, this standard shall not apply to homes constructed in connection with and located on the ground of the golf course.

Section 16.16 Gravel Pits and Mineral Extraction:

- a) The site shall contain no less than ten (10) acres.
- b) A non-disturb setback of one hundred feet (100 ft.) from all property lines shall be maintained.
- c) The area of excavation shall be fully fenced to prevent unauthorized access, provided, however, this provision may be waived if the Planning Commission finds the operation is geographically isolated and excavated such (e.g.; minimal side slopes, no standing water, etc.) that harm to residents is not likely to occur.
- d) A reclamation plan shall be provided detailing the proposed reclamation and use of the site after excavation is completed. The reclamation plan shall include those items required by this Ordinance for site plan review.

- e) The operation shall fully comply with all local, state, and federal regulations.
- f) All buildings and structures shall comply with the Township Building Code and related permit requirements.
- g) The site shall not be used for the dumping of construction or other non-site related debris.

Section 16.17 Hunt Clubs, Gun Clubs and Game Preserves:

- a) The site shall contain no less than forty (40) acres.
- b) The discharge of firearms within proximity to residential units shall be as regulated by the State of Michigan.
- c) The site shall not be used for “paint-ball” shooting or similar games which simulate the hunting of humans.
- d) The site shall be fully signed with “no trespassing” or other such signs warning people to avoid trespass and potential harm due to ongoing sporting activities.
- e) All state and federal regulations shall be complied with.
- f) All buildings and structures shall comply with the Township Building Codes and related permit requirements.
- g) The site shall not be rented or leased for activities not approved by the special use permit unless duly authorized by the Planning Commission.

Section 16.18 Junkyards:

- a) The setback from the front property line to the area upon which junk materials are stored shall be not less than seventy-five (75) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence minimum eight (8) feet in height. Said fence to be kept uniformly painted, neat in appearance and shall not have any signs or symbols painted on it.
- b) All structures and fencing and used material storage yards shall be set back not less than seventy-five (75) feet from any street or highway right-of-way.

Section 16.19 Kennels:

- a) All kennels shall be operated in conformance with all County and State regulations.
- b) For public dog kennels, the minimum lot size shall be five (5) acres for the first ten (10) dogs and an additional one (1) acre for each ten (10) additional animals.
- c) Buildings for public kennels wherein animals are kept, animal runs and/or exercise areas shall not be located nearer than five hundred (500) feet to any adjacent occupied dwelling or any adjacent building used by the public.

Section 16.20 Mobile Home Parks:

- a) All mobile home parks shall be constructed and maintained in conformity with the Mobile Home Commission Act, Public Act 96 of the State of Michigan, 1987, as amended, and shall be licensed in accordance with that Act.

Section 16.21 Multiple Housing Developments:

- a) A site plan shall be required prior to approval of a multiple housing development subject to the provisions of this Ordinance.

Section 16.22 Open Air Business:

- a) Minimum lot area shall be two (2) acres.
- b) Minimum lot width shall be two hundred (200) feet. The width of a parcel shall be measured within its boundaries from parcel boundary lines which are perpendicular to the abutting road right-of-way, at the road right-of-way.
- c) Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- d) In all cases of car sales lots:
 - 1) All areas subject to vehicular use, travel, display, and storage shall be paved with durable dust free surfacing, with appropriate bumper guards where needed.
 - 2) Lighted parking areas shall not create a nuisance for nearby properties.
- e) In the case of a plant materials nursery:
 - 1) The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
 - 2) All loading activities and parking areas shall be provided on the same premises (off-street).
 - 3) The storage of soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

Section 16.23 Private Recreational Facilities (amusement parks, race tracks, campgrounds, summer camps, guest ranches, and other private recreational uses identified as permitted as a special use):

- a) A minimum setback of one hundred feet (100 ft.) shall be required for any use abutting an existing single-family home or single-family home site.
- b) The site shall contain no less than five (5) acres.
- c) The applicant shall provide evidence that the proposed use, based on bona fide market/business plans has the potential to succeed given area demographics and income levels.
- d) Any use anticipated to generate off-site noise or other environmental impacts shall submit an environmental assessment fully documenting the potential magnitude of said impacts and detailing proposed plans for mitigating same.
- e) Any use anticipated to generate traffic volumes in excess of five hundred (500) cars per day shall provide a traffic impact study detailing the capability of the local road system and site to safely and efficiently handle traffic.
- f) The Planning Commission may require additional landscape, including vegetated berms, to mitigate potential off-site impacts.
- g) The site shall be capable of handling the water and sanitary needs of the recreational users.

- h) All state and federal regulations shall be complied with.
- i) All buildings and structures shall comply with the Township Building Codes and related permit requirements.

Section 16.24 Private Swimming Pool:

Private swimming pools shall be constructed in strict accordance with State regulations and shall be:

- a) Maintained in a clean and healthful condition in accordance with the County health requirements;
- b) Not emptied in any manner that will cause water to flow upon another lot or be emptied on any adjacent land or street;
- c) Completely enclosed with a permanent substantial fence and gates at least four feet (4 ft.) in height above the ground level. No opening shall be designed or maintained as to permit access to the pool except under the supervision of the possessor or by his/her permission;
- d) Not closer than ten feet (10 ft.) to any side or rear lot line, and no part of any pool shall be constructed within the required front or side yard;
- e) Will not be located within a reserved septic drain field area.

Section 16.25 Religious Institutions:

- a) Religious institutions shall be subject to the restrictions of the particular district for which a site plan is submitted for approval.

Section 16.26 Sanitary Landfills:

- a) The site shall contain not less than forty (40) acres.
- b) The design and construction of the site shall be as regulated by the Michigan Department of Environment, Great Lakes, and Energy for sanitary landfill licensing.

Section 16.27 Sexually Oriented Business:

- a) Unless waived as provided in sub-section 2, 3, 4 and 5, no sexually oriented business, its principal or accessory structures or uses, including signs or parking, shall be permitted on a premises which has a boundary line located within one thousand (1,000) feet of:
 - 1) A boundary line of another premises on which is located any principal or accessory structure or use of another sexually oriented business, or
 - 2) Any R-1, R-2 or R-3 zoning district, or
 - 3) A boundary line of a premises used as a residence(s), mobile home park, park, school, childcare facility, place of worship or their accessory uses.
- b) The Planning Commission may waive the minimum location distances between sexually oriented businesses if the following findings are supported and made by the Planning Commission:
 - 1) The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this Article will be observed.

- 2) The proposed use will not enlarge or encourage the development of a "skid row" area.
 - 3) The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal within the district.
 - 4) All applicable regulations of this Article will be observed.
- c) The Planning Commission may waive the minimum location distances between a sexually oriented business and R-1, R-2 and R-3 zoning districts and premises used for residence(s), mobile home parks, parks or places of worship provided a validated petition requesting such a waiver is presented to the Planning Commission, signed by the owners or purchasers of at least fifty-one (51%) percent of the parcels of land within five hundred (500) feet of the boundary lines of the proposed location. The Planning Commission may waive the minimum location distances between sexually oriented businesses and schools or child care only if, in addition to such a validated petition, the Planning Commission finds and ensures that school aged children are not required to pass by the location while walking to or from school or child care facilities. Any petition presented to the Planning Commission shall contain, at a minimum the following:
- 1) A statement in the form of an affidavit attested to by the circulator of the petition that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
 - 2) A statement on the petition so worded that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signature.
 - 3) For purpose of this section, parcels of land shall equate to the permanent parcel numbers assigned by the Township to all property within the said five hundred (500) feet.
- d) An applicant requesting a waiver of location requirements shall file an application with the Zoning Administrator. The Zoning Administrator shall not accept an application for the waiver of location requirements as relate to minimum location distances to residential zoning districts, residence(s), mobile home parks, parks, schools, child care facilities or places of worship without a petition as required. Said petition shall be validated by the Zoning Administrator. The Zoning Administrator shall then notify the Planning Commission of the Receipt of the requests and petition within fifteen (15) days of filing.
- e) Prior to granting a waiver of location requirements the Planning Commission may place any conditions or limitations upon the establishment, location, construction, maintenance, or operations of sexually oriented businesses as may, in its judgment, be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- f) The proposed use shall conform to all specific density and set back regulations of the zoning district in which it is located.
- g) The proposed use must meet all applicable written and duly adopted standards of Greendale Township and other governments or governmental agencies having jurisdiction and that, to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

- h) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- i) Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- j) Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2) inches in height shall state:
 - 1) Persons under the age of 18 are not permitted to enter the premises.
 - 2) No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
- k) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- l) Hours of operation shall be limited to 12:00 noon to 12:00 midnight.
- m) All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- n) Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1) Is handicap accessible to the extent required by the Americans with Disabilities Act.
 - 2) Is unobstructed by any door, lock or other entrance and exit control device;
 - 3) Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
 - 4) Has no holes or openings in any side or rear walls.
 - 5) Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.

Section 16.28 Telecommunications Towers:

- a) The setbacks for each tower from adjacent right-of-way and/or property lines shall be not less than one and one-half (1-1/2) times the height of each tower above the ground.
- b) Unless specifically waived by the Planning Commission, an open weave wire fence six (6) feet in height shall be constructed on the boundary property lines.
- c) All Telecommunication Towers shall be located on parcels of at least one acre.
- d) Minimum spacing between Telecommunication Tower locations shall be one (1) mile in order to prevent concentration of towers in one area.

- e) Design criteria and construction documents for Telecommunication Towers shall be signed and certified by a State of Michigan licensed professional structural engineer with regard to construction and the manner in which the proposed structure would fall. The applicant shall incur all costs associated with the engineering and certification thereof. The applicant shall also pay the Township its reasonable professional fees incurred in its review of submittals, for which the Township may request a deposit prior to consideration of the application.
- f) All new and modified Telecommunication Towers shall be designed, constructed, and maintained so as to accommodate collocation by other providers thereon. Applicants for Special Approval for Telecommunication Towers shall demonstrate attempts at acquiring collocation, prior to issuance of Special Approval for a new Telecommunication Tower. Special Approval may be denied a new Telecommunication Tower where collocation is available.
- g) Telecommunication Towers shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by a licensed professional engineer retained by the applicant.
- h) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. In no event shall a Telecommunication Tower exceed 140 feet in height above grade level. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- i) Accessory structures are limited to uses associated with the operation of the communication tower and may not be located any closer to any property line than thirty (30) feet and shall not exceed six hundred (600) square feet of gross building area.
- j) There shall be no employees located on the site on a permanent basis to service or maintain the Telecommunication Tower or equipment. Occasional or temporary repair and service activities are excluded from this restriction.
- k) Where the property on which a Telecommunication Tower is located adjoins any residential land use or residential zoning classification, the applicant shall install and maintain screening on all lot lines adjoining the residential land use or residential zoning classification. Such screening shall be comprised of two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) feet centers. In no case shall the evergreens be any closer than ten (10) feet to any structure.
- l) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- m) Telecommunication Towers shall be located so that they do not interfere with reception in nearby residential areas and shall comply with Michigan Telecommunications Act, MCL 484.2101, et seq.
- n) There shall be unobstructed and adequate access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.

- o) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed Telecommunication Tower facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard. These shall be provided to the Township Clerk, and updated, the name and address of person(s) to be contacted for engineering, maintenance and other notice purposes in relation to the Telecommunication Tower.
- p) Upon completion of Telecommunication Tower construction and prior to its use, the applicant shall provide to the Township Building Official certification by a professional structural engineer licensed by the State of Michigan that the tower, accessory structures, base and mount have been constructed in accordance with the approved plans and that installation is in compliance with all applicable codes.
- q) Adequate provisions shall be made for removal of all or parts of a Telecommunication Tower facility in the event same have not been used for 180 days or more. The Special Approval permit provided for any Telecommunication Tower shall be deemed expired and void if same has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. Upon the expiration or voiding of the Special Approval permit for non-use or upon notification to the Township Clerk, such facilities and towers, or parts thereof, shall be removed and the premises restored to a safe, level and reasonable condition, as determined by the Ordinance Enforcement Officer, within 180 days of non-use. All removal and restoration shall be at the applicant, owner and operators' sole expense, without liability or expense to the Township.

Section 16.29 Roadside Stand:

- a) The gross floor area of the temporary building shall be not less than thirty-two (32) square feet but not more than one hundred (100) square feet.
- b) Suitable containers for rubbish shall be placed on the premises for public use.
- c) Temporary building shall be located not less than twenty-five (25) feet from the public road right-of-way. Its height shall be no more than one (1) story.
- d) Adequate off-street parking shall be provided.
- e) Permit shall be required for a temporary roadside building. Said permit shall be good for no more than six (6) months, after which the building shall be removed.

Section 16.30 Stables:

- a) For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size, including a dwelling, shall be five (5) acres, except that up to two (2) saddle horses or ponies may be housed and reared on lots of less than five (5) acres where they do not pose a nuisance.
- b) Structures used as a stable shall not be located nearer than one hundred (100) feet to any dwelling unit on adjacent premises.
- c) Animals shall be confined in a suitable fenced area.
- d) The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

Section 16.31 Vehicle Wash Establishments:

- a) Minimum lot size shall be two (2) acres.
- b) All washing activities must be carried on within a building.
- c) Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
- d) The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

Section 16.32 Home Occupations:

- a) The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood.
- a) The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purpose. The exterior appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would substantially alter the premises' residential character.
- b) The home occupation is conducted by the person or persons occupying the premises as their principal residence. No more than two (2) non-resident employees shall be employed. A home occupation shall be allowed in an accessory building as long as such occupation or business is out of sight of the public and within the confines of the accessory building. A home occupation shall occupy no more than twenty-five (25) percent of the floor area of the dwelling unit.
- c) The dwelling has no exterior evidence, other than one (1) non-flashing illuminated or non-illuminated sign to indicate that the dwelling is being utilized for a non-residential purpose and such sign is in conformance with the requirements of this Ordinance.
- d) No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, light, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.
- e) Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood and the need for parking shall be met off street.
- f) The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 10:00 p.m. Exceptions for businesses such as daycare, adult foster care, etc. may be granted by the Planning Commission.
- g) Any display of goods, materials or services in connection with the home occupation, and off street parking shall be permitted only as indicated in the written approval by the Planning Commission.
- h) Any such home occupation shall be subject to special use by the Planning Commission. The permit for it may be terminated for failure to comply with the Zoning.

Section 16.33 Event Venues:

- a) Minimum Lot Size
 - 1) No minimum lot size for an existing barn, as of the date of adoption of this ordinance amendment.
 - 2) New construction shall have a minimum lot size of 10 acres.
- b) Setbacks:
 - 1) Front Yard Setback 50'
 - 2) Rear and Side Yard Setback 100'
- c) Event hours shall be from:
 - 1) Friday and Saturday - 8 am to Midnight
 - 2) Sunday through Thursday – 8 am to 10 pm
- d) Parking
 - 1) Parking shall be made available on site for each event. There shall be no parking on any adjacent public or private roads.
 - 2) Applicant must demonstrate the capacity of the site to accommodate vehicle parking and circulation without disruption of normal traffic flow in the public right-of-way.
 - 3) Run-off from parking areas may not drain onto neighboring properties.
 - 4) If the parking area is less than 300' from an abutting residential use, all parking areas shall be screened from view by either a greenbelt, obscuring fence, or masonry wall.
 - 5) All parking must comply with applicable ADA standards.
 - 6) Each event venue shall be required to have 1 space per three guests allowed at maximum occupancy.
- e) Lighting
 - 1) All outdoor event-related lighting must be shielded and directed on the property so as not to create a nuisance for adjacent properties.
 - 2) All outdoor event-related lighting must be extinguished 1 hour after all individuals from the private group or party have vacated the property.
- f) Screening
 - 1) If a special event venue is less than 500' from a residence, the venue is required to install a landscape buffer in the yard abutting the residence. The buffer can be either a greenbelt, obscuring fence, or masonry wall.
- g) Restrooms
 - 1) Facilities may be portable stations.
 - 2) The facilities must be maintained and located in a side or rear yard.
- h) Certifications
 - 1) The applicant is required to comply with all applicable federal, state, and local regulations and obtain any necessary approvals from the Midland County Health Department, Road Commission, and Drain Commission.
 - 2) The venue must meet all Michigan State Building Code regulations and the applicant must demonstrate compliance prior to hosting any events at the facility.

Section 16.34 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.

- a) Procedure: The Planning Commission review of a Special Land Use Permit for a Utility Grid Wind Energy System is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Chapter 16. The second step, which may occur at a separate meeting, is the site plan review process as described in Section 15.
- b) Prior to construction, the applicant must submit an application for a Special Land Use Permit and shall include the following documentation:
 - 1) Applicant Identification: Applicant name, address, and contact information
 - 2) Project Description: A general description of the proposed project including a legal description and map of the property or properties on which the project would be located and an anticipated construction schedule.
 - 3) Project Map: A map showing all participating properties and non-participating properties within the project boundary.
 - 4) Site Plans: The project site plans shall include maps showing the physical features and land uses in the project area. The site plan shall include:
 - i. The project area boundaries, including lot lines and dimensions
 - ii. Names and parcel identification numbers of each parcel within the Utility Grid Wind Energy System
 - iii. The location, height, and dimensions of all existing and proposed structures and fencing
 - iv. The location, grades, and dimensions of all temporary and permanent on-site access roads including width and surface material from the nearest county or state maintained road
 - v. Existing topography
 - vi. Water bodies, waterways, wetlands, and drainage channels
 - vii. All new infrastructure related to the project
 - 5) Insurance: Proof of the applicant's public liability insurance
 - 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 the time of the application.
 - 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) Electromagnetic Interference: Copy of the Electromagnetic Interference Study
 - 12) Shadow Flicker: Copy of the Shadow Flicker analysis
 - 13) Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants
 - 14) Decommissioning: Copy of the decommissioning plan
 - 15) Complaint Resolution: Description of the complaint resolution process

- 16) Lighting Plan: Copy of the FAA lighting plan and temporary construction lighting plan
 - 17) Transportation Plan: A description of the routes used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles and equipment deliveries, and a copy of the agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid Wind Energy System.
 - 18) Engineering: Engineering data concerning construction of the Tower and its base or foundation, approval by an engineer licensed in the State of Michigan.\
 - 19) Operation and Maintenance: Description of operations including regular and unscheduled maintenance.
 - 20) Schedule: Anticipated Construction Schedule
 - 21) Application Fee, Township Costs, and Escrow: An applicant shall submit an application for a special land use permit and fee in the amount specified in the fee schedule adopted by the local government. The Planning Commission may require additional deposits from the applicant for further review.
 - i. This applicant shall agree to pay and/or reimburse the Township costs incurred in acquisition of professional, engineering, or other technical advice or review of the application, including without limitation engineering, sound modeling, post construction sound survey, and decommissioning analysis.
- c) Design and Operating Requirements: The Utility Grid Wind Energy System shall meet the following design standards and operating requirements.
- 1) Property Setback
 - i. Inhabited Structure: The distance between a Utility Grid Wind Energy System and an Inhabited Structure shall be at least 3 times the tip height.
 - ii. Non-Participating Parcel: The distance between a Utility Grid Wind Energy System and the property lines of adjacent non-participating parcels shall be at least 3 times the height the tip height of the wind turbine.
 - iii. Road Right-of-Way and Railroad Setback: The distance between a Utility Grid Wind Energy System and the underlying road right-of-way shall be at least 3 times the height the tip height of the wind turbine.
 - iv. Public Utility Setback: The distance between a Utility Grid Wind Energy System and an active public utility corridor, such as overhead communication lines, shall be at least 3 times the hub height.
 - v. SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property setback requirements. The setback shall be 3 times the tip height of the SCADA or Met tower.
 - vi. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property setback requirement that may be applicable to that type of building or equipment.
 - 2) Utility Grid Wind Energy Systems are limited to a height of 499'.
 - 3) Sound Pressure Level:

- i. The sound pressure level generated by a Utility Grid wind energy system shall not exceed (LMAX) 45 dB(A) measured at a parcel line. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 - ii. 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. Modeling and analysis shall conform to IEC 61400 and ISO 9613.
 - iii. 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 II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.
- 4) Construction Codes, Towers, and Interconnection Standards:
- i. Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
 - ii. 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. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
 - iii. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the maximum extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.
 - iv. A lighting plan must be submitted by the applicant. Such plans must describe all lighting that will be utilized for a proposed project. Such a plan shall include the planned number and location of lights, light color, and whether any lights will be flashing. As part of the lighting plan, applicants must submit the detailed plans to install an Aircraft Detection Lighting System (ADLS) that manages the proposed Wind Energy Facility's lighting to reduce illumination when unnecessary unless an applicant demonstrates that an applicable local, state, or federal entity prohibits use of an ADLS on a particular project. All Utility Grid wind energy systems must be equipped with an ADLS to minimize lighting unless prohibited by a governing entity.
 - v. Where Utility-Grid Wind Energy System construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected or other

remedial measures performed to properly drain the site to the satisfaction of the landowner if a private drain, or if a public drain, the Midland County Drain Commission and Greendale Township.

5) Safety:

- i. 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.
- ii. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.
- iii. A sign shall be posted near each tower and Operations and Maintenance Office building that will contain emergency contact information.
- iv. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- v. The minimum vertical blade tip clearance from grade shall be 75 feet for a wind energy system employing a horizontal axis rotor.

6) Visual Impact:

- i. 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 non-reflective matte finished color.
- ii. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.
- iii. 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.

7) Environmental Impact:

- i. 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.
- ii. 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.) 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.).

8) Avian and Wildlife Impact:

- i. 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.
- ii. 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.
- iii. 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 standards to prevent avian mortality.
- iv. The applicant should consider painting a single blade black to reduce avian and wildlife mortality and address this solution in their application.

9) Electromagnetic Interference:

- i. No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for 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.
- ii. 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.

10) Shadow Flicker:

- i. The applicant shall conduct an analysis on potential shadow flicker at inhabited structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.

- ii. Site plans shall depict a contour around each proposed wind turbine that represents the predicted shadow flicker.
 - iii. The analysis shall identify areas where shadow flicker may affect the occupants of the structures and include a shadow flicker mitigation plan, which describes measures that shall be taken to eliminate or mitigate shadow flicker that occurs.
 - iv. There shall be no shadow flicker on any participating property and inhabited structure or non-participating property and inhabited structure.
- 11) Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction and operation of the project.
- v. The process may use an independent mediator or arbitrator. The process shall not preclude the local government from acting on a complaint. All complaints shall be acknowledged within 10 business days of the receipt of the complaint.
 - vi. The applicant, owner, or operator shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
 - vii. A report of all complaints and resolution shall be filed with the Township Clerk on a quarterly basis.
- 12) As-Built Drawings. Within 12 months of project completion, the applicant shall submit as-built site plan drawings of the constructed Utility Grid Wind Energy System. The applicant should submit a hard copy of the drawing set and electronic file formats including Adobe PDF, GIS, and CAD files. The information in the drawings should include: location data (x,y coordinates) of site features, inclusive of turbines, access roads, junction boxes, underground collection lines, aboveground transmission lines, and borings underneath roads and drains.
- d) Abandonment and Decommissioning:
- 1) Abandonment:
- i. A Utility Grid Wind Energy System, or specific Wind Turbine as a part of the system, that has not been used for a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Wind Energy System provides substantial evidence (updated every 6 months after 12 months of no use) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. Owner will provide quarterly updates to the Township Board on the status of the Utility Grid Wind Energy System.
 - ii. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the Wind Energy System and restore the site to its condition prior to development within six months of notice by the Planning Commission or its designee.
 - iii. If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the Wind Energy System, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the

- wireless communication facility and restore the site to a nonhazardous predevelopment condition.
- 2) Decommissioning Plan. The applicant shall submit a decommissioning plan. The plan shall include:
 - i. the anticipated life of the project,
 - ii. the estimated decommissioning costs, which does not include salvage value.
 - iii. the method of ensuring that funds will be available for decommissioning and restoration.
 - iv. the anticipated manner in which the project will be decommissioned and the site restored.
 - v. A provision to notice the Township one year in advance of decommissioning.
 - vi. A clause which requires the applicant, owner, or operator to review the value of the decommissioning bond or surety on a 5-year basis for cost of inflation.
 - 3) At the time of decommissioning the applicant, owner, or operator is required to do the following:
 - i. The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system.
 - ii. Remove all towers and other components of the system.
 - iii. Remove all foundations and underground components to a depth of not less than six feet below ground level. Restore all conditions (including topsoil) to the pre-construction condition.
 - iv. Remove all roads and driveways not accepted for use by either the township or the property owner and restore to the pre-construction condition.
 - v. Restore the site to condition acceptable to the township and the property owner.
 - vi. Components damaged by weather or malfunction shall be removed or repaired within 90 days of the damage. The Planning Commission may authorize extensions of this period but such extensions shall not extend beyond one year from the date of the damage.
 - 4) Performance Bond. At the time of project approval, the applicant shall post a performance bond to insure the decommissioning of the Utility Grid Wind Energy System and restoration of the property.
 - i. The applicant shall post a performance bond, the amount to be determined by the Township Board and legal counsel, to be sufficient to cover the decommissioning of the system.
 - ii. The performance bond shall be in the form of either a cash bond held in trust by the Township or a mutually agreed upon agent, or a bond issued by a bonding agent approved for use by the State of Michigan.
 - iii. The performance bond shall be in favor of the Township and shall be used in the event the decommissioning plan needs to be enforced with respect to the removal of the system or individual components and restoration of the site.
 - iv. The performance bond shall remain in effect until the system and all components are removed and the site restored.

- v. Salvage Value shall not be considered in the in the estimated cost of removal and amount of guarantee provided to the Township.

Section 16.35 Solar Energy Facilities, Large

The solar energy regulations and standards described in this section pertain to the creation of large-scale ground-mounted solar photovoltaic installations that primarily sell electricity to be used off site. The regulations set forth below apply to the construction, operation, and/or repair of large-scale ground-mounted Solar Energy Facilities. Solar Energy Facilities (SEF) shall only be allowed as a special land use in the AG, IND and R-1 Districts pursuant to Chapter 16 as to Special Land Use approvals and the requirements outlined below.

- a. Procedure. The Planning Commission review of a Special Land Use Permit application for a Solar Energy Facility (SEF) is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Chapter 16. The second step, which may occur at a separate meeting, is the site plan review process by the Planning Commission as described in Chapter 15. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Solar Energy Facilities, inverters, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), and any operations/maintenance building(s).
- b. Fee. An applicant shall remit an application fee, in the form of an escrow deposit, in the amount specified by Township fee schedule. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required, then such costs shall be paid from the escrow deposit.
- c. Applicant Identification.
 - 1. Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, and any additional contact information as necessary.
 - 2. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Greendale Township.
 - 3. The applicant, operator, and/or owner is required to place an identification placard on site of the SEF with their company name, address, a contact name, and a contact phone number for the life of the project.
- d. Project Description. A general description of the proposed project including:
 - 1. A legal description(s) and parcel identification number(s) of the property or properties on which the project would be located.
 - 2. Location and height of all proposed above-ground structures and utilities associated with the Solar Energy Facility, including horizontal and vertical scaled drawings with dimensions that show the location of the proposed Solar Energy Facility.
 - 3. A description of the proposed technology to include type of solar panel and system, fixed mounted compared to solar tracking, number of panels, and angles of orientation.
 - 4. An anticipated construction schedule.

- e. Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Energy Facility for the life of the project. The policy shall provide a minimum of \$1,000,000 property and personal liability coverage per event. The applicant is required to send updated policy documents to the Township Board on an annual basis.
- f. Certification. Certifications that applicant has complied or will comply with all applicable county, state, and federal laws, regulations, and ordinances, including compliance with the following:
 - 1. Farmland and Open Space Preservation Program (Part 361 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 as amended, more commonly known as PA 116), and with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) 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.), and Part 303 Wetlands (MCL 324.30301 et seq.).
 - 2. The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction or operation of the solar energy facility. The applicant/owner will be required to enter into a road use agreement and drain agreement with the County Road Commission and Drain Commission for post-construction repairs, if required by these agencies.
 - 3. Copies of all such permits and approvals that have been obtained or applied for at the time of the application.
- g. Manufacturers' Material Safety Data Sheet(s). Documentation shall include the type and quantity of all materials used in the operation of all equipment.
- h. Visual Simulations. Photo exhibits visualizing the proposed solar energy facility, with emphasis on visualizing the location of any required fences, landscaping, access roads, and setbacks from adjacent property.
- i. Maintenance Plan. Applicant shall submit a maintenance plan that describes the following:
 - 1. Explains routine maintenance to solar panels and facility.
 - 2. Demonstrates the solar energy facility will be designed, constructed, and operated to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust.
 - 3. States the manner how unpaved access roads will be treated and maintained, either with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust.
 - 4. Provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during construction and throughout the solar energy facilities' useful life.
- j. Emergency Services.
 - 1. The solar energy facility owner or operator shall provide a copy of the project summary, electrical schematic, and as-built site plan to the local fire chief. The

owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked.

2. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- k. Decommissioning. Copy of the decommissioning plans and a description of how any surety bond is applied to the decommissioning process.
- l. Conflict Resolution. Description of the complaint resolution process.
- m. PA 116. Sites bound by PA 116 agreements must follow MDARD's policy for allowing utility-scale solar panel development.

Additional Site Plan Requirements. The applicant shall submit a site plan in full compliance with Chapter 15 of this zoning ordinance for each Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy Facility site plan are as follows:

- a. The project area boundaries.
- b. The location, height, and dimensions of all proposed structures and fencing.
- c. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state-maintained road.
- d. Existing topography.
- e. Water bodies, waterways, wetlands, drainage channels, and drain easements.
- f. A site grading, erosion control and storm water drainage plan. The plans will be reviewed by the Township's engineering firm at the applicant's cost.
- g. Proposed setbacks to all existing structures adjacent to the Solar Energy Facility.
- h. All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.
- i. Identification and site plan of a construction/set-up/laydown area.
- j. All comments from the Midland County Drain Commissioner's office pertaining to the proposed solar energy facility shall be submitted to the Planning Commission.

Standards And Requirements. Solar Energy Facilities shall meet the following standards and requirements:

- a. Location Of Solar Energy Facilities
 1. Unless otherwise specified herein, all Solar Energy Facilities must comply with the requirements established in the Greendale Township Zoning Ordinance.
 2. All solar energy facilities must be located on parcel(s) with a minimum lot size of 20 acres.
 3. All fences and improved areas located on the site shall set back : 50 feet
 4. Any structures or other improved areas located within the fenced/improved area shall be located at least 20 feet from the fence line/improved area. This requirement may be reduced or eliminated at the request of the applicant and the discretion of the planning commission.
 5. Project design and layout will ensure any structures or other improved areas located within the fenced/improved area shall be located a minimum of 100 feet

from any residential structure, church, school, family or group child day-care home, and bed and breakfast establishments.

6. Solar panels and associated racking are limited in height to 20 feet when oriented at maximum tilt. This requirement may be reduced or eliminated at the request of the applicant and the discretion of the planning commission. All other structures shall comply with the height requirements of the applicable zoning district.
 7. A Solar Energy Facility is exempt from maximum lot coverage requirements. As a part of the application, the applicant should include a maximum lot coverage calculation for reference. The growth of native vegetation beneath the solar panels is encouraged in order to limit the impacts of stormwater runoff.
- b. Design And Installation Standards
1. All proposed facilities will comply with all applicable local, state, and federal standards and requirements, including electrical and building codes.
 2. Any other relevant studies, reports, certificates, and approval as may be reasonably required by Planning Commission.
 3. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
 4. No portion of the Solar Energy Facility shall contain or be used to display advertising. The manufacturers' name and equipment information or dedication of ownership shall be allowed on any equipment of the solar energy system.
 5. The applicant must obtain a driveway permit from the Midland County Road Commission or MDOT, as applicable.
 6. The applicant must obtain any drain permits from the Midland County Drain Commission or EGLE, as applicable.
 7. Lighting shall be consistent with local, state, and federal law, and shall be limited to that required for safety and operational purposes. Lighting shall be reasonably shielded from abutting properties.
 8. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.
 9. If a Solar Energy Facility ownership changes, the new owner/operator must meet with the Greendale Township Planning Commission to review the conditions of the Special Use Permit within sixty (60) days of the change in ownership.
- c. Noise. No solar energy facility shall emit noise exceeding 45 dBA, as measured at the exterior property boundary or the existing ROW line. Additional noise over the existing ambient level shall be heard at the property lines of the project. The applicant will provide a sound study with isolines showing compliance with this requirement.
- d. Light And Glare
1. All solar energy systems shall be placed such that solar glare does not project onto nearby inhabited structures or roadways and be considered a nuisance.
 2. Solar facilities should be sited and designed properly to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, or other highly

sensitive viewing locations, or to reduce them to the lowest achievable levels. The applicant will provide a glint and glare study which accurately assesses and quantifies potential glint and glare effects and to determine the potential health, safety, and visual impacts associated with proposed project

3. The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with airline pilot vision and/or traffic control operations.
4. If the design of the project produces light or glare on neighboring homes or businesses, the owner shall mitigate that glare by planting trees or providing awnings, as determined by the homeowner or business owners preference.

e. Landscaping/Screening

1. The design of landscape buffers for Solar Energy Facilities shall use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment and are all native species.
2. Applicant shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting.
3. Land clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance, of the solar energy facility pursuant to practices of best management of natural areas or good stewardship of the land or forest otherwise prescribed by applicable laws, regulations and bylaws.
4. Each owner or operator of a solar energy facility to which this Ordinance applies shall utilize good plant husbandry techniques with respect to vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Low level vegetation, cover plants, or grasses shall be maintained by the facility operator not to exceed 12 inches in height.
5. All solar energy facilities shall have a minimum landscape buffer of 10 feet in width. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 5' tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. The Planning Commission may also allow a 10 foot high berm or solid fencing as a landscape buffer. These landscaping requirements may be reduced or eliminated at the request of the applicant and the discretion of the planning commission. Such request may occur when the adjacent use is agricultural or industrial and there is insufficient reason to buffer the solar energy facility as a more intensive or intrusive land use.
6. Applicant must provide a detailed maintenance plan for the proposed solar energy system, and surrounding area, including provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction.

f. Security

1. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator
2. Solar energy facilities shall be surrounded by a six-foot tall chain link fence that shall be designed to restrict unauthorized access. The Planning Commission may modify this requirement if deemed appropriate.
3. Planned security measures to prevent unauthorized trespass and access during construction, operation, removal, maintenance or repair of the Solar Energy Facility.

Abandonment And Decommissioning.

- a. Abandonment: A Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and completely restore the Parcel to its condition prior to development of the Solar Energy Facility. Owner will provide quarterly updates to the Township Board on the status of the Solar Energy Facility.
 1. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the Solar Energy Facility and restore the site to its condition prior to development of the Solar Energy Facility within six months of notice by the Planning Commission or its designee.
 2. If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy Facility and restore the site to a nonhazardous predevelopment condition.
- b. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the zoning permit, which shall include:
 1. The anticipated life of the project;
 2. The estimated decommissioning costs in current dollars (salvage costs cannot be considered in the estimated decommissioning costs). The estimate shall be prepared by the engineer for the developer and shall be approved by the Township.
 3. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
 4. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations, and

5. Complete restoration of property to condition prior to development of the Solar Energy Facility;
- c. The anticipated manner in which the project will be decommissioned and the site restored.
 1. Decommissioning shall include the removal of each PV Panel, all electrical components, and associated facilities within the footprint of the solar energy facility to a depth of 48 inches below grade. However, the landowner may submit a request allowing the concrete foundations to be left for other uses, subject to the Zoning Administrator.
 2. Following removal, the location of any remaining foundation shall be identified on a map and recorded with the deed to the property with the Midland County Register of Deeds.
 3. All access roads to the Solar Energy Facility shall be removed, cleared, and graded by the facility owner, unless the property owner requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road and such remaining roads will not be considered public roads.
 4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner of the Solar Energy Facility or its assigns. If the site is not to be used for agricultural purposes following removal, the site shall be seeded to prevent soil erosion, and restored to its condition existing prior to any construction activities, unless the property owner requests, in writing, that the land surface areas not be restored.
 - d. A provision to give notice to the Township one year in advance of decommissioning.
 - e. A surety bond to assure payment of the cost of decommissioning shall be required. To ensure proper removal of the structure when it ceases to be used for a period of one year or more, any application for a new solar energy facility shall include a description of the financial security guaranteeing removal of the solar energy facility which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and shall include a provision for inflationary cost adjustments every 5 years.
 - f. A condition of the Surety Bond shall be notification by the surety company to the Township Zoning Administrator thirty (30) days prior to its expiration or termination. When determining the amount of such required security, the Township shall also require future meetings every 5 years, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value.
 - g. Decommissioning shall be complete, and the ground shall be restored to its previous condition, or to the landowners specifications, within one year from the date of abandonment; which may be extended by one additional year by the Building Official.

Complaint Resolution.

- a. The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within 10 days of receipt of such complaint and the Township supervisor shall also be notified of each complaint. 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.
- b. During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
- c. A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

Article XVII. Zoning Board of Appeals

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 17.01 Membership

The Township Board of Trustees shall appoint a Zoning Board of Appeals consisting of three (3) regular members and two (2) alternate members.

- a) **Regular Members.** The Greendale Township Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be the Township Board Representative on the Greendale Township Planning Commission, 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. 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.
- b) **Alternate Members.** 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 one or more consecutive meetings of the Zoning Board of Appeals. 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.
- c) **Compensation.** A per diem or reimbursement for expenses actually incurred 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.

Zoning Board of Appeals members may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to so disqualify himself or herself from a vote in which the member has a conflict in interest constitutes malfeasance in office.

Section 17.02 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 Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

Section 17.03 Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Board of Appeals may determine. All meetings shall be open to the public. The Chairman may administer oaths and compel the attendance of witnesses. 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. 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. The minutes shall be a public record on file with the Township Clerk.

Section 17.04 Duties

The function of the Zoning Board of Appeals is to hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance or The Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, . It may further grant variances from the strict letter of this Ordinance where there is practical difficulty in conforming with this Ordinance so that the spirit of this Ordinance shall still be observed, public safety secured, and substantial justice done.

Section 17.05 Variance Requests and Procedures

A variance from the terms of this Ordinance may be requested by any property owner, or by an officer, department, board, or bureau of the township.

Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permitted in said district under the terms of this Ordinance.

- a) **Filing procedures.** A written application for a variance shall be submitted to the Zoning Administrator, accompanied by a fee, in accordance with the schedule of fees as established by the Township Board of Trustees, to defray costs of processing the application. The application shall demonstrate the following:
 - 1) That special conditions and circumstances exist which are peculiar to the land, building, or structure involved and which are not applicable to other lands, buildings, or structures in the same district.
 - 2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same district.

- b) **Procedures of the Zoning Board of Appeals.** The Zoning Administrator shall forward the variance request application, along with copies of all pertinent information, to the Zoning Board of Appeals. Said Board shall then initiate hearing procedures and shall provide due notice thereof in accordance with The Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended,.

The Zoning Board of Appeals shall be the authority to determine that the requirements of this Ordinance have been met by the applicant for variance. Said Board shall further determine:

- 1) That the reasons set forth in the application for a variance justify the granting of the variance and that said variance is the minimum variance that will make possible the use of land, building, or structure.
 - 2) That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- c) In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of said conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable as herein provided in this Ordinance.

Section 17.06 Voiding of and Reapplication of Variance

The following provisions shall apply:

- a) Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1) The construction authorized by such variance is commenced within ninety (90) days after granting of said variance, and
 - 2) Construction is pursued diligently to completion.
- b) No application for a variance which has been denied wholly, or in part, by the Zoning Board of Appeals shall be resubmitted for a period of three hundred sixty five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by said Board to be valid.

Section 17.07 Appeal Requests and Procedures.

An appeal may be made by any property owner, or by an officer, department, board, or bureau of the township. An appeal may be made against any order, requirement, decision, grant, or refusal made by the Zoning Administrator or Planning Commission.

- a) **Filing Procedure.** In filing an appeal the procedure shall be as follows:
 - 1) The application for an appeal shall be filed with the Township Clerk within thirty (30) days of the action being appealed, and shall state the grounds for the appeal.
 - 2) Except where the applicant is a public agency, a fee, as set by the Township Board of Trustees, to defray costs of publishing, hearings and recording the matter shall accompany the filing of the application.

- 3) A copy of the appeal application shall be served upon the Zoning Administrator or Planning Commission and shall also be submitted to the Zoning Board of Appeals.
- 4) Upon notification of appeal application, the Zoning Administrator shall immediately forward copies of all papers and information pertinent to the matter to the Zoning Board of Appeals.
- b) The Zoning Board of Appeals shall then institute hearing procedures and provide adequate notice thereof in accordance with The Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended,.
- c) In cases where additional information, site inspections, or other activities may be necessary to make a proper decision, the Zoning Board of Appeals shall have the power to adjourn a hearing to a later date. Announcement of such later date at the original hearing shall be deemed proper notification.
- d) 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 Building Inspector 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 17.08 Decisions

- a) The Zoning Board of Appeals shall make its decision upon an appeal or variance request within forty-five (45) days after filing of a request or appeal unless a further time is agreed upon by the parties concerned. .
- b) The decision shall include the reason(s) for the decision.
- c) A copy of the decision shall be filed with the Township Clerk, with the Zoning Administrator and with each involved party.
- d) A decision on an appeal shall be final unless any person having an interest affected by any such Ordinance shall exercise his right to appeal to the Circuit Court on questions of fact and law.

Section 17.09 Bond

The Township Board of Trustees shall have the authority to require such assurance, surety or performance bond in the form, manner and amount as in its discretion may be required to compel compliance with and performance of all conditions incident to appeals and requests granted by the Zoning Board of Appeals; provided, however, that such requirement shall not be for amounts greater than the reasonable cost of performing or complying with the conditions attached to such decision approval.

Section 17.10 Revocation

If a granted variance remains unused for one year or if the designated property is sold before the variance is used, the variance is null and void.

Section 17.11 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.

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.

Article XVIII. Open Space Preservation

Section 18.01 Open Space Preservation:

In order to comply with the Michigan Zoning Enabling Act, P.A. 110 of 2006 notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws and rules, on not more than fifty (50%) percent of the land, if all of the following apply:

- (a) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwellings units per acre.
- (b) Not less than fifty (50%) percent of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land.
- (c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
- (d) The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

Section 18.02 Land Development Ordinances:

The development of land under this section is subject to all other applicable ordinances, laws and rules, including but not limited to:

- (a) The provisions of the Zoning Ordinance that are not in conflict with and preempted by the Michigan Zoning Enabling Act, P.A. 110 of 2006.
- (b) The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.
- (c) Any ordinance regulating the division of land, the platting of land into subdivisions or the creation of a site condominium.
- (d) Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- (e) Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

As used in this section, the term "undeveloped state" means a natural state preserving natural resources, natural features or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway or linear park.

Article XIX. Administration, Enforcement, Violations and Penalties, and Amendment

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

Section 19.01 Duties of the Zoning Administrator or Designee

The Township of Greendale shall appoint a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The term of appointment, rate of compensation, and any other consideration of appointment shall be established by the Township Board of Trustees.

- a) **Issuance Of Permit.** A zoning permit may be issued by the Zoning Administrator only after submission of an application and site plan, subsequent site plan review and, if required by this Ordinance, special use approval. An application and Site Plan, filled out in triplicate, shall be submitted to the Zoning Administrator. Each application shall be accompanied by a fee, in accordance with the schedule of fees as established by the Township Board of Trustees, to defray costs of processing the application. One copy of said application and plan shall be returned to the applicant together with permit upon approval by the Zoning Administrator and one copy shall be filed with the Township Clerk together with the fee for said permit. The Township Clerk forwards approved copy to the Township Assessor and the fee is forwarded to the Township Treasurer. The remaining copy is for the Zoning Administrator's use and file. Such permit shall be valid for twelve (24) months from date of issue, but may be renewed subject to the terms of the Ordinance then in effect.
 - 1) No building, structure or part thereof shall be erected, moved to, re-constructed or enlarged nor shall any use be commenced, changed or expanded without first applying for and obtaining a zoning permit from the Zoning Administrator. However, an accessory building or portable structure of having a roof area of less than 200 square feet shall not require a zoning permit as long as the placement of said building or structure conforms with the setbacks and height requirement of the district in which it is located.
 - 2) A zoning permit shall be non-transferable, and shall expire two years from the date of issuance. To keep the permit valid, work must commence within the first 180 days and reasonable progress shall be made until work is completed.
 - 3) Where sewage disposal is a requirement, the sewage disposal system shall be approved by the Midland County Health Department prior to issuing a zoning permit.
 - 4) Prior to construction, the lot and the location of proposed buildings or structures shall be staked out on the ground and inspected by the Zoning Administrator.
 - 5) A person, firm or corporation undertaking and commencing erection of a structure for which a Zoning Permit is required or a use without first obtaining the proper permit shall have violated this Ordinance. However, in lieu of commencing prosecution pursuant for the violation, the Zoning Administrator shall have the option to issue a zoning permit, and fees for this permit shall be doubled to defray costs involved.

- b) **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.
- c) **Inspections.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- d) **Record Non-Conforming Uses.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.
- e) **Record Special Uses.** The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance
- f) **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 the interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- g) **Public Information.** The Clerk, Supervisor, or 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.
- h) **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 Building Inspector 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.
- i) **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.
- j) **Provide A Written Report** to the Planning Commission each month.

Section 19.02 Duties of the Planning Commission

- a) **Membership.** The Planning Commission shall be composed of five (5) members, comprised of
 - 1) One member of the Township Board selected by the Township Supervisor as an ex officio member, and
 - 2) 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.
- b) **Terms Of Office.** The term of service for each member shall be three (3) years. Rotation of membership is encouraged, with exception of the ex-officio member whose term expires with Township Board term..
- c) **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.
- d) **Function:** The duties of the Planning Commission shall be as outlined in Public Act 110 of 2006, as amended, commonly known as the Michigan Zoning Enabling Act and PA 33 of 2008, et seq. commonly known as the Michigan Planning Enabling Act.

- e) **Meetings.** The Planning Commission shall meet monthly 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.
- f) **Per Diem Or Expenses.** Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Township Board 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.
- g) **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 Board, hearing and publication shall be according to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- h) **Zoning Ordinance.** The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare of the Greendale Township citizens.
- i) **Administration And Enforcement.** The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
 - 1) **Site Plan Approval.** The Planning Commission shall review Site Plans and issue its approval, conditional approval, or denial.
 - 2) **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 an application and shall also take any necessary action to revoke a Special Use Permit.
 - 3) **Rezoning Or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone the 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.

Section 19.03 Duties of the Township Board

On recommendation of the Planning Commission, the Township Board shall decide to adopt or amend the text or zoning districts of the Zoning Ordinance, making it the enforceable policy of Township government. 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 and may also act to waive any fee.

Section 19.04 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.

- 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 provided by the Township 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.

Section 19.05 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 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 500 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 or the request is for a zoning board of appeals interpretation or appeal regarding a decision to a specific parcel, the planning commission or zoning board of appeals shall give a notice of the proposed rezoning in the same manner as above.

- e) If 11 or more adjacent properties are proposed for rezoning, the planning 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 19.06 Fees

A fee, as set by the Township Board of Trustees and subject to annual review, to defray costs of review, administration, and inspections, shall be paid prior to the issuance of any application. The Township Board of Trustees shall establish fees for the following.

- a) Zoning Permits
- b) Site Plan Review
- c) Special Use Permits
- d) Re-Zoning Requests/Amendments
- e) Variance Requests.
- f) Appeals

Additional fees for special public hearings or meetings of the Planning Commission that are requested by applicants for re-zoning or special use requests shall be charged to defray costs of the required notices and membership per diem for the public hearings or meetings. All fees shall be credited to the Building Inspection Fund of Greendale Township.

Section 19.07 Enforcement

For the purpose of this Ordinance, the Zoning Administrator may enter at all reasonable times in or upon any private or public property for the purpose of inspecting or investigating the conditions and practices which may be a violation of this Ordinance. A written notice shall be sent to any person, firm or corporation who is deemed to be in violation.

Section 19.08 Violations and Penalties

Any person, firm or corporation who violates any provision of this Ordinance or any part thereof is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00), plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall cost less than \$9.00 or more than \$500.00 be ordered. Each day during which a violation continues shall be deemed a separate violation. In addition, all violations of this Ordinance or any part thereof are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.