Tittabawassee Township

Zoning Ordinance

Tittabawassee Township

Saginaw County

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Table of Contents

Article 1 ■ TITLE AND PURPOSE 1-1
SECTION 1.1 SHORT TITLE 1-1
SECTION 1.2 PURPOSE 1-1
SECTION 1.3 INTENT 1-1
SECTION 1.4 PRIOR REGULATIONS AND REQUIREMENTS 1-1
SECTION 1.5 AUTHORITY 1-1

Article 2 ■ DEFINITIONS 2-1
SECTION 2.1 GENERAL 2-1
SECTION 2.2 SPECIFIC TERMS 2-1

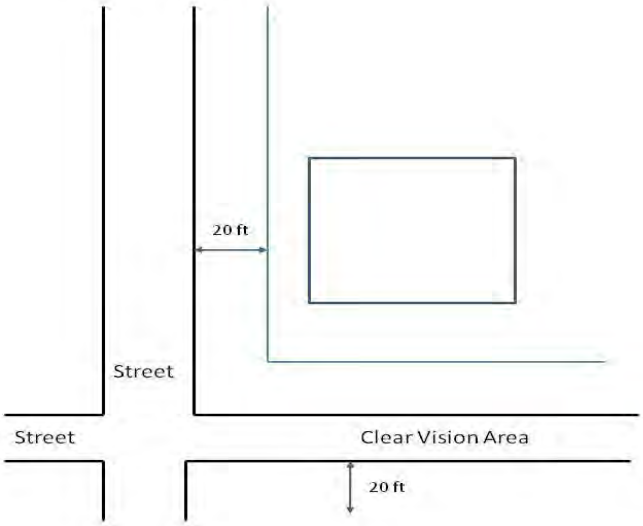


Figure 1 Clear Vision Diagram 2-11

Article 3 ■ DISTRICT REGULATIONS 3-1
SECTION 3.1 ZONING DISTRICTS 3-1
SECTION 3.2 OFFICIAL ZONING MAP 3-1
SECTION 3.3 LoT DIVIDED BY ZONE LINE 3-2
Table 1 District Purposes 3-2
Table 2 Consolidated Uses 3-5
Table 3 Agricultural District Uses 3-8
Table 4 Rural Residential District Uses 3-10
Table 5 Low Density Residential District Uses 3-12
Table 6 Village Residential District Uses 3-13
Table 7 Medium Density Residential District 3-14
Table 8 High Density Residential District Uses 3-15
Table 9 Manufactured Housing District Uses 3-16
Table 10 Village Center District Uses 3-20
Table 11 NEIGHBORHOOD BUSINESS DISTRICT USES 3-23
Table 12 General Business District Uses 3-23
Table 13 Regional Business District Uses 3-24

Table 14 Light Industrial District Uses 3-25
Table 15 Heavy Industrial District Uses....3-25
Table 16 Greenbelt Conservation/Floodplain District Uses....3-27
SECTION 3.4 AREA, HEIGHT AND DISTANCE REQUIREMENTS 3-29
Table 17 Dimensions for all Districts 3-29
SECTION 3.5 ADDITIONAL DIMENSIONAL REGULATIONS IN THE R-1A, R-1V, R-1, R-2 AND R-3 DISTRICTS....3-33
SECTION 3.6 ADDITIONAL DIMENSIONAL REGULATIONS IN THE R-4 DISTRICT...3-33
SECTION 3.7 ADDITIONAL DIMENSIONAL REGULATIONS IN THE I-1 AND I-2 DISTRICTS 3-34

Article 4 ■ GENERAL PROVISIONS....4-1
SECTION 4.1 GENERAL PROVISIONS FOR ALL RESIDENTIAL DISTRICTS....4-1
Figure 3 Accessory Buildings/Structures 4-3
Figure 4 Front Yard Setback 4-3
SECTION 4.2 GENERAL PROVISIONS FOR ALL COMMERCIAL DISTRICTS....4-4
SECTION 4.3 GENERAL PROVISIONS FOR ALL INDUSTRIAL DISTRICTS....4-4
SECTION 4.4 USE REGULATIONS 4-5
SECTION 4.5 GENERAL DEVELOPMENT REGULATIONS....4-8
SECTION 4.6 STRUCTURE REGULATIONS....4-9
Table 18 Maximum Permitted Sound Pressure Levels: Octave Band....4-16
Table 20 Maximum Permitted Steady State Vibrations....4-17
Table 21 Maximum Permitted Impact Vibration in Inches....4-17
SECTION 4.7 PARCEL REGULATIONS 4-18
Table 22 Buffer Area Distance 4-19
SECTION 4.8 DANGEROUS AND ABANDONED BUILDINGS 4-24
SECTION 4.9 AGRICULTURAL TOURISM 4-26

Article 5 ■NONCONFORMING USES AND BUILDINGS....5-1
SECTION 5.1 INTENT....5-1
SECTION 5.2 HISTORIC PROPERTIES 5-1
SECTION 5.3 LEGALITY OF NONCONFORMITIES 5-1
SECTION 5.4 LOSS OF LEGAL NONCONFORMING STATUS....5-1
SECTION 5.5 EXPANSION OF NONCONFORMITY PROHIBITED 5-2
SECTION 5.6 RECONSTRUCTION AND RESTORATION 5-2
SECTION 5.7 REPAIR....5-2
SECTION 5.8 CHANGING USES 5-2
SECTION 5.9 PLANS ALREADY FILED....5-3
SECTION 5.10 DISTRICT CHANGES....5-3
SECTION 5.11 REGULATION OF NONCONFORMITIES....5-3
SECTION 5.12 NONCONFORMING LOTS 5-3
SECTION 5.13 INVENTORY OF NONCONFORMITIES 5-3
SECTION 5.14 ELIMINATION OF NONCONFORMING USES BY ACQUISITION....5-4
Table 23 Regulation of nonconformities 5-5

Article 6 ■PARKING AND ACCESS 6-1
SECTION 6.1 INTENT....6-1
SECTION 6.2 CONSTRUCTION AND DESIGN 6-1
Table 24 Required Number of Accessible Parking Spaces....6-2
SECTION 6.3 RESIDENTIAL DISTRICTS....6-4

SECTION 6.4 COMMERCIAL DISTRICTS 6-5
Table 25 Off-Street Waiting Area for Drive-Through Facilities 6-5
SECTION 6.5 INDUSTRIAL DISTRICTS 6-7
SECTION 6.6 NUMBER OF PARKING SPACES REQUIRED 6-8
Table 26 Required Parking Spaces per Single Specified Use 6-9

Article 7 ■TRO TITTABAWASSEE ROAD OVERLAY DISTRICT 7-1
SECTION 7.1 INTENT AND PURPOSE 7-1
SECTION 7.2 APPLICABILITY 7-1
SECTION 7.3 DESCRIPTION OF ACCESS CONTROL OVERLAY ZONE 7-1
SECTION 7.4 PERFORMANCE STANDARDS 7-2
Table 27 Road Design: Sight Distance 7-2
SECTION 7.5 PERMIT APPLICATION 7-3
SECTION 7.6 PERMIT REVIEW PROCESS 7-3
SECTION 7.7 DRIVEWAY SPACING 7-5
Table 28 Driveway Spacing 7-5
SECTION 7.8 NUMBER OF DRIVEWAYS PER PARCEL 7-6
SECTION 7.9 DESIGN CRITERIA 7-6
Figure 5 Standard Two-Way Driveway - Permitted by Right 7-7
Table 29 Two-Way Drive: Standards for Design 7-7
Figure 6 Right Turn Lane and Tapers (Entering Tapers) 7-8
Figure 7 Right Turn Lane and Tapers (Existing Tapers) 7-8
Table 30 Right-Turn Lane and Tapers: Standard for Design 7-8
Figure 8 Standard Profile Design 7-9
SECTION 7.10 CORNER CLEARANCE 7-10
SECTION 7.11 CONSISTENCY WITH COMPREHENSIVE PLAN 7-10
SECTION 7.12 TEMPORARY DRIVEWAY PERMITS 7-11
SECTION 7.13 NONCONFORMING DRIVEWAYS 7-11
SECTION 7.14 VARIANCES FOR DRIVEWAY DESIGNS 7-12
SECTION 7.15 SAMPLE DRIVEWAY DESIGN ALLOWED BY VARIANCE 7-12
Table 31 Design Standards: Dual Serivce Drive 7-13
Figure 9 Continuous Right Lane 7-13
Figure 10 Sample Coordinated Access Parking System 7-13

Article 8 ■SIGN REGULATIONS 8-1
SECTION 8.1 SCOPE 8-1
SECTION 8.2 PERMIT PROCEDURE 8-1
SECTION 8.3 EXEMPTIONS 8-3
SECTION 8.4 MEASUREMENT OF A SIGN 8-4
SECTION 8.5 TABLE OF SIGNS PERMITTED 8-5
SECTION 8.6 BONUS PROVISIONS 8-7
SECTION 8.7 PROHIBITED SIGNS 8-7
SECTION 8.8 ILLUMINATION 8-8
SECTION 8.9 NONCONFORMING SIGNS 8-8
SECTION 8.10 CONSTRUCTION AND MAINTENANCE 8-8
SECTION 8.11 ABANDONED SIGNS. 8-10

Article 9 ■SPECIAL LAND USES 9-1
SECTION 9.1 INTENT AND PURPOSE 9-1
SECTION 9.2 GENERAL PROVISIONS 9-1

SECTION 9.3 PERMITTED SPECIAL LAND USE PROVISIONS....9-4
SECTION 9.4 ADULT BUSINESS. 9-4
SECTION 9.5 AGRICULTURE AND FORESTRY ACTIVITIES/GREENHOUSES/SOD FARMING 9-4
SECTION 9.6 AGRICULTURE BULK COLLECTION, STORAGE, DISTRIBUTION....9-5
SECTION 9.7 AUTOMOBILE SERVICE AND REPAIR/QUICK OIL CHANGE....9-5
SECTION 9.8 BED AND BREAKFAST 9-6
SECTION 9.9 CAMPGROUND/RV PARKS 9-7
SECTION 9.10 CAR WASH....9-7
SECTION 9.11 CEMETERIES....9-7
SECTION 9.12 EARTH REMOVAL, QUARRYING, GRAVEL PROCESSING 9-7
SECTION 9.13 FIREWORKS STORAGE. 9-12
SECTION 9.14 GOLF COURSES/COUNTRY CLUBS – PITCH AND PUTT, 9 HOLES, 18 HOLES 9-13
SECTION 9.15 GOLF DRIVING RANGE, MINIATURE GOLF 9-13
SECTION 9.16 HUNTING AND GAME PRESERVES, ARCHERY/PISTOL RANGES....9-14
SECTION 9.17 INDUSTRIAL PARK 9-17
SECTION 9.18 INSTITUTIONS: RELIGIOUS, EDUCATIONAL, SOCIAL, HUMAN CARE; STATE LICENSED RESIDENTIAL FACILITIES FOR 7-20 PEOPLE; GROUP HOUSING DEVELOPMENTS/CHILDCARE ORGANIZATIONS 9-18
SECTION 9.19 KENNELS, VETERINARY HOSPITALS 9-18
SECTION 9.20 LIVESTOCK FEEDLOTS/AUCTION YARDS 9-18
SECTION 9.21 MANUFACTURED HOME SALES – See OUTDOOR sales....9-19
SECTION 9.22 MINISTORAGE 9-19
SECTION 9.23 MULTIPLE FAMILY DWELLINGS 9-19
SECTION 9.24 OUTDOOR SALES 9-21
SECTION 9.25 OUTDOOR WOOD FIRED HEATERS 9-21
SECTION 9.26 PLANNED UNIT DEVELOPMENT 9-24
SECTION 9.27 PUBLIC UTILITY/SERVICE INSTALLATION 9-29
SECTION 9.28 RESTAURANTS/FAST FOOD WITH DRIVE THROUGH, DRIVE-IN USES9-30
SECTION 9.29 RIDING STABLES, COMMERCIAL....9-30
SECTION 9.30 SALVAGE YARDS/RESOURCE RECOVERY FACILITIES, SEWAGE TREATMENT AND DISPOSAL....9-30
SECTION 9.31 SITE CONDOMINIUM DEVELOPMENT 9-32
SECTION 9.32 SUBSTANCE ABUSE REHABILITATIONS CENTER, REHABILITATION INSTITUTIONS 9-34
SECTION 9.33 WIND ENERGY POWER SYSTEMS 9-35
SECTION 9.34 WIRELESS COMMUNICATION....9-42
SECTION 9.35 SOLAR FARM.....9-49
SECTION 9.36 BATTERY ENERGY STORAGE SYSTEM.....9-4958

Article 10 ■PERMIT AND AMENDMENT PROCEDURES 10-1
SECTION 10.1 PURPOSE 10-1
SECTION 10.2 PROJECT APPLICATIONS....10-1
SECTION 10.3 DISTRICT CHANGES AND SECTION AMENDMENTS....10-2
SECTION 10.4 PUBLIC NUISANCE, PER SE....10-3
SECTION 10.5 RIGHTS AND REMEDIES ARE CUMULATIVE....10-3

Article 11 ■SITE PLAN REVIEW AND APPEARANCE CODE 11-1

SECTION 11.1 PURPOSE 11-1
SECTION 11.2 SCOPE 11-1
SECTION 11.3 APPLICATION PROCEDURE 11-2
SECTION 11.4 ACTION ON APPLICATION AND PLANS 11-3
SECTION 11.5 CRITERIA FOR REVIEW 11-4
SECTION 11.6 CONFORMITY TO APPROVED SITE PLAN 11-5
SECTION 11.7 AMENDMENT TO SITE PLAN 11-6
SECTION 11.8 PERFORMANCE BOND 11-6

Article 12 ■**ZONING BOARD OF APPEALS 12-1**
SECTION 12.1 ESTABLISHMENT 12-1
SECTION 12.2 MEMBERSHIP 12-1
SECTION 12.3 TERMS OF OFFICE 12-1
SECTION 12.4 BOARD OF APPEALS PROCEDURES 12-2
SECTION 12.5 APPEALS, METHOD FOR TAKING 12-2
SECTION 12.6 DECISIONS 12-3
SECTION 12.7 DUTIES 12-3
SECTION 12.8 LIMITATIONS 12-5

Article 13 ■MISCELLANEOUS PROVISIONS 13-1
SECTION 13.1 SAVINGS CLAUSE 13-1
SECTION 13.2 VALIDITY AND SEVERABILITY 13-1
SECTION 13.3 EFFECTIVE DATE 13-1
SECTION 13.4 ADMINISTRATIVE OFFICIALS 13-1
SECTION 13.5 OCCUPANCY 13-1
SECTION 13.6 VIOLATIONS AND PENALTY 13-1
SECTION 13.7 PEOPLE INVOLVED IN THE ZONING PROCESS. 13-2
SECTION 13.8 ADMINISTRATIVE PROCESSES. 13-4
SECTION 13.9 ENFORCEMENT. 13-6
SECTION 13.10 AMENDMENT. 13-7
SECTION 13.11 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS. 13-9
Table 32 Review Processes 13-11

Article 1 ■ TITLE AND PURPOSE

SECTION 1.1 SHORT TITLE

This ordinance shall be known as the "Tittabawassee Township Zoning Ordinance."

SECTION 1.2 PURPOSE

The provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Among other purposes, such provisions are intended to provide for adequate light, air, and convenience of access to secure safety from fire and other dangers, to avoid undue concentration of population by regulating and limiting the height and bulk of buildings, limiting and determining the size of yards, courts, and other open spaces, regulating the density of population and regulating and restricting the location of uses and buildings.

SECTION 1.3 INTENT

This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage, or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.

SECTION 1.4 PRIOR REGULATIONS AND REQUIREMENTS

The adoption of this Ordinance does not nullify or make void any previous judgments and agreements between the Township and a property owner or agent under any zoning ordinance in effect before the adoption of this Ordinance nor does it nullify the requirements and standards that were applied in any particular instance under a zoning ordinance in effect before the adoption of this Ordinance.

SECTION 1.5 AUTHORITY

Tittabawassee Township, Saginaw, Michigan, pursuant to the authority vested in it by Act 110 of Public Acts of the State of Michigan for 2006, as amended, hereby amends the “Tittabawassee Township Zoning Ordinance” to read as follows:

Article 2 ■ *DEFINITIONS*

SECTION 2.1 GENERAL

When not inconsistent with the context, words in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure" or vice versa. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.2 SPECIFIC TERMS

For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **ABANDONMENT** The cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

2. **ABOVE GROUND LEVEL (AGL)** A measurement of height from the natural grade of a site to the highest point of a structure.

3. **ABUTTING** Having property or district line in common e.g., two lots are abutting if they have property lines in common.

4. **ACCELERATED SOIL EROSION** The increased removal of the land surface that occurs as a result of human activities.

5. **ACCESS** A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway.

6. **ACCESSORY BUILDING or ACCESSORY STRUCTURE** Any unattached subordinate building or structure, such as a private garage which is incidental to that of the main building, located on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use. When an ACCESSORY BUILDING or ACCESSORY STRUCTURE is attached to a main building by a wall or roof, the building shall be considered part of a main building for the purpose of determining the required dimensions of a yard. The term ACCESSORY STRUCTURE is specifically intended to include private satellite antenna receivers.

7. **ACCESSORY USE** Any use customarily incidental and subordinate to the main use of the premises but does not include residential occupation.

8. **ACRE** A measure of land area containing 43,560 square feet.

9. **ACTIVITY** See “USE”

10. **ADDITION** A structure added to the original structure at some time after the completion of the original.

11. **ADJOINING LOT OR LAND** A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

12. **ADULT BOOK STORE** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, pictures, video, or films depicting, describing, or relating to "specified sexual activities," or which are characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas." In determining whether certain materials constitute a substantial or significant portion of the total stock in trade of an establishment, the following may be considered, together with all other relevant factors:

    a. if the materials in question are located or displayed on the main traffic aisles or in close proximity to the public entrances or exits of the establishment, it shall indicate that the materials are a significant or substantial portion of the stock in trade.

    b. if the general stock in trade of the establishment is available for observation and inspection by, and/or sale to, the general public while the material in question is available for inspection and observation by and for sale to only a limited segment of the public, and the materials are less than fifteen (15%) percent of the total stock available in the retail area open to the public, then it shall indicate that the adult material is an insignificant portion of the material in the business.

    c. if the material in question or its subject matter or the general subject emphasis of its product line is advertised to the general public by signs, posts or any other means (including, but not limited to, the name of the establishment), which are either visible from the exterior of the establishment or published for public consumption in the press or electronic media or billboards or hand fliers or any other means whatsoever, then it shall be presumed that the material in question constitutes a significant portion of the total stock in trade.

13. **ADULT BUSINESS** All uses listed in the definition section of the Adult Entertainment Licensing Ordinance of the Township of Tittabawassee (Ord. No. 1-84).

14. **ADULT LIVE ENTERTAINMENT ESTABLISHMENT** An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

15. **ADULT THEATER** An indoor or outdoor theater used for presenting by film, tape, or other means, material depicting, describing, or relating to "specified sexual activities" or which is characterized by its emphasis on matter depicting, describing, or relating to "specified anatomical areas" for observation by patrons therein.

16. **AFFILIATED RESIDENCE** – Any residential unit owned by or leased to an owner or immediate family member of an owner of the establishment.

17. **AGRICULTURE** The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry, as a source of significant income. See Generally Accepted Agricultural Management Practices (GAAMPs) and their corresponding guidelines on file in the Township office and at Michigan GAAMPS

18. **AGRICULTURAL BULK STATION** A commercial facility used for storage and shipping of agricultural products.

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

20. **AGRICULTURAL TOURISM** – (aka Agra-Tourism, Ag-tourism) - means the practice of visiting an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, farm animal show or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

21. **AGRICULTURAL TOURISM BUSINESS** – An agricultural operation that provides on-site agricultural tourism services to the general public for no less than 90 days in the current calendar year or 90 days in the previous calendar year.

22. **AGRICULTURAL TOURISM BUSINESS WITH GENERAL USES** – An Agricultural Tourism Business that performs any of the activities listed in section 4 of this ordinance as General Agricultural Tourism activities, but does not perform any of the activities listed in section 4 of this ordinance as Intense Agricultural Tourism activities.

23. **AGRICULTURAL TOURISM BUSINESS WITH INTENSE USES** - An Agricultural Tourism Business that performs any of the activities listed in section 4 of this ordinance as General Agricultural Tourism activities, complies with the definition of a “Farm Market” as defined in the GAAMP for Farm Markets and performs one or more of the activities listed in section 4 of this ordinance as Intense Agricultural Tourism activities.

24. **AIRPORT** A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

25. **AIR RIGHT** The rights to the space above a property, for development.

26. **AISLE** The traveled way by which cars enter and depart parking places.

27. **ALLEY** A public way which affords only secondary access to abutting property, and not a STREET as defined below.

28. **ALTERATION OF BUILDING** A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.

29. **AMENITY** A natural or artificial feature which enhances or makes more attractive or satisfying a particular property.

30. **ANIMAL, DOMESTIC:** Any animal normally and customarily kept by a domestic household for pleasure and companionship. Examples of domestic animals include domestic breeds of dogs, cats and animals confined to cages throughout their lifetime. A domestic animal excludes exotic, farm and service animals as defined by this ordinance.

31. **ANIMAL, EXOTIC:** Any of the following class or classes of animals; all marsupials (such as kangaroos and opossums); all non-human primates (such as gorillas and monkeys); all feline, except the domestic cat; all canine, except the domestic dog; all viverrine (such as mongooses and civets); all musteline (such as minks, weasels, otters and badgers but excluding a domesticated ferret); all ursine (bears); all ungulate artiodactyla and perissodactyla, except goats, sheep, pigs and cattle (such as deer, camels, ippopotamuses and elephants); all hyaena all pinniped (such as seals and walruses); all

venomous snakes and all snakes of the families Boidae and Pythonidae; all venomous lizards; all ratite birds (such as ostriches); all diurnal and nocturnal raptorial birds (such as eagles, hawks and wls); all edentates (such as anteaters, sloths and armadillos); all bats; all crocodilian (such as alligators and crocodiles); and all venomous arachnids and spiders (such as tarantulas, scorpions and mites); all turtles in the families Chelydridae, Dermochelyidae, and heloniidae; wild or non-domesticated animals, whether or not raised or kept in captivity, and includes, but is not limited to, wolf, bobcat or mountain lion, fox, cougar, skunk, and all birds, the keeping of which is prohibited in the Migratory Birds Convention Act, 1994, c.22, and regulations thereto, and all animals, the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997, c.41, and regulations.

32. **ANIMAL, FARM:** Any animal customarily found in farming operations such as but not limited to all breeds of horses, cows, goats, pheasants, chickens, ducks, geese, sheep, swine (as per City ordinance #1519, Chapter 3) or any other type of poultry or fowl. A farm animal shall also include all animals classified as livestock by the State of Michigan. A farm animal shall not include fish.

33. **ANIMAL, SERVICE:** Animals that assist persons with disabilities and are considered to be auxiliary aids. Examples include guide dogs for the vision impaired, hearing dogs for the hearing impaired and emotional assistance animals for persons with chronic mental illness.

34. **ANIMAL HOSPITAL:** See KENNEL.

35. **ANTENNA** The surface from which wireless radio signals are sent and received by a personal wireless facility.

36. **APARTMENT** A room or suite of rooms in a multi-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit, without ownership.

37. **APARTMENT COMPLEX** A building or group of buildings developed or managed as a single unit, containing four (4) or more apartments.

38. **APARTMENT HOUSE** A building housing two (2) or three (3) apartmentst.

39. **APIARY** A place in which bees are kept for production of honey.

40. **APPEALS** The process, as prescribed in this Ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

41. **APPLICANT** A person or entity submitting an application for review and action by the Township or any of its departments or commissions.

42. **APPROVED PLAN** A plan which has been granted final approval by the appropriate approving authority.

43. **APPROVING AUTHORITY** The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of plans and applications.

44. **AREA** See LOT AREA.

45. AREA OF SIGN See Article 14.4.

46. ASSEMBLY ACTIVITY The assembly of finished goods such as autos, trailers, vans, furniture, etc. excluding raw material, manufacturing, stamping, or processing.

47. ASSEMBLY STRUCTURE A building used for the primary purpose of group gatherings of fifty (50) people or more for any purpose.

48. ATTACHED Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

49. ATTACHED GARAGE An outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

50. ATTIC That part of a building which is immediately above the ceiling beams of the top story and wholly or partly within the roof framing.

51. AUTOMATIC CAR WASH A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

52. AUTOMOBILE A self-propelled, free moving vehicle, with three or more wheels, primarily for conveyance on a street or roadway.

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

54. AUTOMOBILE OR VEHICLE SALES AREA An area used for the display, sales and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or mobile homes all in operable condition.

55. AUTOMOBILE SALVAGE The dismantling or disassembling of used motor vehicles or trailers; the storage, sale, or dumping of dismantled or partially dismantled, or wrecked vehicles or their parts.

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

57. AUTOMOBILE STORAGE, DAMAGED Any storage of inoperable vehicles not incidental to a service garage.

58. AUTOMOBILE WASHING ESTABLISHMENT A building or portion thereof, where motor vehicles are washed as a commercial enterprise, or where facilities are available for the self-service cleaning of motor vehicles.

59. BANK A financial institution.

60. **BANQUET FACILITY** – A privately owned structure, dedicated portion of a structure, pavilion or outdoor area made available for episodic gatherings of people for celebrations, meetings or other events, in exchange for payment or other remuneration.

61. **BAR** See TAVERN

62. **BASEMENT** See Tittabawassee Township adopted building code.

63. **BATTERY ENERGY STORAGE SYSTEM** One or more devices, assembled, capable of storing energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery, an electric motor vehicle, or small store-bought batteries designed and used purely for household electronic items.

64. **BATTERY ENERGY STORAGE SYSTEM, ON-SITE** A Battery Energy Storage System that is an accessory use that is intended to primarily serve the needs of the consumer on-site.

65. **BATTERY ENERGY STORAGE SYSTEM, SMALL OFF-SITE** A Battery Energy Storage System that is a principal use (or co-located with a second principal use) and that is designed and built to connect into the distribution or transmission grid with a nameplate capacity less than 50 megawatts.

66. **BATTERY ENERGY STORAGE SYSTEM, LARGE OFF-SITE** A Battery Energy Storage System (BESS) that is a principal use (or co-located with a second principal use) and that is designed and built to connect to the transmission grid with a nameplate capacity of 50 megawatts or more.

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

68. **BERM, OBSCURING** An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.

69. **BILLBOARD OR SIGNBOARD** Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.

70. **BOARD OF APPEALS** The Zoning Board of Appeals of the Township of Tittabawassee

71. **BODY SHOP –** See AUTOMOBILE REPAIR

72. **BOTTOM LAND** The land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water. (PA 451 of 1994 Natural Resources and Environmental Protection Act)

73. **BREEZEWAY** Any covered passageway between two buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

74. BUFFER Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

75. BUILDABLE AREA The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

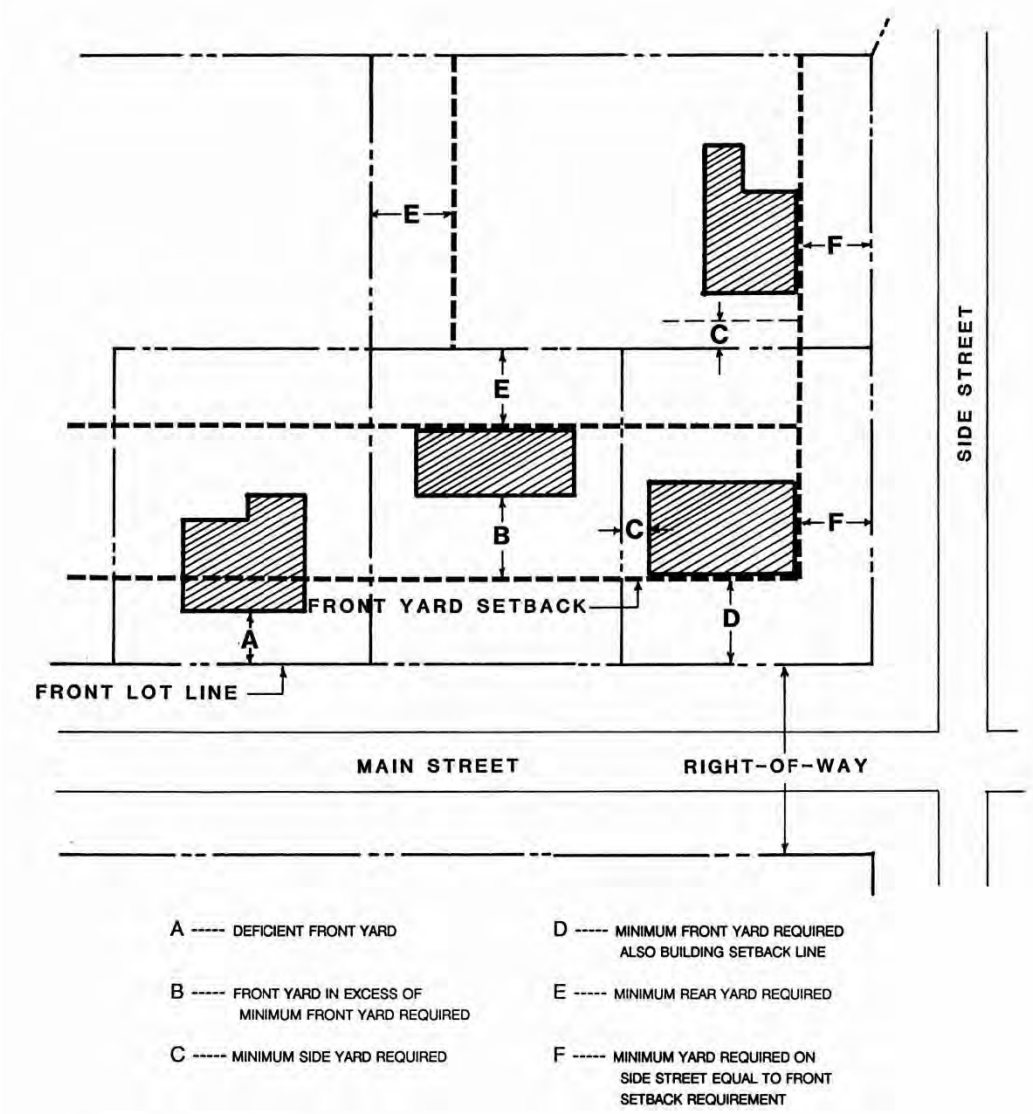
76. BUILDING A structure erected on-site, a mobile home or mobile structure, a premanufactured or precut structure, which is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind.

77. BUILDING CONTRACTOR SHOP A facility where building and construction contractors store construction equipment and/or building materials.

78. BUILDING COVERAGE The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

79. BUILDING HEIGHT See HEIGHT OF BUILDING

80. BUILDING LINE A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.



Building Line

81. BUILDING OFFICIAL Township Staff appointed by the Township Manager and licensed pursuant to the State of Michigan's regulation to enforce and administer the Township's adopted building code.

82. BUILDING PERMIT A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk , density and with the requirements of all other development codes and ordinances currently in effect in the Township of Tittabawassee.

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

84. BUSINESS CENTER A business center is more than one (1) business on the same parcel.

85. BUSINESS OR COMMERCE Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

86. BUSINESS SERVICES Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

87. CALIPER The diameter of a tree trunk measured two feet above grade.

88. CAMOUFLAGED A building or use that is disguised or hidden.

89. CANOPY A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

90. CARRIER A company that provides wireless service.

91. CARRY-OUT RESTAURANT See DRIVE-IN RESTAURANT/FAST FOOD

92. CELLULAR TOWER See WIRELESS COMMUNICATION FACILITY

93. CENTRAL BUSINESS DISTRICT OR "CBD" The identifiable main shopping area within a community usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, residences, and transportation facilities.

94. CEMETERY Any publicly or privately owned place for the interment of human remains.

95. CERTIFICATE OF OCCUPANCY A document issued by the proper authority (Building Official and Zoning Administrator) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

96. CERTIFICATION OF COMPLETION A signed written statement by the Building Official that specific construction has been inspected and found to comply with all grading and building plans and specifications.

97. CHANGE OF USE Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

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

a. "child care center" or "day care center" means a facility, other than a private residence, receiving ***one or more*** preschool or school age children for group

care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. "Child care center" or "day care center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

b. "foster family home" is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

c. "foster family group home" means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

d. "family day care home" means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

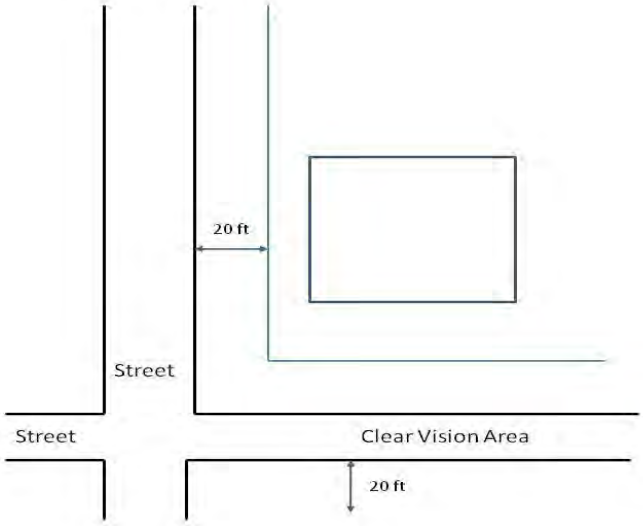
e. "group day care home" means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

99. CHURCHES/SYNAGOGUES/MOSQUES See INSTITUTIONS, RELIGIOUS

100. CIRCULATION PATTERN Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or shipment points.

101. CLEAR VISION An area thirty (30) feet along each street at its intersection with another street, drive or alley where no visual obstruction of sight may exist.

FIGURE 1 CLEAR VISION DIAGRAM



102. CLINIC, DENTAL OR MEDICAL A building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying out their profession. The clinic may include a medical or dental laboratory.

103. CLUB/LODGE A nonprofit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors.

104. CLUSTER A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

105. COIN/TOKEN-OPERATED AMUSEMENT CENTER Establishments engaged in providing amusement or entertainment through the provision of coin/token-operated amusement devices, incorporating either electromechanical devices such as pinball machines or electronic video display operations.

106. COLLOCATION The use of a single mount on the ground by more than one carrier (vertical collocation) and/or several mounts on an existing building or structure by more than one carrier.

107. COMMERCIAL A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than fourteen (14) days during any twelve (12) month period.

108. COMMERCIAL RECREATION Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.

109. COMMERCIAL SCHOOL A school or facility offering training to perform any of the uses in the district in which a Commercial School is permitted either by right or by

special use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

110. COMMISSION The Planning Commission of the Township of Tittabawassee.

111. COMMUNITY CENTER A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

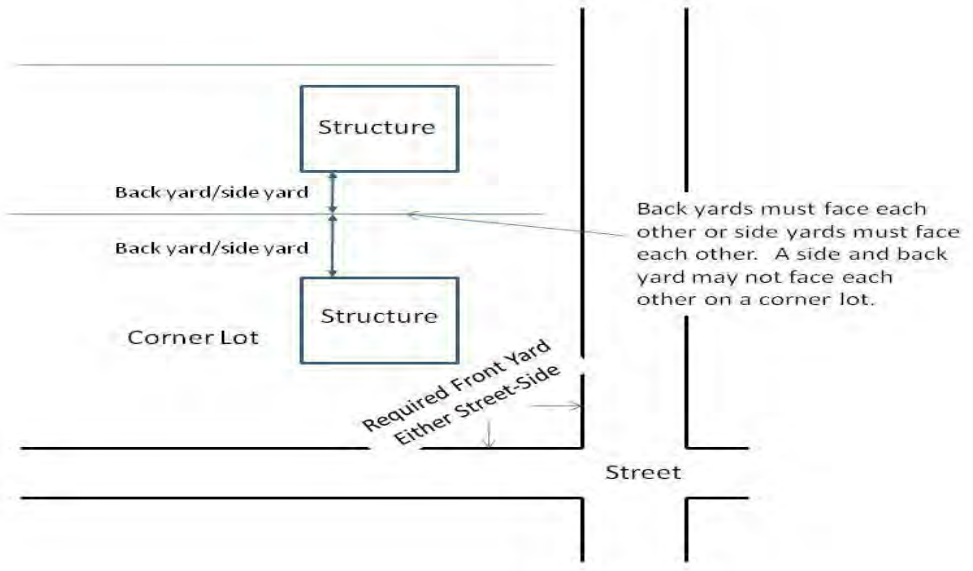
112. CONDOMINIUM The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure located as a permitted use within a zoning classification and requirements of this Ordinance.

113. CONTIGUOUS Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

114. CONVALESCENT OR NURSING HOME See INSTITUTIONS FOR HUMAN CARE

115. CORNER LOT Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides is less than one hundred and thirty-five (135˚) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees. See also **LOT**, defined below.

Figure 1 Corner Lot Diagram



116. COVERAGE See LOT COVERAGE

117. CROSS-POLARIZED A low mount dual polarized antenna that has three panels flush mounted or attached very close to the shaft.

118. **DAMAGED AUTOMOBILE STORAGE** Any storage of inoperable vehicles not incidental to a vehicle repair shop or service garage.

119. **DECK** A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

120. **DENSITY** The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

121. **DENSITY, HIGH RESIDENTIAL** Twelve (12) or more dwelling units per acre.

122. **DENSITY, LOW RESIDENTIAL** Less than three (3) dwelling units per acre.

123. **DENSITY, MEDIUM RESIDENTIAL** Three to eleven (3-11) dwelling units per acre.

124. **DEVELOPMENT** The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

125. **DISH SATELLITE SIGNAL-RECEIVING ANTENNAS** Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

a. a signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extra-terrestrial sources.

b. a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

c. a coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

126. **DISTRICT** A portion of Tittabawassee in which certain building and activities are permitted and in which certain regulations, in accordance with the Ordinance, are applicable.

127. **DRIVE-IN** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carry-out.

128. **DRIVE-IN BANK** A bank which by design, physical facilities or service encourages customers to receive services while remaining in their motor vehicles.

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

a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;

b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

130. DUMPSTER A container capable of holding a volume of material greater than one (1) cubic yard and used for the purpose of collecting garbage, solid or liquid waste, or refuse of any type.

131. DWELLINGS Any building or portion thereof usable exclusively for residential purposes. A dwelling is classified as one of the following

a. SINGLE-FAMILY DWELLING A building containing not more than one dwelling unit designed for residential use.

b. TWO-FAMILY DWELLING (Duplex). A building containing no more than two separate dwelling units designed for residential use

c. "MULTIPLE-FAMILY DWELLING. A building containing three or more dwelling units designed for residential use

d. GROUP DWELLINGS (Congregate Living). A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

132. DWELLING UNIT A building or portion thereof providing complete housekeeping facilities for one family.

133. EASEMENT Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property.

134. EAVE The projecting lower edges of a roof overhanging the wall of a building.

135. EDUCATIONAL INSTITUTION. See INSTITUTION – EDUCATIONAL

136. EGRESS (EXIT) An exit from a building or site.

137. ELDERLY HOUSING See SENIOR HOUSING

138. ELEVATION The measurement of height above sea level.

139. EMISSION A discharge into the air.

140. ENGINEERED HOME. See MANUFACTURED HOME

141. ENVIRONMENTAL ASSESSMENT (EA) An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in a certain designated area.

142. ENVIRONMENTALLY SENSITIVE AREA An area with one or more of the following characteristics.

a. slopes in excess of twenty (20%) percent

b. floodplain

c. soils classified as having a high water table

d. soils classified as highly erodible, subject to erosion, or highly acidic

e. land incapable of meeting percolation requirements

f. land formerly used for landfill operations or hazardous industrial uses

g. fault areas

h. stream corridors

i. estuaries

j. mature stands of native vegetation

k. aquifer recharge and discharge areas

143. EQUIPMENT RENTAL/SALES A business that provides construction, household and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.

144. EQUIPMENT SHELTER An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

145. ERECTED As used in this Ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving and filling of earth.

146. EROSION The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

147. ESSENTIAL SERVICES 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, distribution or collection systems; communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than the buildings as are primarily enclosures or shelters of the mentioned equipment. Private wireless communication facilities are not considered Essential Services.

148. ESTABLISHMENT An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

149. **EXCAVATION** The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

150. **FABRICATION** Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials such as metal, ores or rubber.

151. **FALL ZONE** The area on the ground within a prescribed radius from the base of a personal wireless facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

152. **FAMILY** A person living alone, or two or more persons related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house.

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

154. **FARM BUILDINGS** Any detached accessory building or portion of a main building used for the storage or housing of farm implements, produce, or animals.

155. **FARM STAND** A booth or stall located on a farm, from which produce and farm products are sold to the general public.

156. **FAST FOOD RESTAURANT** See DRIVE-IN RESTAURANT/FAST FOOD

157. **FENCE** A permanent or temporary partition or structure erected as a divider, barrier, or enclosure between two or more properties.

158. **FILLING** The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

159. **FILLING STATION** See AUTOMOBILE SERVICE STATION

160. **FINAL APPROVAL** The last official action of the Planning Commission or Zoning Board of Appeals taken on a site plan which has been given preliminary approval or after all conditions and requirements have been met or the required improvements having been installed or guarantees properly posted for their installation or approval conditioned upon the posting thereof. In the case of a rezoning request or an amendment to the Zoning Ordinance, the Tittabawassee Township Board has the final approval.

161. **FIRE STATION** Public building devoted to the storage and housing of fire equipment and personnel.

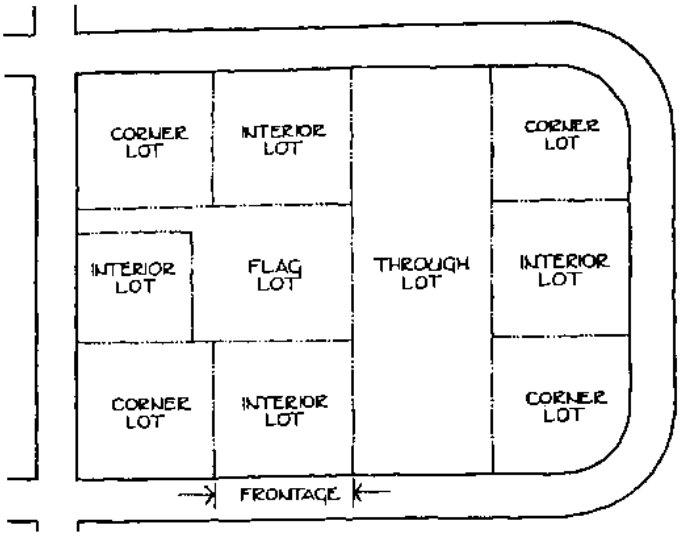
162. **FIREWORKS** Fireworks means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks includes Class B fireworks and Class C fireworks.

a. CLASS B FIREWORKS. These are toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as class C fireworks, exhibition display pieces, airplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two (2) ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than seventy-two (72) grains of flash powder each and other similar devices.

b. CLASS C FIREWORKS. These are toy smoke devices, toy caps containing not more than twenty-five (.25) grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, Very signal cartridges, sparklers, explosive auto alarms, and other similar devices.

c. Should the definitions of these items change per the Michigan Penal Code, 1931 PA 328, as amended, the Tittabawassee Zoning Ordinance definitions will change with the state law and must be interpreted as those contained in the state law.

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



164. FLEA MARKET See OUTDOOR TEMPORARY USE.

165. FLOODPLAIN The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater. Determination of a floodplain is made by the Federal Emergency Management Agency for those areas to be covered by flood insurance and consists of:

a. contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.

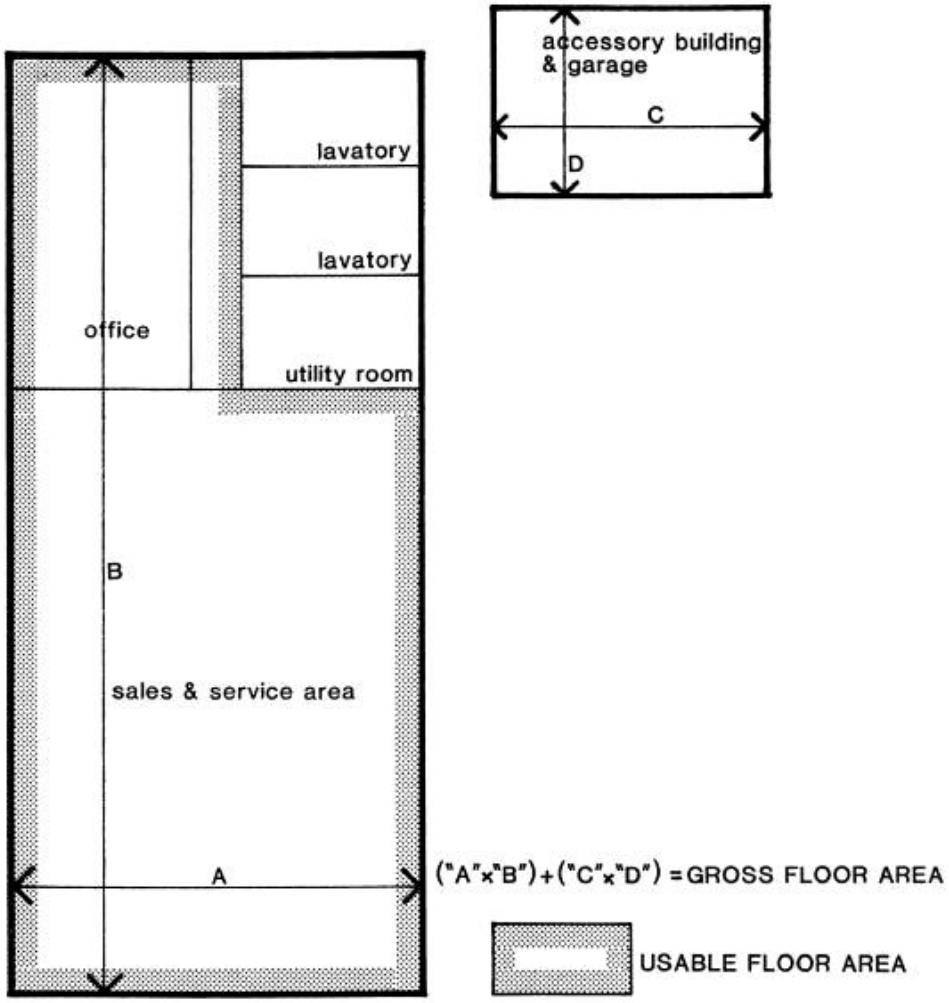
b. principal estuary courses of wetland areas that are part of the river flow system.

c. contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

166. FLOOR AREA, USEABLE That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise

which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.

167. FLOOR AREA The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.



Floor Area Terminology

168. FRATERNAL ORGANIZATION A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals and formal written membership requirements.

169. FUNCTIONAL EQUIVALENT SERVICES Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

170. **FUNERAL HOME** A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

171. **GARAGES** Includes the following:

a. PRIVATE GARAGE. A detached accessory building or portion of a main building used for the storage of four or less passenger vehicles including not more than one truck of a rated capacity of one and one-half (1-1/2) ton or less, without provision for repair or servicing such vehicles for profit.

b. SERVICE GARAGE. Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

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

173. **GASOLINE SERVICE STATION** See AUTOMOBILE SERVICE STATION

174. **GLARE** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

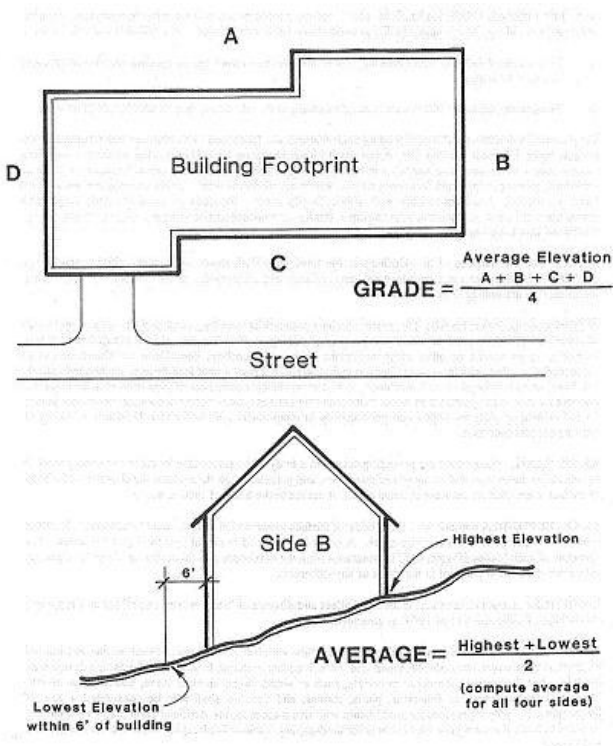
175. **GOLF COURSE** A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

a. Pitch and Putt Course: A facility providing a private or public golf recreation area designed for executive play rules along with accessory golf support facilities but excluding miniature golf.

b. 9 Hole course: A facility of 9 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.

c. 18 hole course: A facility of 18 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.

176. **GRADE** For purposes of this Ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



Grade

177. GRADING Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

178. GRADING PERMIT The written authority issued by Saginaw County permitting the grading, excavation or filling of land including drainage and soil erosion control in conformity with the Erosion Control section of this Ordinance and PA 451 of 1994, Natural Resources and Environmental Protection Act.

179. GREEN AREA Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

180. GREENBELT See BUFFER

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

182. GROUND COVER Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other overgrown, unkempt vegetation.

183. GROUNDWATER The supply of freshwater under the surface in an aquifer or soil, that forms the natural reservoir for potable water.

184. GROUNDWATER RUNOFF Groundwater that is discharged into a stream channel as spring or seepage water.

185. **GUEST HOUSE** Separate structure or dwelling, on a residential parcel, used for sleeping and/or eating purposes of elderly, nonpaying family members.

186. **GUYED TOWER** A monopole or lattice tower that is tied to the ground or other surface by cables.

187. **HAZARDOUS MATERIALS** Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

188. **HEALTH CARE (SERVICES) FACILITIES** See INSTITUTIONS, HUMAN CARE

189. **HEIGHT OF BUILDING** The vertical distance, measured from the adjacent grade to the average height of the roof. Building height shall be measured from the average grade adjacent to the building.

190. **HIGHWAY** A public thoroughfare or street, excluding alleys, but including federal, state and county roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

~~***191.***~~ **HOME OCCUPATIONS** Any business carried on by one or more members of a family residing on the premises. See Chapter 4 , General Regulations.

192. **HORTICULTURE** The cultivation of a garden or orchard. Horticulture specifically excludes operation of a landscaping business.

193. **HOSPICE** A facility for the care of the terminally ill.

194. **HOSPITAL** See INSTITUTIONS FOR HUMAN CARE

195. **HOTEL** See MOTEL

196. **IMPERVIOUS SURFACE** Any material that reduces and prevents the absorption of storm water into previously undeveloped land.

197. **INFRASTRUCTURE** Facilities and services needed to sustain industry, residential and commercial activities.

198. **INGRESS** Access or entry.

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

200. **INSTITUTION, HUMAN CARE** A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include homes for the mentally disadvantaged, physical impaired or substance abuse rehabilitation facilities and the like. (To be reviewed 6/03)

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

202. **INSTITUTION, SOCIAL** Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs,

scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, parks and playground.

203. INTERSECTION The point where two or more roads cross at grade.

204. JUNK MOTOR VEHICLE An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or Township laws or ordinances.

205. JUNK/SALVAGE YARD A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. A junk or salvage yard shall not include uses conducted entirely within a completely-enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment; and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

206. KENNEL or ANIMAL HOSPITAL Any building or land used for the sale, boarding, treatment, or breeding of more than two (2) dogs or three (3) or other household pets as a business.

207. LABORATORY

a. medical or dental - a laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.

b. experimental - a building or part of a building devoted to the testing and analysis of any product or animal.

208. LAND Ground, soil, or earth, including structures on, above, or below the surface.

209. LANDSCAPE CONTRACTOR Landscaping includes businesses principally engaged in lawn mowing and yard maintenance. It also includes decorative and functional alteration, planting and maintenance of such grounds. Such a business may engage in the installations and construction of underground improvements but only to the extent that such improvements (e.g. drainage/irrigation facilities) are accessible and on the same parcel as the principal use. Landscape contractor also includes businesses that apply fertilizers, pesticides and other treatments for plants, trees and grass. This definition also includes tree services and commercial plant maintenance services.

210. LAND USE A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

211. LAND USE PLAN A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential,

commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

212. LATTICE TOWER A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

213. LAUNDROMAT An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

214. LEAST DEPTH OR WIDTH OF A YARD The shortest horizontal distance from each of the lot lines to the building thereon.

215. LEGISLATIVE BODY The Township Board of the Township of Tittabawassee.

216. LIBRARIES Institutions for the storage and circulation of books, compact discs, video tapes and other media or materials for use by the general public.

217. LICENSED CARRIER A company authorized by the FCC to construct and operate a commercial mobile radio services system.

218. LOADING/UNLOADING SPACE An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

219. LOT A parcel or portion of land, exclusive of any adjoining street, separated from other parcels or portions by description, as on a subdivision of record or survey map. Two abutting parcels under common ownership, separated by a section line but not a public roadway, may be considered a single lot.

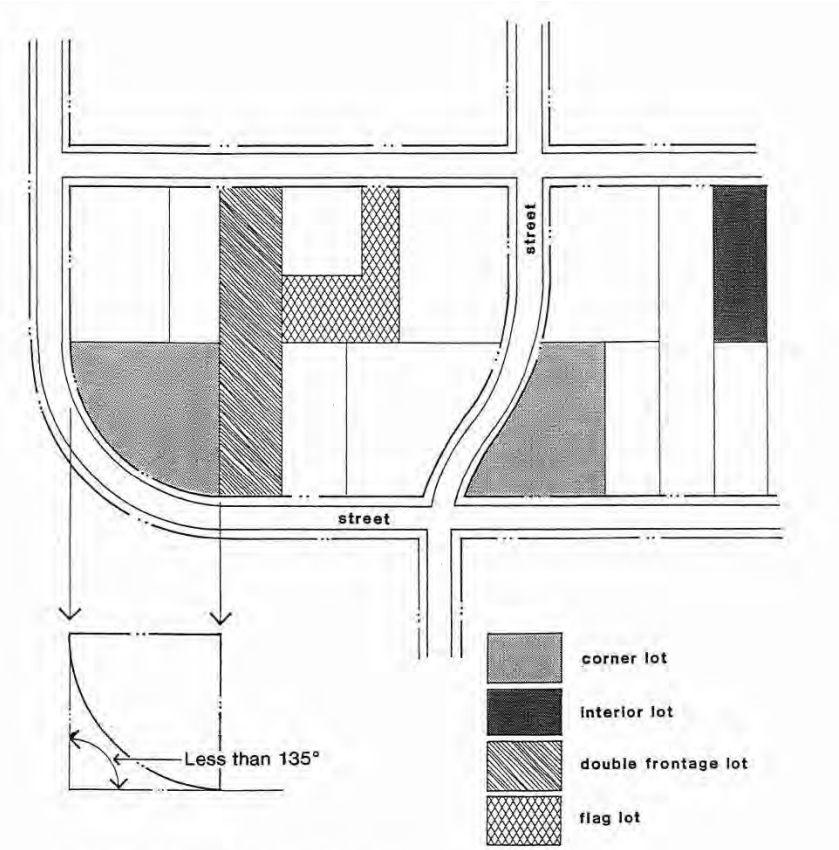
220. LOT AREA The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

221. LOT, CORNER See CORNER LOT

222. LOT COVERAGE The part or percent of the lot occupied by buildings including accessory buildings.

223. LOT DEPTH The mean horizontal distance from the front street line to the rear lot line.

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



Interior & Corner Lots

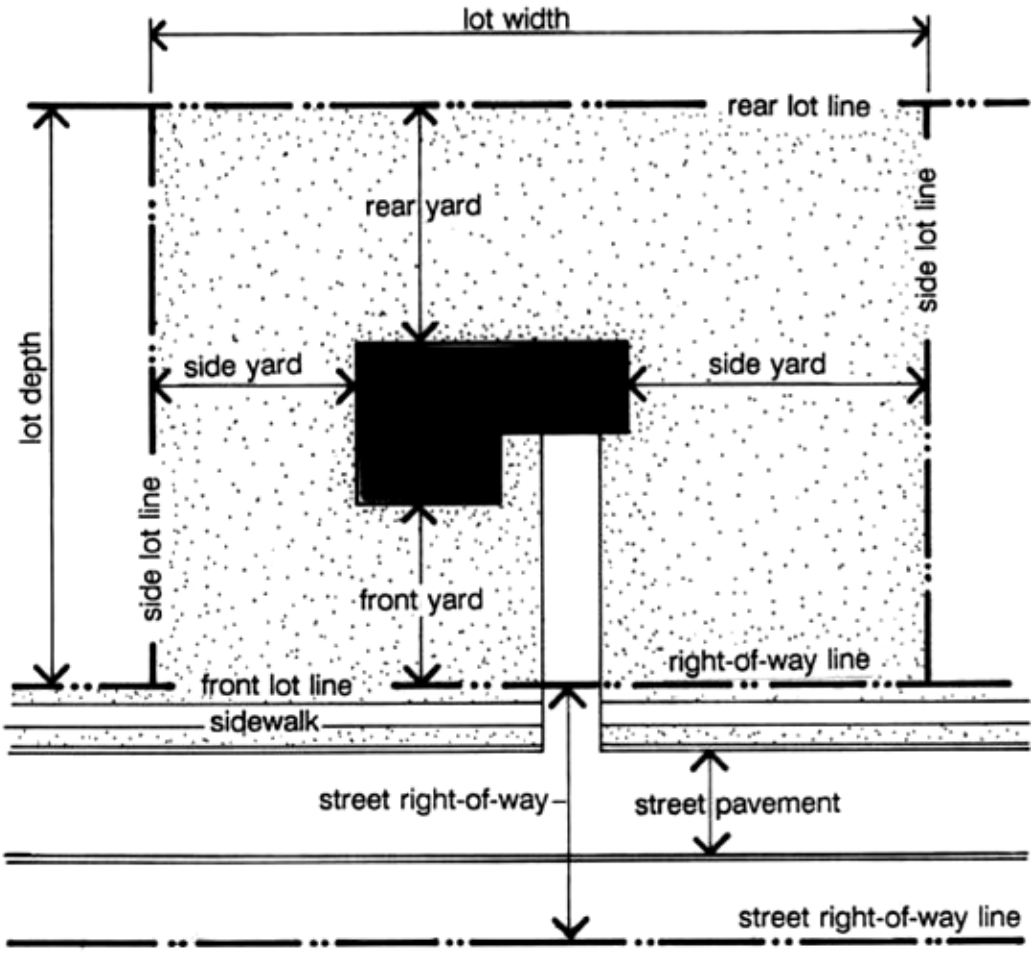
225. **LOT LINES** Any line bounding a lot, including the following:

a. FRONT LOT LINE. The line separating the lot from the street; in the case of a corner line, the line separating the narrowest side of the lot from the street.

b. REAR LOT LINE. The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.

c. SIDE LOT LINE. Any line other than front or rear lot lines.

d. STREET LOT LINE or ALLEY LOT LINE. Any line separating a lot from a street or alley.

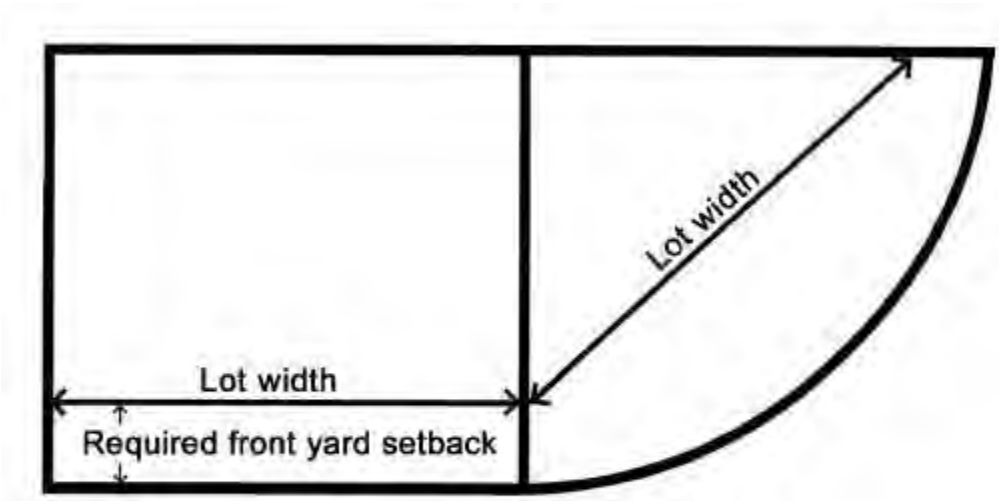


Lot Terminology

226. **LOT, THROUGH** Is any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

227. **LOT OF RECORD** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from that of the remainder thereof.

228. **LOT WIDTH** The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such side lot lines.



Lot Width

229. LOT, ZONING A single tract of land which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

230. LOUNGE See TAVERN

231. LUMBER YARD A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

232. MANUFACTURED HOME A dwelling unit, designed and built in a factory.

233. MANUFACTURING FACILITY Establishment engaged in the mechanical, chemical, or electrical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

234. MARQUEE Any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.

235. MASTER PLAN A comprehensive long range Plan intended to guide the growth and development of a community. The Plan includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

236. MINISTORAGE/SELF STORAGE A structure containing separate storage areas of varying sizes leased or rented on an individual basis.

237. MIXED USE ZONING Regulations which permit a combination of different uses within a single development, under special regulations.

238. MOBILE HOME A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent

foundation, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

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

240. MOBILE HOME SITE/MANUFACTURED HOME SITE A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

241. MOBILE HOME SUBDIVISION A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

242. MONOPOLE. The type of mount that is self-supporting with a single shaft of wood, steel, or concrete and a platform (or racks) for panel antennas arrayed at the top.

243. MORTUARY A place for the storage of dead human bodies prior to burial or cremation.

244. MOTEL A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term “motel” shall include buildings designed as auto courts, tourist courts, motor hotels, hotels and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, “motel” and “hotel” have the same meaning.

245. MOTOR VEHICLE See VEHICLE, MOTOR

246. MOTOR VEHICLE PARKING SPACE Any accessible area of not less than nine feet by eighteen (18’) feet exclusive of excess drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

247. MOUNT The structure of surface upon which antennas are mounted, including the following four types of mounts:

a. Roof-mounted. Mounted on the roof of a building.
b. Side-mounted. Mounted on the side of a building.
c. Ground-mounted. Mounted on the ground.
d. Structure-mounted. Mounted on the structure other than a building.

248. MUNICIPAL BUILDING A structure housing an operation of the Township of Tittabawassee.

249. MUNICIPALITY The Township of Tittabawassee.

250. NATURAL RETENTION AREA A naturally-occurring pond or wetland which retains storm water runoff.

251. NONCONFORMING BUILDING, LEGAL Any building or portion thereof lawfully existing at the time this Ordinance became effective and which does not comply with this Ordinance's regulations.

252. NONCONFORMING LOT, LEGAL A lot, the area, dimensions or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the zoning district.

253. NONCONFORMING SIGN, LEGAL Any sign lawfully existing of the effective date of an Ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

254. NONCONFORMING USE, LEGAL Any property use which was lawful at the time this chapter became effective and which now does not comply with its regulations. A legal nonconforming use is a use that is in compliance with the requirements of this Ordinance as identified in Section 5.3. An illegal nonconforming use is a nonconforming use that does not meet the requirements of Section 5.3.

255. NON-PARTICIPATING PROPERTY Any property that is not a participating property.

256. NORTH POINT or **NORTH ARROW** The designation of a map illustrating the direction of north.

257. NOXIOUS Offensive or disturbing.

258. NUISANCE An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident of that property.

259. NURSERY, PLANT MATERIALS Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

260. OCCUPANCY PERMIT A required permit allowing occupancy of a building or structure after it has been determined that the building meets all of the requirements of applicable Ordinances.

261. OCCUPANCY PERMIT, TEMPORARY A certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

262. OFFICE A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

263. OFFICE BUILDING A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, they may include

ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

264. OFF-STREET PARKING Any parking area located on the same property it is intended to serve, or in a joint use lot and within a district which is not of greater restriction than the property it is intended to serve.

265. OMNIDIRECTIONAL (WHIP) ANTENNA A thin rod that beams and receives signals in all directions.

266. OPEN-AIR BUSINESS USE Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

a. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
b. Outdoor display and sale of garages, swimming pools, and similar uses.
c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

267. OPEN SPACE Is that part of a zoning lot, including courts or yards which:

a. Is open and unobstructed from its lowest level to the sky, and
b. Is accessible to all residents upon the zoning lot, and
c. Is not part of the roof of that portion of a building containing dwelling units, and
d. Is comprised of lawn and landscaped area.
e. Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

268. OUTDOOR AMUSEMENT FACILITY A commercial business that provides amusement facilities, such as miniature golf, carnival rides, petting zoo, and other similar attractions and open to the general public.

269. OUTDOOR USE A use, the majority of which is carried outside of a structure of any kind. These may include outdoor displays of merchandise, outdoor eating areas, outdoor storage and outdoor recreation under certain circumstances.

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

271. PANEL ANTENNA A flat surface antenna usually developed in multiples.

272. PARK, RECREATIONAL An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

273. PARKING AISLE The area behind the parking space used for backing and turning into and out of the parking space.

274. PARKING AREA An area used for the parking, parking aisle, access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

275. PARKING AREA, TOTAL The parking lot and all connecting access drives and landscaping.

276. PARKING ACCESS The area of a parking lot that allows motor vehicles ingress and egress from the street to the parking aisle or parking space of not longer than one hundred (100) feet).

277. PARKING BAY A parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.

278. PARKING LOT An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

279. PARKING SPACE See MOTOR VEHICLE PARKING SPACE

280. PARTICIPATING PROPERTY A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the system owner (or affiliate) regardless of whether any part of a system is constructed on the property.

281. PASSIVE RECREATION AREA An open area designed for walking or sitting and enjoying nature or surroundings.

282. PATIO, PORCH Roofed open area that, while may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.

283. PAVED. A ground surface covered with cobblestones, clay fired bricks, concrete precast paver units, including grasscrete, poured concrete with or without decorative surface materials, blacktop or other asphalt or rubber mixture which may include sand or gravel as an ingredient and which created a hard surface. A graded natural surface or one covered with rolled stone or loose gravel is not considered a paved surface.

284. PERFORMANCE STANDARDS A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) which a particular use or process may not exceed.

285. PERMANENTLY AFFIXED To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.

286. PERMITTED USE Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

287. PERSON Any individual, partnership, organization, association, trust or corporation. When used as a penalty provision, 'person' shall include the members of such partnership, the trustees of such trust, and the officers and members of such organization, association or corporation.

288. PERSONAL SERVICES FACILITIES Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

289. PERSONAL WIRELESS SERVICE FACILITY A facility for the provision of personal wireless services, as defined by the Telecommunications Act.

290. PERSONAL WIRELESS SERVICE The three types of services regulated by this Ordinance as specified in the Special Use Permit regulations. These services are cellular, radio and satellite.

291. PETROLEUM BULK PLANT An establishment for the purpose of storage of petroleum products, in bulk or in packages, distribution by tank car, tank vehicle, or motor truck.

292. PHARMACY A place where drugs and medicines are prepared and dispensed.

293. PLAN, FINAL A site plan that has been approved by the Planning Commission.

294. PLAN, PRELIMINARY A site plan that is under review by the Planning Commission or proper review authority and indicates the proposed layout of the subdivision, PUD, or other development.

295. PLAN, TENTATIVE PRELIMINARY A conceptual site plan or sketch showing ideas for development and site use.

296. PLANNED UNIT DEVELOPMENT OR "PUD" An area of minimum contiguous size, as specified by Ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

297. PLANNING COMMISSION The duly designated advisory plan commission of the municipality.

298. POOL, COMMERCIAL SWIMMING An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

299. POOL, PRIVATE SWIMMING Any artificially-constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

300. POTABLE WATER Water suitable for drinking or cooking purposes.

301. PRINCIPAL BUILDING A building in which is conducted the principal use allowed of the lot in the district in which it is situated.

302. PRINCIPAL USE The primary and predominate use of the premises including customary accessory uses.

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

304. PROFESSIONAL SERVICES Services offered to the general public such as law, medicine, engineering, accounting, and architecture.

305. **PROCESSING** Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

306. **PUBLIC FACILITIES** Facilities which are owned and operated by a municipality, government agency, or publicly owned utility.

307. **PUBLIC HEARING** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

308. **PUBLIC UTILITY (PUBLIC SERVICE UTILITY)** Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer or storm sewer.

309. **PUBLIC WAY** A highway, street, avenue, boulevard, road, lane, alley or other areas specifically designated and continuously maintained for public access.

310. **QUASI PUBLIC AGENCY** A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

311. **QUORUM** A simple majority of the full membership of a board or agency.

312. **RADIO ANTENNA** A signal receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

313. **RADIO FREQUENCY (RF) ENGINEER** An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

314. **RADIO FREQUENCY RADIATION (RFR)** The emissions from personal wireless service facilities.

315. **RADIO TOWER** A signal sending device, the purpose of which is to distribute radio signals from a radio transmitter or transmitters in the area.

316. **RECREATIONAL EQUIPMENT** Includes utility trailers, travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats and boat trailers, personal watercraft, snowmobiles, off road vehicles of any kind, and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not.

317. **RECREATIONAL VEHICLE** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

318. **RECYCLING** The process by which waste products are reduced to raw materials and transformed into new and often different products.

319. **RESEARCH AND DEVELOPMENT FACILITY** Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development

thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

320. RESIDENCE A home, abode, or place where an individual is residing at a specific point in time.

321. RESIDENTIAL, RESIDENTIAL USE, or RESIDENTIAL DISTRICT The use of land parcels for human habitation under the terms of this chapter. RESIDENTIAL shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

322. RESOURCE RECOVERY FACILITY A fully enclosed building where waste is sorted and classified by type and material, such as ferrous metal, nonferrous metal, aluminum, paper, newsprint, boxed board, plastic and glass colors. The purpose being to reuse the recovered materials.

323. RESTRICTION A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

324. RESTRICTIVE COVENANT A restriction on the use of land usually set forth in a deed or other appropriate document.

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

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

327. RIDING ACADEMY See STABLE

328. RIGHT-OF-WAY A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

329. RIGHT-OF-WAY LINE The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities.

330. RINGLEMANN CHART A device to measure the opacity of smoke emitted from stacks and other sources.

331. ROAD FRONTAGE The length of the lot line which borders a public or private road.

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

333. RUNOFF The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

334. SALVAGE YARD A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. SALVAGE YARD shall not include uses conducted entirely within a completely-enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; and the processing of used, discarded or salvaged materials as part of manufacturing operations.

335. SANITARY LANDFILL Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

336. SCALE The relationship between distances on a map and actual ground distances.

337. SCHOOL See INSTITUTIONS, EDUCATION

338. SCREENING A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

339. SEASONAL BUSINESS A retail business or service business that is not normally used as a business for more than six (6) months during any one calendar year.

340. SEASONAL RESIDENCE A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.

341. SECURITY BARRIER A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

342. SENIOR HOUSING A residential complex containing multiple family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care where patients are confined to bed.

343. SEPARATION The distance between one carrier’s array of antennas and another carrier’s array.

344. SETBACK The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

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

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

b. AREA, OR SURFACE AREA, OF SIGN. (See Section 14.4)

c. CONSTRUCTION SIGN. See TEMPORARY LAND DEVELOPMENT SIGN.

d. ELECTRIC SIGN. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

e. ELECTRONIC MESSAGE BOARD. A variable message sign that utilizes computer generated messages or other electronic means of changing copy. These signs include display using incandescent bulbs, LEDs, LCDs or a flipper matrix.

Electronic Message Board

Freestanding Sign

f. FREESTANDING. A sign supported by one or more uprights, braces, pylons, or foundation elements located in or upon the ground and not attached to a building.

g. ILLUMINATED SIGN. A sign that provides artificial light directly or through any transparent or translucent material.

h. INTEGRAL SIGN. Signs that are made a part of the building walls or roof structure. These may include the name of a farm, date of erection, monumental citations, commemorative tablets, addresses and the like.

i. JOINT SIGN. A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.

j. LOCATION. A lot, premise, building, wall or any place whatsoever upon which a sign is located.

Marquee Sign

Monument Sign

k. MARQUEE. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.

l. MONUMENT or GROUND MOUNTED. A freestanding sign where the base of the sign structure is on the ground or integrated into landscaping or other solid structural features other than support poles.

m. NONDWELLING USE SIGN. A sign located on a parcel that does not have a dwelling as its principle structure and is located in the AG, R-1A, R-1, or R-2 district. Examples of the uses that may be associated with nondwellings in these districts include but are not limited to subdivisions, schools, religious institutions, public buildings, cemeteries and agricultural retail facilities.

n. POLITICAL CAMPAIGN SIGNS. Signs announcing candidates for public political office and other data pertinent to an upcoming election.

o. PORTABLE/TEMPORARY SIGN. A display, informational sign, banner, pennants, pinwheels, ribbons, streamers, strings of light bulbs or similar devices intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.

Roof Sign

p. ROOF LINE. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

q. ROOF SIGN. Any sign erected, constructed and maintained wholly upon or over the roof of any building.

r. SETBACK. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.

s. SIZE OF SIGN. The size of a sign is computed according to the provisions of Article 14.4.

t. STREET BANNERS. Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Saginaw County Road Commission or Michigan Department of Transportation.

u. SUBDIVISION SIGN. A sign intended as identification for a residential subdivision.

v. TEMPORARY. See PORTABLE.

w. TEMPORARY LAND DEVELOPMENT. A sign placed on a parcel or subdivision that is intended to be removed within 30 days of the completion of the project or when 60% of all lots are sold.

x. WALL SIGN, FLAT. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18") inches at all points.

y. WINDOW SIGN. A sign placed on or in a window of a structure.

346. SINGLE OWNERSHIP Ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

347. SITE Any plot or parcel of land or combination of contiguous lots or parcels of land.

348. SITE CONDOMINIUM A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended). The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act.

a. "Condominium Act" means Act 59 of 1978, as amended.

b. "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.

c. "Condominiums subdivision plan" means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

d. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

e. "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

f. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

g. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

h. "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

i. "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

j. "Front yard setback" means the distance between the front yard area line and the condominium dwelling.

k. "Lot" shall mean the same as "Home site" and "Condominium Unit."

l. "Master deed" means the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

m. "Rear yard setback" means the distance between the rear yard area line and the condominium dwelling.

n. "Side yard setback" means the distance between the side yard area line and the condominium dwelling.

349. SITE PLAN The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot.

350. SITE PLAN REVIEW AND APPROVAL The submission of plans for review and approval, as required by this Ordinance, and special use permits.

351. SKETCH PLAN A rough map of the proposed subdivision or site plan, of sufficient accuracy to be used for the purpose of discussion and classification.

352. SLOPE The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

353. SOIL All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

354. SOIL PERCOLATION TEST A test designed to determine the ability of ground to absorb water, and used in determining the suitability of a soil for drainage or for the use of a septic system.

355. SPECIAL LAND USE A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

356. SPECIFIED ANATOMICAL AREA

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

357. SPECIFIED SEXUAL ACTIVITY

a. Human genitals in a state of stimulation or arousal.
b. Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual) or sodomy.
c. Fondling or erotic touching of human genitals, pubic region, buttock or female breast.
d. Bestiality.
e. Fellatio or cunnilingus.
f. Human excretory function.

358. SPOT ZONING Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Tittabawassee Township Comprehensive Plan.

359. STABLE Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, similar establishment or business.

360. STABLE, PRIVATE Any building for shelter of horses or other animals not kept for remuneration, hire or sale.

361. STADIUM A large open or enclosed place used for games and major events, partly or completely surrounded by tiers of seats for spectators.

362. STALL, PARKING The parking space in which vehicles park.

363. STATE LICENSED RESIDENTIAL FACILITY A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home 7 to 20.

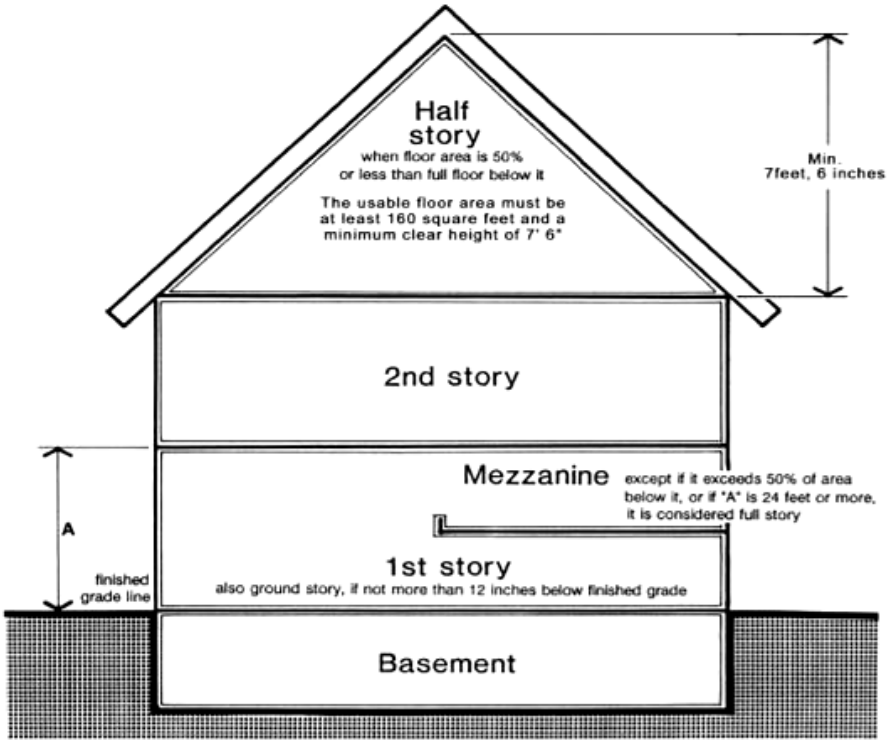
364. STORAGE, INDOOR See WAREHOUSE

365. STORAGE, OUTDOOR See OUTDOOR USES

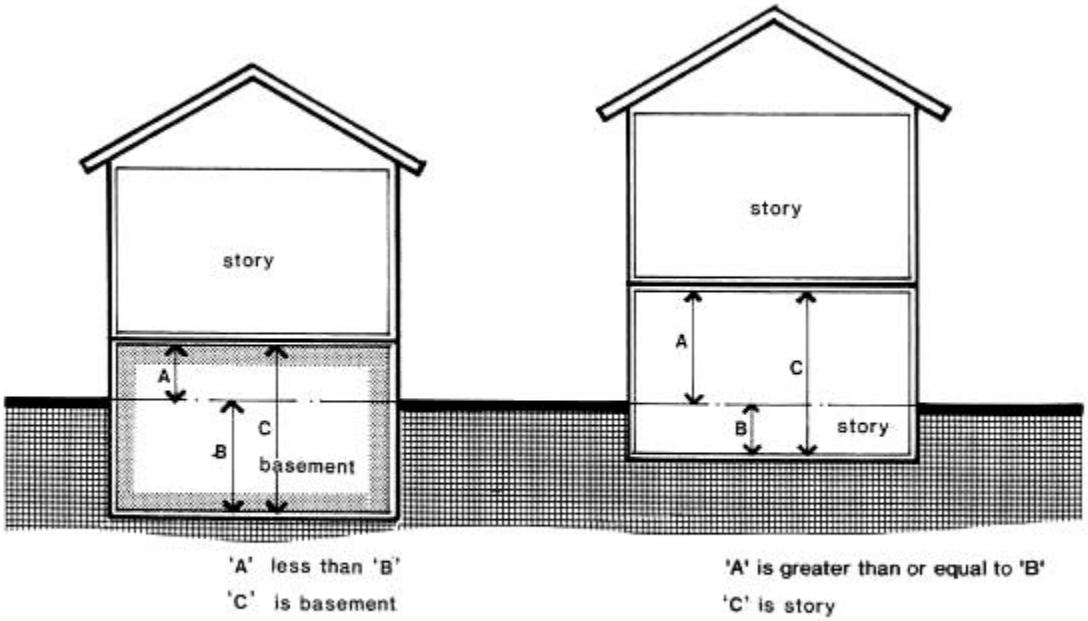
366. STORM SEWER A conduit that collects and transports runoff of storm water.

367. STORM WATER DETENTION Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

368. STORY That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.



Basic Structural Terms



Basement and Story

369. STORY, HALF Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

370. STREAM A water course having a source and a terminus, banks, and channel through which waters flow at least periodically.

371. STREET A public right-of-way which has been dedicated to the public and accepted for the purpose of providing access to abutting private lots or land, including space for curb, gutter, paving, and sidewalks.

372. STREET, COLLECTOR A street which collects traffic from local streets and connects with minor and major arterials.

373. STREET, CUL-DE-SAC A street with a single, common ingress and egress, and with a turnaround at the end.

374. STREET, LOCAL A street designed to provide vehicular access to abutting property and to discourage through traffic.

375. STREET, MAJOR ARTERIAL A street or highway so designated on the major road plan of the Township Comprehensive Plan which is designed and intended to carry heavy traffic volumes.

376. STREET, MINOR ARTERIAL A dedicated public way or recorded private street which affords access to abutting properties and is designed primarily to serve immediate neighborhood needs.

377. STREET, PRIVATE A street that is not public as defined by this ordinance.

378. STREET, PUBLIC Any public right-of-way, conforming to the Saginaw County Road Commission standards, which provides vehicular access to adjacent properties.

379. STRIPPING Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

380. STRUCTURE See BUILDING

381. STRUCTURE CHANGES OR ALTERATIONS Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

382. STUDIO A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

383. SUBDIVIDER Any person who undertakes the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

384. SUBDIVISION The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or

leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; provided however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

385. SUBSTANCE ABUSE REHABILITATIONS CENTER A public or private facility designed to provide medical treatment and psychological therapy to those individuals who suffer from drug or alcoholic addiction.

386. SUPPLY YARD A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

387. SURFACE HYDROLOGY The properties, distribution, and circulation of subsurface water for a defined area.

388. SWALE A depression in the ground which channels runoff.

389. SYSTEM BUILT HOME See MANUFACTURED HOME

390. TAVERN, LOUNGE, OR BAR A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

391. TELEVISION ANTENNA A signal receiving device, the purpose of which is to receive television signals from television transmitters in the area.

392. TELEVISION TOWER A signal sending device, the purpose of which is to distribute television signals from a television transmitter or transmitters in the area.

393. TENANT An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

394. THEATER A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

395. THOROUGHFARE SYSTEM The collection of streets, traffic control devices, and intersections which make up a Township's road system.

396. TOPOGRAPHIC MAP A map of a portion of the earth's surface showing its topography.

397. TOPOGRAPHY The configurations of a surface area showing relative elevations.

398. TOWNHOUSES A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than to a particular housing style.

399. TOXIC POLLUTANTS A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation

into any organism, can cause death or disease, mutations, deformities, or malfunctions in those organisms of their offspring.

400. TRAILER Any vehicle designed to be drawn by an automotive/motorized vehicle.

401. TRAILER RIG A truck vehicle unit as classified by the American Association of State Highway Officials as a WB-40 or WB-50 vehicle. The minimum specifications are as set forth below.

	WB-40	WB-50
Wheelbase	13+27 = 40 feet	20+30 = 50 feet
Front overhang	4.0	3.0
Rear overhang	6.0	2.0
Overall length	50.0	55.0
Overall width	8.5	8.5
Height	13.5	13.5

402. TRAILER SALES YARD A facility for the sales, repair and alteration of light utility and travel trailers, but not including semi-truck trailers or trailers used for hourly construction equipment.

403. TRANSITION ZONE A zone permitting transitional uses, such as parking in a residential district.

404. TRANSITIONAL USE See USE, TRANSITIONAL

405. TRUCK AND RAILROAD TERMINALS

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

406. TRUCK TRACTOR The driving and control component of a trailer rig. A truck tractor is a self-propelled vehicle to which a trailer is attached.

407. UNAFFILIATED RESIDENCE Any residential unit that is not an affiliated residence.

408. UNIFIED CONTROL The combination of two or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

409. USE, BY RIGHT Any use which is listed as a use by right in any given zoning district in this Ordinance. Uses by right are not required to show need for their location.

410. USE, LAWFUL The legal use of any structure or land that conforms with all of the regulations of this code or any amendment that exist at the time of the enactment of this code or any amendment thereto. All other uses are considered nonconforming uses that may be deemed legal or illegal.

411. USE, TRANSITIONAL A use of land or structure located or permitted to be located on certain lots abutting a zoning boundary line, in the more restricted of the two (2) zoning districts on either side of such a boundary line.

412. USED CAR LOT A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

413. VARIANCE A modification of the required provisions of the physical development or land use standards of the zoning code granted when strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted.

414. VEHICLE, MOTOR. A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle. A vehicle does not include trailers of any kind.

415. VEHICLE REPAIR SHOP See AUTOMOBILE OR VEHICLE REPAIR

416. VEHICLE SALES AREA See AUTOMOBILE OR VEHICLE SALES

417. VETERINARY HOSPITAL See KENNEL

418. VOCATIONAL SCHOOL A secondary or higher education facility, primarily teaching usable skills that prepare students for jobs in a trade; meeting applicable state requirements as a vocational facility.

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

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

421. WASTE DISPOSAL VEHICLES Self-propelled and trailer devices used for the collection, transport and hauling of solid waste, garbage, recyclable material, or rubbish from households, public places and businesses to a disposal or recycling area.

422. WATER, FRONTAGE The land adjacent to and abutting the mean high water mark of all rivers, streams and inland lakes.

423. WATERFRONT LOT – FRONT The single parcel of property which lies between the building line of a dwelling unit and the mean high water mark of the river, stream, or lake.

424. WATERFRONT LOT – REAR The portion of a single parcel of property which lies between the lot line furthest from the water's edge and the building line of a dwelling unit furthest from the mean high water mark of the lake, river or stream.

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

426. WETLANDS Swamps or marshes (natural or man-made) with seasonal water present, especially as areas preserved for wildlife.

427. WHOLESALE TRADE Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

428. WIRELESS COMMUNICATION FACILITY Any device, including cellular towers, used for the transmission and receiving of radio waves, micro waves, and other similar frequencies.

429. YARDS Includes the following:

a. FRONT YARD. The open space extending the full width of the lot between the main building and front lot line.
b. REAR YARD. The open space extending the full width of the lot between the main building and rear lot line.
c. SIDE YARD. The open space extending from the front yard to the rear yard between the main building and the side lot line.

430. ZERO LOT LINE The location of a building in such a manner that one or more of the building's sides is directly on a lot line.

431. ZONE A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

432. ZONING The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

433. ZONING ENVELOPE The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

Article 3 ■ *DISTRICT REGULATIONS*

SECTION 3.1 ZONING DISTRICTS

For the purposes of this ordinance, the Tittabawassee Township is divided into classes of Zoning Districts known as:

AG or A-1	Agricultural District
R-1A	Rural Residential District
R-1	Low Density Residential District
R-1V	Village Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
R-4	Manufactured Home Park District
VC or C-1	Village Center District
NB	Neighborhood Business
GB or C-2	General Business District
RB or C-3	Regional Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
GC	Greenbelt Conservation/Floodplain District
TRO	Midland Road/Tittabawassee Road Overlay District

The following zoning district names have the same meaning and may be used interchangeably:
The AG–Agricultural District may also be known as the A-1 Agricultural District.
The VC–Village Center District may also be known as the C-1 Village Center District.
The GB-General Business District may also be known as the C-2 General Business District.
The RB-Regional Business District may also be known as the C-3 Regional Business District.

The boundaries of the GC-Greenbelt Conservation/Floodplain Distract shall coincide with the boundaries of the “1% Annual Chance Floodplains” as defined in the Federal Emergency Management Agency (FEMA) Flood Insurance Study as revised August 15, 2023.

SECTION 3.2 OFFICIAL ZONING MAP

The boundaries of all districts are established as shown on the "The Zoning Map of Tittabawassee Township” which accompanies this ordinance and is made a part of this section.

Except where reference on the map is to a street line or other designated line by dimensions shown, the district boundary lines follow lot lines or the center lines of streets or alleys.

SECTION 3.3 LOT DIVIDED BY ZONE LINE

Where a district boundary line divides a lot or lots in common ownership and of record at the time this ordinance is enacted, the least restrictive use shall be considered as extending to the entire lot and deemed a conforming use if the more restricted portion of the lot is entirely within twenty-five (25) feet of the dividing district boundary line.

TABLE 1 DISTRICT PURPOSES

District	Purpose
Agricultural District AG	This district is for agricultural and single family residential uses associated with farming operations, together in a compatible environment. The purpose of this zone is to encourage the preservation and enhancement of agricultural land and farming practices together with specified nonagricultural activity allowed by ordinance. This district contains land inside and outside the Urban Growth Boundary. Agricultural land inside the Urban Growth Boundary is intended to develop as specified in the Master Plan at such time as utilities extend to serve the agricultural area. Agricultural land outside the Urban Growth Boundary is intended to remain agricultural as specified in the Master Plan map.
Rural Residential District R-1A	The R-1A Rural Residential District is intended to accommodate single family dwellings in areas that are rural in character in order to provide for new housing development while preserving open space and rural qualities and promoting appropriate non-farm uses of land.
Low Density Residential District R-1	This district is intended primarily for single family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low density dwellings.
Village Residential District R-1V	The Village Residential District is intended to accommodate a variety of housing types within the Freeland Village area. The R-1V Village Residential District encompasses the Township's existing mature neighborhoods where new large scale residential development is highly unlikely, and where the character of the various neighborhoods will be retained. It also is intended to provide for newly developed areas within the Township where both single family and duplex units can be accommodated.
Medium Density Residential District R-2	The Medium Density Residential District is intended to accommodate a variety of housing types within higher density residential areas in Tittabawassee Township. The R-2 Medium Density Residential District encompasses the Township's existing mature neighborhoods where new large scale residential development is highly unlikely, and where the character of the various neighborhoods will be retained. It also is intended to provide for newly developed areas within the Township where both single family and duplex units can be accommodated.
High Density Residential	The High Density/Multiple Dwelling Residence District is intended to provide a variety of housing styles, design and cost to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of

District	Purpose
District R-3	higher density than in the R-2 district, but with equivalent quality. It is designed to permit a more intensive residential use of land with various types of multiple dwellings, including apartment structures and related institutional uses.
Manufactured Home Park District SR-4	The R-4 Manufactured Home Park district is intended to preserve the interests of alternate types of residential developments which should be permitted in every community and to protect the residents of any manufactured home type development.
Village Center District VC	The Village Center District is intended to retain and enhance the character of the area in the vicinity of the intersection of M-47 (Midland Road) and Washington (also known as Freeland) Road with a pedestrian oriented environment. This district permits a variety of commercial, administrative, financial, civic, cultural, residential, entertainment and recreational activities, located primarily in multiple story buildings. Many people entering the district will come by automobile and typically will park once to carry out several errands.
Neighborhood Business	The Neighborhood Business district is intended to provide a location for low impact business operations near residential areas with limited hours of operation, traffic and impact on surrounding residential uses. It is planned to be compatible with adjacent residential uses through the use of stringent site plan design, buffering where needed and other limitations as necessary.
General Business District GB	The General Business District is intended to permit retail business and services that are oriented to automobile traffic. This district encourages commercial uses that require larger off-street parking facilities and complement pedestrian-oriented businesses in the VC District.
Regional Business District RB	The RB District is intended primarily for those activities and services oriented to a wider region of users than the GB district.
Light Industrial District I-1	This District is intended primarily for light manufacturing uses which possess few, if any, nuisance characteristics pertaining to the potential for explosion, radioactivity, smoke, dust, noxious or harmful wastes that would pollute streams or soil, vibration, noise, or odor. This District also contemplates uses of land which are not within the scope of uses permitted in the commercial and residential district but are not detrimental to the public health, safety, or welfare in connection with the uses for which such districts are established. All businesses in the I-1 District must meet the Hazard and Nuisance Prevention Requirements of this Ordinance.
Heavy Industrial District I-2	It is the purpose of this District to establish and preserve areas for industrial and related uses of a nature so that they do not create serious problems of compatibility with other kinds of land uses. This district is intended to make provisions for medium to heavy industrial uses and for certain kinds of business uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of the businesses in these areas. All businesses in the I-2 District must meet the Hazard and Nuisance Prevention Requirements.
Greenbelt Conservation - Floodplain District	The Greenbelt Conservation District is intended to preserve the natural drainage systems and unbuildable wet areas of the Township. In so doing, it is also intended to utilize these resources for the visual and recreational enjoyment of the Township's residents by linking these waterways and wet areas in a linear fashion, preserving a continuum of open space and preventing ecological and aesthetic damage that may

District	Purpose
GC	result from unwise and disorderly development.
Midland Road Tittabawassee Road Overlay District TRO	This District is intended to recognize the unique and disparate functions of major and minor arterials which include long distance traffic movement as well as land access to individual traffic generators.

TABLE 2 CONSOLIDATED USES

ZONING DISTRICT R = Use by RIGHT S = Use by SPECIAL USE PERMIT	AG	R-1A	R-1	R-1V	R-2	R-3	R-4	VC	NB	GB	RB	I-1	I-2	GC
Accessory uses	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Adult entertainment business													S	
Agricultural and forestry activities/Greenhouses	R	S												
Agricultural bulk storage												S	R	
Agricultural retail facilities	S													
Agricultural Tourism Business with General Uses	R	R												
Agricultural Tourism Business with Intense Uses	S													
Airports, public and private	R													
Apartment Complex						R								
Apartment House				S		R								
Archery, pistol ranges										S	R	R	R	
Automobile (car) wash								S		S	S			
Automobile and truck rental terminals											R	R	R	
Banquet Facility								R		R	R	R	R	
Battery Energy Storage System, On Site	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Battery Energy Storage System, Small Off-Site	S									S	S	S	S	
Battery Energy Storage System, Large Off-Site	S									S	S	S	S	
Bed and Breakfast	S	S	S	S	S	S		R		R	R	R	R	
Boat dock, boathouse – private														R
Body Shops											R	R	R	
Business schools								R	S	R	R	R	R	
Campground/RV Park	S													
Cemeteries	R	S	S	S	S	S								
Child Care Organizations		S	R	R	R	R		R	S	R	R	R	R	
Commercial cleaning plants												R	R	
Commercial schools												R	R	
Contractor storage yards												R	R	
Contractors, landscaping											R	R	R	
Drive in uses								S		S	S			
Dry cleaners, laundries								R		R	R	R	R	
Farm implement sales										S	R	R	R	
Fireworks Storage	S											R	R	
Fishing Areas	R													R
Fuel sales												R	R	
Funeral homes								R		R	R	R	R	
Gas stations (Automobile service stations)										R	R	R	R	
Golf courses, Country Clubs	S	S	S	S	S	S								S

ZONING DISTRICT R = Use by RIGHT S = Use by SPECIAL USE PERMIT	AG	R-1A	R-1	R-1V	R-2	R-3	R-4	VC	NB	GB	RB	I-1	I-2	GC
Golf driving range, miniature golf										S	R	R	R	
Grain and seed elevators	S													
Greenhouses	R	S												
Group housing developments						S								
Home occupations	R	R	R	R	R	R								
Hunting preserves	S													
Industrial Park												S	S	
Institutions: Cultural								R		R	R	R	R	
Institutions: Educational		S	S	S	S	S		R		R	R	R	R	
Institutions: Human care		S	S	S	S	S		S		S	S			
Institutions: Rehabilitation										S				
Institutions: Religious	S	S	S	S	S	S		R		R	R	R	R	
Institutions: Social		S	S	S	S	S		R		R	R	R	R	
Kennels	S											S	S	
Laboratories												R	R	
Livestock auction yards	S													
Lumber yards/Home Improvement Yards										S	R	R	R	
Manufactured home parks							R							
Manufactured home sales											R	R	R	
Manufacturing of electronic/electrical devices												R	R	
Manufacturing of small molded products												R	R	
Mini storage, self storage										S	R	R	R	
Motels/hotels								R		R	R	R	R	
Multiple-family dwellings					R	R		R		R	R			
Nature Preserves	R													R
Nurseries (plants)											R	R	R	
Offices								R	R	R	R	R	R	
Outdoor sales											S	R	R	
Outdoor wood fired heaters	R	S								S	S			
Personal service establishments								R		R	R	R	R	
Planned unit development		S	S	S	S	S		S		S	S			
Ponds	R	R												
Production, processing, assembling												R	R	
Public buildings								R		R	R	R	R	
Public service installations	R	S	S	S	S	S	R	R		R	R	R	R	
Public utility buildings								R		S	S	S	S	
Recreation: Indoor								R		R	R	R	R	
Parks		R	R	R	R	R					R	R	R	R
Recreational vehicle, parking												R	R	
Recreational vehicle, sales and service										S	R	R	R	
Research and production of technical equipment											R	R	R	
Restaurants								R		R	R	R	R	

ZONING DISTRICT R = Use by RIGHT S = Use by SPECIAL USE PERMIT	AG	R-1A	R-1	R-1V	R-2	R-3	R-4	VC	NB	GB	RB	I-1	I-2	GC
Restaurants – Drive-in								S						
Retail business								R		R	R	R	R	
Riding stables	S													
Salvage yard, resource recovery													S	
Sand mining, quarries, gravel pits													S	
Senior housing								R	S	R	R			
Sewage treatment and disposal													S	
Single-family dwelling	R	R	R	R	R	R								
Site condominiums		S	S	S	S	S								
Sod farming	R	S												
State licensed residential facilities for 1-6	R	R	R	R	R	R		R		R	R			
State licensed residential facilities for 7-20	R	S	S	R	R	R		R		R	R			
Storage and distribution													R	
Supermarket, grocery stores										R	R	R	R	
Taverns								R		R	R	R	R	
Temporary Building or Trailers	R													
Theater								R		R	R	R	R	
Towing operations											R			
Truck terminals												R	R	
Two-family Dwellings				S	R	R								
Vehicle repair (Auto service centers)								S		R	R	R	R	
Vehicle Sales										S				
Veterinary hospitals	S											S	S	
Warehousing, storage and processing facilities											R	R	R	
Wholesale agricultural products storage	S													
Wholesale business										R	R	R	R	
Wholesale food distributors										R	R	R	R	
Wind energy systems	S	S												
Wireless communication facilities	S							S		S	S	S	S	

TABLE 3 AGRICULTURAL DISTRICT USES

Agricultural District, AG	
Permitted Uses	**Special Land Uses**
Agricultural and Forestry Activities	Agricultural Retail Facilities
Agricultural Tourism With General Uses	Agricultural Tourism With Intense Uses
Nature preserves, fishing areas	Bed and Breakfast
Accessory uses	Campground/RV Park
Cemeteries	Fireworks Storage
Home Occupations	Golf Courses
Outdoor Wood Fired Heaters	Grain and Seed Elevators
Ponds/artificial wetlands	Hunting Preserve
Public buildings	Institutions: Religious
Public Service Installations	Kennels
Single Family dwelling	Livestock Auction Yards
State Licensed Residential Facilities	Riding Stables
Temporary Buildings and Trailers	Veterinary Hospital
Airports, public and private	Wholesale Agricultural Products Storage
Production of Fur Bearing Animals	Wireless Communication Facilities
Battery Energy Storage System, On-Site	Wind Energy Systems
	Battery Energy Storage System, Small Off-Site
	Battery Energy Storage System, Small Off-Site
Minimum lot size = 1 acre **Minimum width = 150 ft** **Maximum height of structure = 35 ft** **Minimum front yard setback = 40 ft.** **Minimum side yard setback = 25 (15) ft.** **Minimum rear yard setback = 40 (30) ft.** **Minimum floor area = 1,050 SF** **Maximum building lot coverage = see Dimensions Table notes, k** ( ) indicates accessory structures	

Note: For nonfarm parcels in the Agricultural Zoning District the following restrictions on the number of animals shall apply: The raising and keeping of animals over five hundred (500 lbs.) pounds (such as horses and cows) shall be allowed, provided that the minimum area upon which one such animal may be kept is two acres (2) plus one half (1/2) acre for each additional horse or similar animal. Hooved livestock weighing five hundred (500) pounds or less (such as sheep and goats) may be substituted for larger animals at a ratio of two (2) smaller animals for each larger animal. (Example, on a 3 acre parcel, there are allowed 3 horses, or 2 horses and

one cow, or 2 horses and 2 goats.) All animals must be kept in compliance with the state of Michigan's Generally Accepted Agricultural Management Practices.

TABLE 4 RURAL RESIDENTIAL DISTRICT USES

Rural Residential District, R-1A	
Permitted Uses	**Special Land Uses**
Accessory uses	Agricultural and forestry activities
Battery Energy Storage System, On Site	
Agricultural Tourism with General Uses	Bed and Breakfast
Home Occupations	Cemeteries
Ponds	Institutions: Educational, Human Care, Religious, Social
Public Buildings	Childcare Organizations ***(See institutional SUP)***
Recreation, Outdoor; Parks	Golf Courses, Country Clubs
Single Family Dwellings	Greenhouses
State Licensed Residential Facilities for 1-6 people	Outdoor Wood Fired Heaters
	Planned Unit Development
	Public Service Installations
	Site Condominiums
	Sod Farming ***(See ag and forestry SUP)***
	State Residential Facilities for 7-20 people
	Wind Energy Systems

Minimum lot size w/o sewer and/or water=43,560SF
Minimum lot size with both sewer and water = 20,000SF
Minimum width, w/o sewer and/or water = 150 ft
Minimum width, with both sewer and water = 125 ft
Maximum height of structure = 35 (25) ft
Minimum front yard setback = 40 ft.
Minimum side yard setback = 25 (15) ft.
Minimum rear yard setback = 40 (30) ft.
Minimum floor area = 1,050 SF
Maximum building lot coverage = 25%
( ) indicates accessory structures

TABLE 5 LOW DENSITY RESIDENTIAL DISTRICT USES

Low Density Residential District, R-1	
Permitted Uses	**Special Land Uses**
Accessory uses	Bed and Breakfast
Child Care Organizations	Cemeteries
Home Occupations	Golf Courses, Country Clubs
Public Buildings	Public Service Installations
Recreation, Outdoor; Parks	Institutions: Educational, Human Care, Religious, Social
Single-Family Dwellings	Planned Unit Developments
State Licensed Residential Facilities for 1-6 people	Site Condominiums
Battery Energy Storage System, On Site	State Licensed Residential Facilities for 7-20 people
Minimum lot size w/o sewer and/or water=20,000SF **Minimum lot size with both sewer and water = 8,750SF** **Minimum width, w/o sewer and/or water = 100 ft** **Minimum width, with both sewer and water = 70 ft** **Maximum height of structure = 35 (18) ft** **Minimum front yard setback = 30 ft.** **Minimum side yard setback = 8 (8) ft.** **Minimum rear yard setback = 30 (5) ft.** **Minimum floor area = 1,050 SF** **Maximum building lot coverage = 25%** ( ) indicates accessory structures	

TABLE 6 VILLAGE RESIDENTIAL DISTRICT USES

Village Residential District, R-1V	
Permitted Uses	**Special Land Uses**
Home Occupations	Bed and Breakfast
Accessory uses	Cemeteries
Child Care Organizations	Institutions: Educational, Human Care, Religious, Social
Single-Family Dwellings*	Multiple Family Housing
State Licensed Residential Facilities for 1-6 people	Planned Unit Developments
Public Buildings	Public Service Installations
Recreation, Outdoor; Parks	Site Condominiums
Battery Energy Storage System, On Site	State Licensed Residential Facilities for 7-20 people
	Two-family Dwellings
Minimum lot size = 8,750SF **Minimum width = 50 ft** **Maximum height of structure = 2.5 stories** **Minimum front yard setback = 16 (6) ft.** **Minimum side yard setback = 8 (3) ft.** **Minimum rear yard setback = 15 (5) ft.** **Minimum floor area = 900 SF** **Maximum building lot coverage = 60%** ( ) indicates accessory structures	

Note: *A single residential building containing no more than two dwelling units on each lot.

TABLE 7 MEDIUM DENSITY RESIDENTIAL DISTRICT

Medium Density Residential District, R-2	
Permitted Uses	**Special Land Uses**
State Licensed Residential Facilities for 1-6 people	Bed and Breakfast
Accessory uses	Cemeteries
Child Care Organizations	Golf Courses, Country Clubs
Home Occupations	Institutions: Educational, Human Care, Religious, Social
Recreation, Outdoor; Parks	Planned Unit Developments
Single-Family Dwellings	Public Service Installations
State Licensed Residential Facilities for 7-20 people	Site Condominiums
Public Buildings	
Two family dwelling units	
Battery Energy Storage System, On Site	

Minimum lot size w/o sewer and/or water=33,750SF
Minimum lot size with both sewer and water = 15,000SF
Minimum width, w/o sewer and/or water = 150 ft
Minimum width, with both sewer and water = 100 ft
Maximum height of structure = 35 (18) ft
Minimum front yard setback = 30 ft.
Minimum side yard setback = 10 (8) ft.
Minimum rear yard setback = 35 (5) ft.
Minimum floor area = 900 SF
Maximum building lot coverage = 35% w/o sewer/water; 25% w/water/sewer
Minimum dimensions for lots with one single-family dwelling are same as in R1 district
( ) indicates accessory structures

TABLE 8 HIGH DENSITY RESIDENTIAL DISTRICT USES

High Density Residential District, R-3	
Permitted Uses	**Special Land Uses**
Home Occupations	Bed and Breakfast
Single-Family Dwellings	Cemeteries
Accessory uses	Golf Courses, Country Clubs
Apartment House	Institutions: Educational, Human Care, Religious, Social
Apartment Complex	Planned Unit Developments
Child Care Organizations	Public Service Installations
Public Buildings	Site Condominiums
Recreation, Outdoor; Parks	
State Licensed Residential Facilities for 1-6 people	
Multiple family dwellings	
State Licensed Residential Facilities for 7-20 people	
Two family dwelling units	
Battery Energy Storage System, On Site	

Minimum lot size = 15000SF plus 2,600 SF for each additional residential unit
Minimum width = 100 ft
Maximum height of structure = 40 (18) ft
Minimum front yard setback = 30 ft.
Minimum side yard setback = 15 (8) ft.
Minimum rear yard setback = 35 (5) ft.
Minimum floor area = efficiency apartment 640 SF, one bedroom unit 640 SF, two bedroom unit 800 SF, three or more bedroom unit 800 SF plus 200 SF for each bedroom above 2.
Minimum dimensions for lots with one single-family dwelling are same as in R1 district

( ) indicates accessory structures

TABLE 9 MANUFACTURED HOUSING DISTRICT USES

Manufactured Housing District, R-4	
Permitted Uses	**Special Land Uses**
Accessory uses	
Manufactured Home Parks	
Public Service Installations	
Battery Energy Storage System, On Site	

ADDITIONAL REQUIREMENTS:

i. GREENBELT BUFFER Within the premises upon which a manufactured home park is located there shall be constructed a greenbelt buffer. After approval as a part of the preliminary plan review process, there shall be no requirement that the buffer be changed due to future development.

i. The greenbelt buffer shall be twenty (20') feet wide on all side and rear lot lines abutting adjoining property. Existing manufactured housing developments are not required to buffer between the existing development and any new adjacent development that did not exist at the time the preliminary plan was approved.

ii. Landscaping Materials. If the mobile home park abuts an existing residential development, screening shall be required in the buffer zones. Screening shall be with plants of six (6') feet in height at the time of planting, which shall obscure fifty (50%) percent of the view of the park, or a solid fence eight (8') feet in height obscuring one hundred (100%) percent of the view, or any combination of the above may be used to meet the intent of this Ordinance, to screen the mobile home park from abutting developed residential use district classifications, or residences, and also from any previously existing adjoining single-family residence, regardless of the zone in which the latter residence is located. All the screening shall obscure one hundred (100%) percent of the view at maturity. Property owners are allowed flexibility in material selection as long as these standards are met. If a wood fence is used, the materials shall be pressure-treated lumber. If a masonry fence is used, it shall have a foundation of at least forty-two (42") inches deep in the ground. Trees, shrubs and all planted vegetation within the buffer, must be appropriate to the climate and provided further, that they are not infested with pests, insects or diseases. The buffer shall be landscaped in such fashion as to assure that it will not erode and shall be landscaped with grass or ground cover appropriate for the climate.

Screening shall be maintained in a condition very similar to the condition at the time of installation. This means fences shall be straight and broken boards shall be re-placed. Dead trees, bushes, shrubs and vegetation shall be replaced with new, live, smaller plants which will grow to the same height as the dead plant being replaced. Masonry fences shall have all cracks repaired and maintained by pointing.

The Planning Commission shall be authorized to grant an exception from the foregoing screening requirements where the screening would serve no useful practical purpose in providing peace and quiet for the occupants of the adjoining premises and may grant any exception during the preliminary plan review process.

iii. The greenbelt buffer, whether utilizing a fence, or trees and plantings, or both, shall in any event be compatible with the surrounding environment.

ii. STREETS, SIDEWALKS AND PUBLIC WAYS Every mobile home park shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:

i. Access to public ways. Where adverse topographic conditions of entry streets are encountered, a second entry street must be provided. Such adverse conditions might be, but are not limited to, a stream, swamp and/or steep grade. The purpose of the second entry street is to provide adequate access to the community in cases of emergencies, poor weather or heavy traffic conditions.

ii. All streets within the mobile home park shall be paved with a hard surface in accordance with the most recent edition of the Standard Specifications for Construction that includes Construction Details of the Michigan Department of Transportation.

iii. Every street shall be provided with storm drains so as to allow for the drainage of water without flooding adjacent property or buildings, with the drains designed according to the design standards of the Michigan Department of Environmental Quality drainage standards.

iv. Two-way streets within the mobile home park shall have a minimum traveled width of twenty-one (21') feet of pavement with no parking. One-way streets shall have a minimum traveled width of thirteen (13') feet with no parking. Notwithstanding the foregoing, all streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the mobile home park the minimum width of each street, in addition to the traveled portion, shall be ten (10) feet wide for each parallel parking lane and sixteen (16') feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs will be installed and enforced on the side of the street.

v. Each street intersection within the mobile home park shall have an adequate safe sight distance. No object or planting shall be allowed in a yard or corner lots closer than thirty (30') feet from the intersection or taller than three (3') feet from the center line elevation of the street.

vi. Each intersection within the mobile home park shall be designated by a reflective street name sign, located at the intersection, identifying each street by name.

vii. If curbing is used, it shall be concrete with the exception of integral valley curb and gutter (gravity drains) which may be either concrete or asphalt.

iii. OFF STREET PARKING AND DRIVEWAYS

i. All mobile home sites within the mobile home park shall be provided with not less than two (2) hard-surfaced parking spaces. If the parking spaces are off-street, they shall be hard-surfaced and shall be sized to accommodate at least one (1) full-sized vehicle. All off-street parking shall be connected to an adjacent mobile home park street by hard-surfaced driveway at least ten (10') feet in width. Parking may also be provided on-street, provided that the parking lane width requirements are complied with. Driveways shall also be provided for access to service entrances and buildings for delivery and collection points for fuel, refuse and other materials and elsewhere as needed. Every driveway entrance shall have a flare or radii in horizontal alignment necessary for safe and convenient ingress and egress.

ii. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Each visitor parking site shall be located within five hundred (500') feet of the mobile home site it is intended to serve.

iii. In addition to the foregoing, a separate parking area may be provided for vehicles that cannot be accommodated within the parking areas set forth above, such as recreational vehicles, travel trailers, snow mobiles, and the like.

iv. ILLUMINATION All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:

i. Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.

ii. At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.

iii. All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.

iv. If a central park mail box or park directory or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.

v. All outdoor recreational facilities shall be provided with illumination adequate to facilitate their intended use.

vi. All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.

v. WATER SUPPLY, FIRE HYDRANTS, AND SANITARY SYSTEM Each mobile home park shall be connected to a common water supply and sanitary sewage disposal system. Adequate water supply shall be provided for firefighting purposes. Water supply shall be designed and installed and sewer service provided in accordance with the Michigan Department of Public Health Engineering Standards and the Safe Drinking Water Act, Section 325.1105 administrative rules and shall be properly maintained and readily accessible for immediate use at all times. Fire hydrants shall be situated within the mobile home park in such locations and at such intervals such that no lot shall be more than three hundred (300) feet measured parallel to the street from a fire hydrant. Each fire hydrant shall be located within ten (10) feet of the edge of the street paving surface. If the central water system cannot support fire hydrants, 'dry' fire hydrants shall

be installed. When the property is more than one hundred fifty (150) feet along a public right-of-way from either municipal water or sewer supply lines or sewers, a private system may be installed as approved by the County Health Department. Otherwise, each mobile home park shall be connected to the Township water and/or sanitary sewage disposal systems and each mobile home site shall be connected.

vi. SOLID REFUSE, GARBAGE AND RECYCLABLES The disposal of solid refuse shall comply with all Township and other government requirements for refuse disposal.

vii. UTILITIES All local distribution lines for telephone and electric services, exclusive of main supply and perimeter feed lines shall be placed entirely underground throughout the mobile home park.

viii. OPEN SPACE An open space dedicated to use by Mobile Home Park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2%) percent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland. This open space requirement shall not apply to mobile home developments with less than fifty (50) sites. If a development is built in stages, when the fifty-first site is developed, this requirement shall apply to all the sites in both stages of the development.

ix. MOBILE HOME INSTALLATION

Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

TABLE 10 VILLAGE CENTER DISTRICT USES

Village Center District, VC	
Permitted Uses	**Special Land Uses**
Accessory uses	Apartment House
Banquet Facility	Drive-in Uses
Bed and Breakfasts	Institutions: Human Care
Business Schools	Planned Unit Developments
Combination of other permitted uses	Restaurants, Drive-In
Funeral Homes	State Licensed Residential Care Facilities for 7-20 people
Institutions: Cultural, Educational, Religious, Social	Temporary Outdoor Uses
Dry cleaner, laundry	Vehicle Repair
Motels/Hotels	Wireless Communication Facilities
Offices	Automobile (Car) Wash
Personal Service Establishments	
Public Service Installations	
Public Utility Buildings	
Restaurants	
Retail Business	
Taverns	
Theaters	
Senior Housing	
State Licensed Residential Care Facilities for 1-6 people	
Recreation, Indoor	
Childcare Organizations	
Battery Energy Storage System, On Site	

Notes: APPEARANCE STANDARDS

The following standards are intended to apply design principles to commercial buildings in the VC Village Center District. These standards are established to emphasize the importance of the design of the building site, including structures, plantings, signs, street hardware and other objects observed by the public. These standards are to be applied to new construction as well as additions or modifications to existing buildings which exceed fifty (50%) percent of the floor area or fifty (50%) percent of the exterior wall surface area of the existing building, whichever is less. Site plans shall indicate factors necessary to evaluate appearance. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

x. FACTORS FOR EVALUATION

The following factors and characteristics which affect the appearance of a development will govern the evaluation of a design submission:

i. Conformance to ordinances and the appearance standards.

ii. Logic of design.

iii. Exterior space utilization.

iv. Architectural character.

v. Attractiveness.

vi. Material selection.

vii. Compatibility in design with the balance of development in this district.

viii. Circulation - vehicular and pedestrian.

ix. Maintenance aspects.

xi. RELATIONSHIP OF BUILDING TO SITE

i. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, and safe pedestrian movement.

ii. Without restricting the permissible limits of the VC Zoning District, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

iii. Newly installed utility services, and service revisions necessary due to exterior alterations shall be underground.

xii. RELATIONSHIP OF BUILDINGS AND SITE TO ADJOINING AREA

i. The proposed building shall be generally compatible with the architectural style of adjoining buildings. Adjacent buildings of widely differing architectural styles shall be made compatible by such means as screens, sight breaks and materials.

ii. Attractive landscape design transition to adjoining properties shall be provided.

iii. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

xiii. BUILDING DESIGN

i. While architectural style is not restricted, new or redevelopment in the VC District, must have an exterior surface of brick, natural or synthetic stucco, natural or synthetic stone, decorative block, vinyl, wood, EPIS, cultured stone or similar material or any combination of these materials.

ii. Buildings shall be similar in scale and overall compatibility with the design of permanent neighborhood development.

iii. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally compatible in design used for all

building walls and other exterior building components wholly or partly visible from public ways. Materials shall be of durable quality.

iv. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.

v. Colors shall be harmonious and shall use only compatible accents.

vi. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.

vii. Exterior lighting may be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

viii. Refuse and waste removal areas, service yards, storage yards, and exterior work shall be screened from view from public ways using materials compatible with the principle building design.

xiv. SIGNS:

i. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.

ii. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

xv. MISCELLANEOUS STRUCTURES AND STREET HARDWARE

Miscellaneous structures and street hardware shall be designed to be a part of the architectural concept of design and landscape.

xvi. MAINTENANCE - PLANNING AND DESIGN FACTORS

Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.

TABLE 11 NEIGHBORHOOD BUSINESS DISTRICT USES

Neighborhood Business District, NB	
Permitted Uses	**Special Land Uses**
Accessory Uses	Business Schools
Offices	Senior Housing
Battery Energy Storage System, On Site	Childcare Organizations

ADDITIONAL REGULATIONS IN THE NEIGHBORHOOD BUSINESS DISTRICT:

a. All uses must be offices accessible generally by appointment only.

b. Retail sales are prohibited.

c. Regular hours of operation are limited to between 6am and 9pm.

d. No outside activity is permitted on a temporary or permanent basis with the exception of those normally conducted at senior housing facilities and child care organizations. Examples of prohibited activity are using the parking lot for seasonal sales, holding health fairs or similar activity.

e. Required buffering is at the determination of the Planning Commission at the time of site plan review.

TABLE 12 GENERAL BUSINESS DISTRICT USES

General Business District, GB	
Permitted Uses	**Special Land Uses**
All uses permitted by right in VC	Archery/Pistol Ranges
Banquet Facility	Automobile (Car) Wash
Combination of other permitted uses	Farm Implement Sales(See Outdoor Sales in SUP)
Gas Stations (Automobile Service Stations)	Golf Driving Range, Miniature Golf
Vehicle Repair (Auto Service Center)	Institutions: Human Care, Rehabilitation
Wholesale Business	Lumber/Home Improvement Yards (See Outdoor Sales in SUP)
Wholesale Food Distributors	Mini Storage/Self Storage
Battery Energy Storage System, On Site	Outdoor Wood Fired Heaters
	Planned Unit Developments
	Public Utility Buildings
	Recreational Vehicle (RV) Sales and Service
	Temporary Outdoor Uses
	Vehicle Sales (See Outdoor Sales in SUP)
	Wireless Communication Facility
	Drive-In Uses
	Battery Energy Storage System, Small Off-Site
	Battery Energy Storage System, Small Off-Site

TABLE 13 REGIONAL BUSINESS DISTRICT USES

Regional Business District, RB	
Permitted Uses	**Special Land Uses**
All uses permitted by right in General Business, GB	Institutions: Human Care
Archery/Pistol Ranges	Outdoor Sales not listed as permitted by right
Automobile and Truck Rental Terminals	Outdoor Wood Fired Heaters
Banquet Facility	Planned Unit Developments
Body Shops	Public Utility Buildings
Combination of other permitted uses	Battery Energy Storage System, Small Off-Site
Contractors, Landscaping	Battery Energy Storage System, Small Off-Site
Farm Implement Sales	Wireless Communication Facility
Golf Driving Range, Miniature Golf	Drive-In Uses
Lumber/Home Improvement Yards	Automobile (Car) Wash
Manufactured Home Sales	
Mini Storage/Self Storage	
Nurseries (plants)	
Recreation, Indoor	
Recreation, Outdoor	
Recreational Vehicle (RV) Sales and Service	
Research and Production of Technical Equipment	
Restaurants	
Retail Business	
Taverns	
Theater	
Towing Operations	
Vehicle Repair (Auto Service Center)	
Warehousing and Processing Facilities for Air and Ground Package Delivery	
Recreational Vehicle Parking	
Battery Energy Storage System, On Site	

TABLE 14 LIGHT INDUSTRIAL DISTRICT USES

Light Industrial District, I-1	
Permitted Uses	**Special Uses**
Accessory uses	Industrial Parks
All uses permitted by right in RB	Public Utility Buildings
Banquet Facility	Wireless Communication Facility
Bulk Agricultural collection, storage, and distribution	Kennels
Combination of other permitted uses	Veterinary Hospitals
Commercial and Business Schools	Battery Energy Storage System, Small Off-Site
Commercial cleaning	
Contractor Storage Yards	
Fireworks Storage	
Fuel Sales	
Laboratories	
Manufacture of Electronic/Electrical Devices	
Manufacturing of small molded products	
Personal Service Establishments	
Production, Processing, Assembling	
Recreational vehicle parking	
Truck Terminals	Battery Energy Storage System, Small Off-Site
Battery Energy Storage System, On Site	

TABLE 15 HEAVY INDUSTRIAL DISTRICT USES

Heavy **Industrial District, I-2**	
Permitted Uses	**Special Uses**
All uses permitted in I-1	Adult Entertainment Business
Accessory uses	Commercial Cleaning Plants
Banquet Facility	Industrial Parks
Bulk Storage	Salvage Yard, Resource Recovery
Dry Cleaners, laundries	Public Utility Buildings
Manufacturing of Electronic/Electrical Devices	Sand Mining, Quarries, Gravel Pits
Storage of Waste Disposal Vehicles	Sewage Treatment and Disposal
Battery Energy Storage System, On Site	Wireless Communication Facility
	Kennels
	Veterinary Hospitals
	Battery Energy Storage System, Small Off-Site
	Battery Energy Storage System, Large Off-Site

TABLE 16 GREENBELT CONSERVATION/FLOODPLAIN DISTRICT USES

Greenbelt Conservation/Floodplain District, GC	
Permitted Uses	**Special Land Uses**
Accessory uses	
Fishing areas, Boat Dock, Boathouse - private	Golf Courses, Country Clubs
Nature Preserves	
Recreation, Outdoor	
Walkways, Trails	
Battery Energy Storage System, On Site	

ADDITIONAL REGULATIONS IN THE GC DISTRICT

The following restrictions and conditions are applicable to the GC District.

a. No land filling and no principal structures shall be permitted in the GC District except in accordance with the Michigan Department of Environmental Quality requirements.

b. The Planning Commission shall receive a copy of the permit application and approval of such application for those improvements that require a permit.

c. For those portions of the GC District adjacent to a river or watercourse, to minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, screen man-made structures and preserve aesthetic values of the GC District, a natural vegetation strip of twenty-five (25') feet shall be maintained. Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed to achieve a filtered view of the river from the principal structure and for reasonable private access to the river or watercourse.

d. All applications for physical alterations to properties located in this district shall be subject to the site plan review requirements.

SECTION 3.4 AREA, HEIGHT AND DISTANCE REQUIREMENTS

The following table presents the minimum and maximum area, height, and distance requirements for each district with the Tittabawassee Zoning Ordinance.

TABLE 17 DIMENSIONS FOR ALL DISTRICTS

Zoning Districts	Minimum Lot Size Per Dwelling Unit/Main Structure		Max. Height of Structure	Minimum Yard Setbacks (Ft)				Minimum Floor Area	Maximum Lot Coverage (including Accessory Buildings)	Accessory Buildings Total Max. Floor Area
	Area (Sq Ft)	Width (Ft)	In feet Stories	Front	Side total	Side Min. One Side	Rear	(Sq Ft)		
AG Agriculture	43,560	150	35 b	40	50 (35)	25 (15)	40 (30)	1,050	j.	l.
R-1A Rural Residential Without sewer and water	43,560 e	150 e	35 (25) 2.5	40	50 (35)	25 (15)	40 (30) o.	1,050	25%	k. l.
R-1A Rural Residential with sewer and water	20,000 d	125 d								
R-1A Platted Subdivision	20,000 d	125 d	35 (25) 2.5	35 n.	30 (30)	15 (15) n.	30 (5) o.	1,050	25%	k, l.
R-1 One Family Residential Without sewer and water	43,560 e	100 e	35 (18) *2.5*	30 n.	20 (15)	8 (8) n.	30 (5) o.	1,050	25%	864 SF k, l, o.
R-1 One Family Residential with sewer and water	8,750 d	70 d								
R-1V - Village	--	50	2.5	16 (6)	16 (6)	8 (3)	15 (5)	900	60%	864 SF
R-2 Duplex & Other uses	33,750 e 15,000 d	150 e 100 d	35 (18) *2.5*	30 n.	24 f (20)	10 (8) n.	35 (5)	900	35% 25%	864 SF 864 SF k.o.
R-2 Single Family Res.	43560 e 8750 d	100 e 70 d	35 (18) 2.5	30 n	24 f (20)	10 (8) n	35 (5)	900	35% 25%	964 SF k o
R-3 Multiple Family Residence (p)	15,000 plus 2,600 for each add. Unit	100	40 (18) *3.0*	30 n.	30 (25)	15 (8) n.	35 (5)	h.	40%	864 SF k.
R3 Single Family Res	43560 e 8750 d	100 e 70 d	35 (18) 2.5	30 n	24 f (20)	10 (8) n	35 (5)	900	35% 25%	964 SF k o

Zoning Districts	Minimum Lot Size Per Dwelling Unit/Main Structure		Max. Height of Structure	Minimum Yard Setbacks (Ft)				Minimum Floor Area	Maximum Lot Coverage (including Accessory Buildings)	Accessory Buildings Total Max. Floor Area
	Area (Sq Ft)	Width (Ft)	In feet Stories	Front	Side total	Side Min. One Side	Rear	(Sq Ft)		
R-4 Manufactured Home	see Article 3									
VC Village Center	None	None	40 (25) 3.0	None	None	None	20 (10)	None	100%	j.
NB Neighborhood Business	None	None	35 1.0	30’	60’ c. f.	30’ c. f.	30’	None	30%	j.
GB General Business	15,000	100	40 (25) 3.0	30	None a.	None a.	20 (10)	None	80%	j.
RB Regional Business	15,000	100	40 (25) 3.0	30	25 (5)	10 (5)	20 (10)	None	60%	j.
I-1Light Industrial	12, 000	150	40 (30) 3.5	40	15’	15’	10% i.	None	50%	j.
I-2 Heavy Industrial	12,000	200	70 (45)	50	15’	15’	10% i.	None	50%	j.
GC Greenbelt Conservation (See footnote m.)	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.

n.a. - not applicable ( ) - refers to accessory structure regulations

Footnotes to Table:

a. Side yards may be required when necessary to meet buffering, fire regulations and other site plan issues.

b. All accessory buildings in the AG district, and used for agricultural purposes, may not exceed eighty five (85’) feet in height.

c. If two permitted uses are located on the same lot, a zero lot line is permitted on the side yard setback on the interior of the lot. This means that the two uses may share a common wall provided all exterior front, side and rear yard requirements are met.

d. Minimum dimension when both public sewer and water are available. All other dimensional regulations apply.

e. Minimum dimension when either public sewer or water is not available. All other dimensional regulations apply.

f. Where the adjacent property is zoned nonresidential, the minimum side yard setback is ten (10’) feet for one side and the total side setback is forty (40’) feet for both side yards.

g. In cases where there is an attached garage, the total side yards must be a minimum of twenty (20’) feet. Two family residences may be constructed with no side yard on one side if the unit is designed as zero lot line housing and meets all other zoning requirements.

h. Minimum required square footage per unit by unit type:

i. Efficiency Apartment - Is a dwelling unit containing not over six hundred forty (640) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

ii. One Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least six hundred and forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.

iii. Two Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.

iv. Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

i. Rear yards must be at least ten (10%) percent of lot width, but need not be greater than forty (40') feet.

j. There is no maximum floor area for accessory buildings, except that the combined floor area for the main building and accessory building(s) may not exceed the maximum lot coverage.

k. In the R-1, R-1V, R-2 and R-3 zoning districts, where the parcel is less than one (1) acre in size and not less than four tenths (.40) acre in size, the maximum accumulated total size for all accessory buildings on a developed lot shall be eight hundred sixty-four (864) square feet. In the R-1A zoning district, where the parcel is less than one (1) acre in size and not less than four tenths (.40) acre in size, the maximum accumulated total size for all accessory buildings on a developed lot shall be twelve hundred (1200) square feet, subject to the maximum allowed lot coverage.

a. Exception: On lots in the R-1, R-2 and R-3 zoning districts where the lot size exceeds the minimum lot size by one hundred percent (100%), the maximum accumulated total size for all accessory buildings may be increased to sixteen hundred (1600) square feet, subject to the maximum allowed lot coverage.

b. They shall be constructed in a style similar to that of the principal building.

c. All walls shall be vertical and accessory buildings shall be designed typical of residential accessory building construction or as determined appropriate by the township building inspector.

l. In the AG district where there is a nonfarm dwelling and in the R-1A district where the parcel is a minimum of one (1) acre, the maximum allowable size of all accessory buildings on a developed lot shall be ten (10%) percent of the total lot area, not to exceed Five thousand (5,000) square feet. In the R-1 district where the parcel is a minimum one (1) acre, the

maximum allowable size of all accessory buildings on a developed lot shall be ten (10%) percent of the total lot area, not to exceed three thousand two hundred (3,200) square feet.

m. No structure in any district abutting the Greenbelt Conservation/Floodplain District shall be closer than twenty-five (25') feet from the GC District.

n. On a corner lot the side yard setback must be the same as the front yard setback.

o. Accessory structures under 200 square feet may be located in the required rear yard except in the rear lot utility easement.

p. In the R2 and R3 districts, minimum dimensions for lots with one single-family dwelling are the same as for the R1 district.

q. In the AG district where there is a nonfarm dwelling and in the R-1A district where the parcel is a minimum of five (5) acres, the maximum allowable height of an accessory building shall be 35 feet.

SECTION 3.5 ADDITIONAL DIMENSIONAL REGULATIONS IN THE R-1A, R-1V, R-1, R-2 AND R-3 DISTRICTS

a. If forty (40%) percent or more of all the frontage on one side of a street between two intersecting streets has been or shall become developed with residences, the front yard so established shall prevail in the case of one and two family houses, but nothing in this section shall be construed to permit any new house closer than twenty (20') feet to the front street line, or require a front yard setback of more than forty (40') feet from the front street line.

b. The height and area requirements of all zones shall be subject to the following exceptions: Parapet walls not exceeding four feet in height; chimneys; cooling towers; elevator bulkhead; fire tower; gas tanks; grain elevators; penthouses; stacks; stage towers or scenery lofts; flour mills; food processing plants; television antennas; sugar refineries; tanks; water towers; radio towers; cellular communication towers, ornamental towers; monuments; cupolas; domes and spires; and necessary mechanical appurtenances.

SECTION 3.6 ADDITIONAL DIMENSIONAL REGULATIONS IN THE R-4 DISTRICT

a. Mobile home parks shall be developed for sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty (20%) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirement be less than that required under the rules of the Michigan Administrative Code. No duplex or multi-family unit shall be allowed.

b. For purposes of this section, a mobile home includes an add-a-room, expand-o-room, porch, steps, carport, awning, deck, swimming pool, slide-o-bay or other object.

c. A mobile home shall be required to be set back the following minimum distances:

i. Twenty (20') feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.

ii. Ten (10') feet from any of the following:

  i. An on-site parking space of an adjacent mobile home site.

  ii. An attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.

iii. Fifty (50') feet from permanent park-owned structures such as any of the following:

  i. Community buildings.

  ii. Offices.

  iii. Maintenance and storage facilities.

  iv. Similar structures.

iv. One hundred (100') feet from a baseball or softball field.

v. Twenty-five (25') feet from the fence of a swimming pool.

vi. On-site detached storage sheds shall be a minimum three (3) unobstructed feet from any mobile home served thereby, unless the wall adjacent to the mobile home is lined with Class A fire-resistant material.

vii. Attached or detached structures or accessory buildings of a mobile home that are not used for living space shall be a minimum distance of ten (10') feet from an adjacent mobile home or its adjacent attached or detached structures.

d. Any part or structure, such as steps, porches, supported or unsupported awning, deck, carport or garage, or similar structures, that are a part of a mobile home shall be set back the following minimum distances:

i. Ten (10') feet from the edge of an internal road.

ii. Seven (7') feet from an off-site parking space.

iii. Seven (7') feet from a common sidewalk.

iv. Twenty-five (25') feet from a natural or man-made lake or waterway.

e. Steps shall not encroach into parking areas.

f. The length of a mobile home site may vary, depending on park design and layout and the mobile home to be installed; however, the minimum standards pertaining to the distance between mobile homes shall be complied with.

g. Site dimensions may be computed to include the space requirements for mobile homes which may contain expand-o-rooms or may be computed in anticipation of the attachment of expansions, such as add-a-rooms.

h. No structure within the mobile home park shall exceed two and one-half (2-1/2) stories in height.

SECTION 3.7 ADDITIONAL DIMENSIONAL REGULATIONS IN THE I-1 AND I-2 DISTRICTS

The height and area requirements in the I-1 and I-2 Districts shall be subject to the following exception: Parapet walls not exceeding eight (8') feet in height; chimneys; cooling towers; elevator bulkhead; fire tower; gas tanks; grain elevators; stacks; flour mills; food processing plants; television antennas; sugar refineries; tanks; water towers; radio towers; ornamental towers; monuments; cupolas; domes and spires; necessary mechanical appurtenances; and additions to existing buildings which now exceed the height limitations of the I-1 or I-2 Districts up to the height of the existing building.

Article 4 ■ *GENERAL PROVISIONS*

SECTION 4.1 GENERAL PROVISIONS FOR ALL RESIDENTIAL DISTRICTS

The following provisions apply to development in all or any one of the R-1, R-1A, R-1V, R-2 and R-3 Districts. All applicable requirements identified in those provisions must be met, prior to the issuance of a project application or building permit.

a. REAR YARD AND FRONT YARD DWELLING PROHIBITED

i. No dwelling shall be constructed, maintained, altered, or moved into the front yard or rear yard setback of a building situated on the same lot.

ii. A private garage or a portion thereof may not be rented or leased for the storage of vehicles or equipment or for a use by other than the resident of the property.

iii. Accessory buildings or structures may only exist on a lot with a principal structure on the same lot.

iv. No accessory building or structure may be inhabited by humans either permanently or temporarily for any reason.

b. FRONT YARDS ON LOTS RUNNING THROUGH THE BLOCK

In any district where a lot runs through a block front street to street and where a front yard is required, the front yard shall be provided along each street lot line, which is not a side yard street lot line (see Figure 4).

c. HOME OCCUPATIONS

Home Occupations are permitted under the following conditions:

i. is operated in its entirety within the principal dwelling;

ii. does not have a separate entrance from outside the building;

iii. does not involve alteration or construction not customarily found in dwellings;

iv. does not use any mechanical equipment except that which is used normally for purely domestic or household purposes or for agricultural purposes if the home occupation is located in the AG zoning district;

v. does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, with a maximum total area for the home occupation of five hundred (500) square feet;

vi. does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, non-illuminated, wall sign having an area of not more than two (2) square feet.

vii. does not employ any persons other than family members residing on the premises.

viii. No retail sales shall be permitted on the premises.

ix. Does not involve automobile and/or vehicle repair such as painting, sales, salvage.

x. Kennels are not permitted as home occupations.

d. SEWAGE AND WATER REQUIREMENTS

No building permit shall be issued for any building to be occupied by human beings unless provisions have been made to provide sewage disposal and water to the building. In the absence of public sewer or water the Zoning Administrator can only issue a building permit when county or State permits for water and sewage disposal meet state and county health department standards.

e. SURFACE RUNOFF

This section has been removed.

f. BASEMENT DWELLINGS

The use of a basement or the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones, except as living quarters for priests, ministers, and their equivalent as provided by the Board of Appeals. This shall not prohibit a dwelling unit located partially below ground that has access to a hallway providing two remote means of egress to ground level.

g. REAR DWELLINGS

No building in the rear of a main building on the same lot shall be occupied for residential purposes.

h. TEMPORARY BUILDINGS OR TRAILERS

For uses incidental to construction work. Such buildings or trailers shall be removed upon the completion or abandonment of the construction work and before issuance of an occupancy permit.

i. REPAIR OF DAMAGED CONFORMING SINGLE FAMILY DWELLING. One mobile home may be placed temporarily on any parcel in the A-1, R-1A, R-1, R-1V, or R-2 district which conforms to all dimensional requirements of this Ordinance. The mobile home may house only the owner(s) of the parcel and immediate family members during the repair of a single family home that has been damaged to a degree that it is no longer able to be occupied. The temporary permit shall be valid for up to 90 days and may be issued by the zoning administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Zoning Administrator.

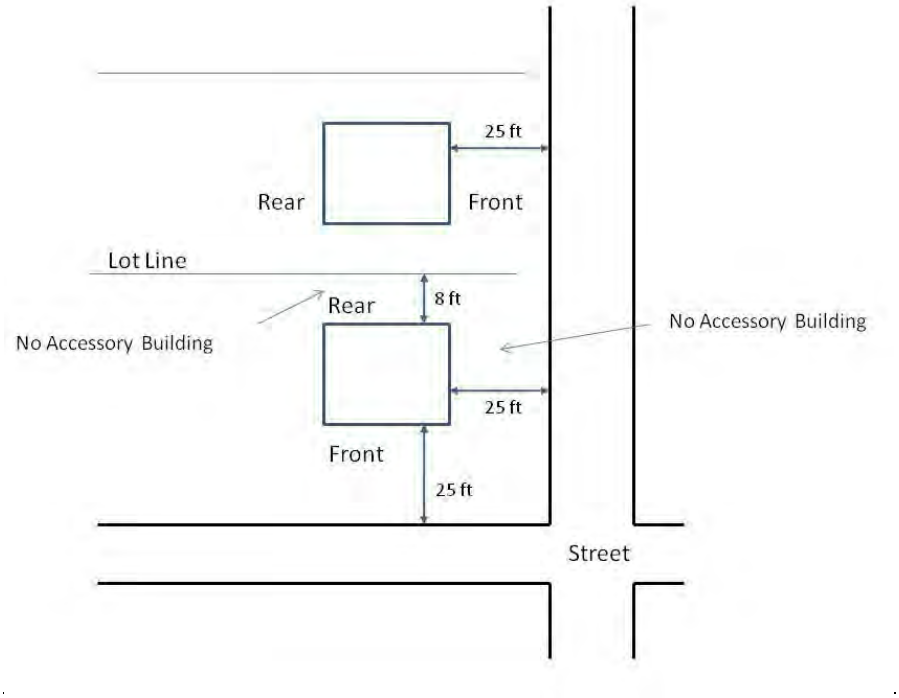


FIGURE 2 ACCESSORY BUILDINGS/STRUCTURES

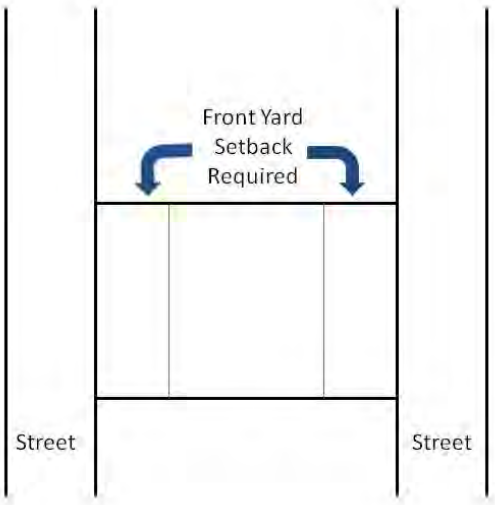


FIGURE 3 FRONT YARD SETBACK

SECTION 4.2 GENERAL PROVISIONS FOR ALL COMMERCIAL DISTRICTS

OPEN STORAGE. In all commercial districts, the open storage of any licensed equipment, vehicles and all materials, including containers and dumpsters, shall be screened from public view, from a street and from adjoining residential properties by an enclosure consisting of a wall equal in height to the equipment, vehicles and all materials to be stored. In no instance shall said wall be less in height than four feet six inches (4'6") measured from the surface of the adjacent building flooring.

SECTION 4.3 GENERAL PROVISIONS FOR ALL INDUSTRIAL DISTRICTS

a. ACCESSORY BUILDINGS OR ACCESSORY STRUCTURES IN ANY INDUSTRIAL DISTRICT

i. No accessory building or structure may be built upon any lot in single ownership on which there is no principal building.

ii. No accessory building shall be placed in any required front yard nor closer than ten feet to any other building. An accessory building or structure located in a rear yard shall not be closer than ten (10') feet to any lot line.

iii. As long as accessory buildings meet all yard setback requirements, there are no maximum building size restrictions on an accessory building in the I-1 or I-2 District.

iv. An accessory building may not be used for a dwelling.

b. REFUSE; SCREENING OF OUTDOOR STORAGE; JUNK MOTOR VEHICLES

The outdoor storage, collection, keeping, or placing of garbage, junk, refuse, discarded material, building materials, or unprotected metals is prohibited in front and side yards in industrial zones. Outdoor storage of materials and refuse is permitted in industrial districts in rear yards. When any such rear yard abuts a street or a residentially zoned or developed areas, it shall be screened from the adjacent residential areas by a solid fence or wall at least eight (8') feet in height, or by eight (8') foot evergreen planting. Other types of waste or discarded materials too large or bulky to be conveniently placed in a container may be temporarily stored in an outdoor location for not more than one week (5 working days) while awaiting pickup by a hauler or refuse collector. If after two (2) complaints and citations, or thirty (30) days by Tittabawassee Township, the material remains in violation of this Ordinance, the Township may cause the violation to be removed, and bill the proprietor. If the billing is not paid within ninety (90) days it shall become a lien on the property, properly recorded at the County. All operations shall be conducted wholly within the confines of a building.

c. OPEN SPACE MINIMUM AREA

All lots to be used for business, industry and public uses requiring parking for employees, customers, visitors and users, shall have fifteen (15%) percent of lot area set aside as open space. This space shall only be occupied by lawn or landscape features not obstructing areas for snow piling.

d. PERFORMANCE STANDARDS

Before the issuance of any building or occupancy permit the applicant shall sign an agreement stating that the use of the property will meet the requirements of this Ordinance.

e. APPEARANCE

No storage of waste from off-site outside a building shall be permitted at any time. All noxious activities (storage of on-site waste) shall be screened by an eight (8') foot solid fence, or by berm with plantings.

f. In all industrial districts the open storage of equipment, vehicles and materials shall be screened from public view from a street or an adjacent residential property by an enclosure consisting of a fence equal in height to the height of the equipment, vehicles or material stored on the site.

SECTION 4.4 USE REGULATIONS

a. ACCESSORY USES

Nothing in this Ordinance shall be construed to prohibit the following accessory uses:

i. Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreational area.

ii. Buildings or structures necessary for the provision of essential services.

iii. Gardens, garden ornaments and usual landscape features within required yard space.

iv. Retaining walls.

v. Public playgrounds.

vi. Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one and one half (1.5) ton rated capacity.

vii. Home occupations.

viii. Use of premises as a voting place.

ix. Storage sheds, playhouses, dog houses, detached garages and shelters for transit or school bus passengers.

x. Radio or television antennas or satellite dishes.

xi. Swimming pools.

xii. Front yard handicap access facilities in residential districts, when proof of need in shown.

b. DEPOSITING OF SOIL, SAND, CLAY MATERIALS

i. Depositing and/or storage of soil, sand, clay and similar materials in any zoning district is permitted during construction of a structure, landscaping activities not associated with a commercial use, or changes in grade for agricultural purposes.

ii. Excavating or storing materials for sale except in conjunction with an approved mining operation or legal commercial use is prohibited in all zoning districts.

iii. Materials excavated in conjunction with construction of a structure or pond must be graded according to Section 4.4 (i) 3(e).

c. EXCAVATION AND HOLES

The construction, maintenance, or existence of unprotected or un-barricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for constructing, remodeling, or expanding structures, or for industrial or farming operations, including the mining of sand and gravel, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Saginaw County, Tittabawassee Township, or other units of government.

Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required, upon termination of such activities for a period of one (1) year or more, to be refilled by the person, firm or corporation engaging in such excavation. The excavated site shall be graded and returned, as far as possible, to its natural state, including planting of vegetation indigenous to the area, within ninety (90) days after the one (1) year anniversary of termination of excavation or extraction activities. If the site is immediately vacated after termination of activities, the site shall be graded and returned to its natural state within ninety (90) days after activities are terminated. In all other instances in which excavation of holes for construction or remodeling has occurred, the filling and grading of such holes shall occur as soon as practical.

d. STORAGE, DUMPING OF WASTE, JUNK, ETC.

The use of land or water resources for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, ash shall not be permitted, except in such cases where a temporary permit is obtained from the Zoning Administrator, upon approval of the Planning Commission, after a public hearing and in accordance with Part 115 of the Michigan Natural Resources and Environmental Protection Act as amended. Such permit shall not exceed one (1) year from the date of issuance and may be renewed on an annual basis only after approval is granted by the Planning Commission.

BOND/AGREEMENT. An appropriate bond and agreement shall be required of the applicant to ensure compliance with the directives set forth by the Planning Commission. Such dumping or disposal shall not negatively affect the water table, or cause pollution of stagnant or running water in any area of the Township or attract rodents, vectors or other nuisances so as to create health or safety problems to the natural environment and the inhabitants of the Township. Nor shall the natural terrain be altered in any fashion to create safety or health hazards at the expiration date of the permit. The character of the land shall

not be substantially altered so as to make it unusable for the uses for which it was originally zoned.

e. TEMPORARY PROJECT APPLICATION

i. A temporary use permit fee shall be established by the Township Board for all “for profit” temporary uses.

ii. The Zoning Administrator may issue temporary use permits for up to sixty (60) days unless otherwise stated in these regulations, after determining that these uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second temporary use permit may be issued by the Zoning Administrator at the end of a time limit if the applicant shows good cause for up to thirty (30) additional days, not to exceed ninety (90) days in one calendar year. The Zoning Administrator may attach the conditions and requirements deemed necessary to meet the intent of the provisions of this section.

iii. A scaled drawing shall be required with each permit application and shall show the location of sales outside the required setbacks for the district. The drawing must be signed by the owner of the parcel.

iv. Structures used for the sale or display of outdoor items shall not be used for human shelter overnight.

v. Temporary uses including display or sale of items shall not be located within the required yard or setback area.

vi. Adequate off street parking shall be maintained at all times and shall not displace required off street parking nor cause parking or traffic congestion on adjacent streets or properties.

vii. Temporary uses selling items for human consumption shall have access to hand washing and toilet facilities.

viii. Temporary signage shall be permitted as described in Article 14, Sign Regulations.

ix. There shall be no external lighting of temporary structures abutting residential districts except lighting that is already present on the site.

x. Temporary structures shall not have a permanent foundation, move in any way or become unattached due to wind. A temporary structure may not exceed fifteen (15’) feet in height or 200 square feet in area. It may not be a trailer or semi trailer.

xi. Structures of any kind must be removed within three days of the expiration of the permit. Merchandise, signage, waste, debris and all equipment used on the site shall also be removed.

xii. An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to ninety (90) days while a dwelling or structure is being constructed or reconstructed on the same premises.

xiii. Construction supplies to be used on the site. The storage of building supplies and machinery; temporary storage buildings; the assembly of materials associated with a

customary trade; and contractor, architect, and identification signs in connection with a construction project, may be authorized by the Building Department for a period of up to twelve (12) months.

f. ZONING AFFECTS EVERY STRUCTURE AND USE OF PROPERTY

Except as specified, no building, structure, land or premises shall be used or occupied, and no building or part of a building or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless it conforms with the regulations of the district in which it is located.

SECTION 4.5 GENERAL DEVELOPMENT REGULATIONS

a. MIXED OCCUPANCY

Before issuing a project application for any construction for any premises that is:

i. intended for a combination of dwelling and commercial or dwelling and industrial occupancy,

ii. which would result in an increased number of dwelling units within a building partly occupied by business or industrial use; or

iii. which would result in an increased area devoted to business or industrial use, within a building partly occupied as a dwelling;

the Zoning Administrator shall refer the plans to the Fire Chief and Health Department for their review of any existing or anticipated fire or health hazards. Recommendations as to additional provisions or changes in the interest of safety or health shall be complied with before issuance of a permit.

b. PRIVATE ROADS

Private roads are prohibited in Tittabawassee Township.

c. PUBLIC NUISANCE, PER SE

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this section and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

d. REVERSION OF REZONED AREA

In the case of land which has been approved for a zoning change, construction on the parcel must begin within a period of one year from approval of the zone change. If construction does not commence within this period, the Planning Commission may initiate a rezoning to return the land to the previous zoning designation, or to another designation. The process for returning the land to its previous zoning designation must comply with the amendment process provided in this Ordinance.

e. SIDEWALKS

Upon adoption of this Ordinance, sidewalks are required in accordance with the Tittabawassee Township Sidewalk Ordinance.

f. STREETS

To provide for the public health and welfare through adequate light and ventilation and for the safety of persons and property in the use of the streets of the Township, all public streets platted, laid out, or dedicated and accepted by the Township shall have a right of way width of at least sixty-six (66') feet.

SECTION 4.6 STRUCTURE REGULATIONS

a. ABANDONED BUILDINGS AND STRUCTURES

Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than six (6) months shall be considered abandoned and come under the provisions of this ordinance and other Township codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once six (6) months have passed, the building or structure shall have to meet all the current standards of all applicable Township codes.

b. ACCESSORY BUILDINGS OR ACCESSORY STRUCTURES IN ANY DISTRICT

i. No accessory building or structure may be built upon any lot on which there is no principal building. Accessory structures and buildings may not be inhabited.

ii. No accessory building shall be placed in any front or side yard with the following exceptions:

i. In the A1-Agricultural and R1A-Disbursed Residential zoning districts, accessory buildings are permitted in the front and side yards provided said building is not less than two hundred (200) feet from any road right of way and not less than one hundred (100) feet from any residence on another parcel.

ii. Shelters for school bus passengers.

iii. Handicap access facilities in residential districts, when proof of need is shown.

iii. Accessory Buildings include but are not limited to:

a) Customary refreshment and service buildings that are incidental to the recreational use of any park or recreational area.

b) Buildings or structures necessary for the provision of essential services.

c) Public playgrounds.

d) Rear yard parking for licensed automobiles, recreational vehicles and other vehicles allowed by this ordnance.

e) Storage sheds, pole barns, playhouses, dog houses, detached garages and shelters for transit or school bus passengers.

f) Radio or television antennas or satellite dishes.

g) Swimming pools.

c. BUILDING AND OCCUPANCY PERMITS

i. BUILDING PERMITS REQUIRED. Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.

ii. PRIOR BUILDING PERMITS. Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.

iii. OCCUPANCY PERMIT. Upon completion of a structure and all required site improvements per approved site plan, and before moving into a building in any district, an occupancy permit is required

d. BUILDING SITE AND STORAGE REQUIREMENTS

i. EXTERIOR LIGHTING. All lighting for parking areas or for the external illumination of building or for the illumination of signs shall be directed away from and shall be shielded from adjacent districts and shall also be arranged so to not adversely affect driver visibility on adjacent thoroughfares.

ii. CORNER CLEARANCE. No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.

iii. STORAGE OF GARBAGE. All garbage and rubbish must be stored in closed containers or in a dumpster. In the AG, R and Commercial districts, all containers and dumpsters must be fully screened and secured with a locked gate. In the industrial districts, garbage containers and dumpsters must not be visible from the road. If the dumpster or storage containers are already screened by an opaque fence or other suitable means, to be determined by the Planning Commission, additional screening is not required. Garbage may be stored in a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.

e. FENCES, WALLS AND NONBOTANICAL SCREENS.

i. Prior to construction, reconstruction or establishment of a fence, wall or screen regulated by this section, a permit shall be obtained from the Zoning Administrator.

ii. In all zoning districts, no fence, wall or hedge plantings shall exceed a height of three (3') feet within street side yard or front yard setbacks of any street right-of-way line, except on a corner lot. Fences, walls or structural screens shall not exceed three (3') feet in any front yard or six (6') feet in any side or rear yard. Fences that enclose public or

institutional uses, playgrounds or public landscaped areas, shall not exceed eight (8') feet in height and shall not obstruct vision. The height of industrial fencing will be permitted to an undefined height at the discretion of the Zoning Administrator.

iii. On a corner lot, fences, walls or hedge planting cannot exceed a height of three (3') feet in the street side yard setback unless all of the following conditions can be satisfied:

i. Must begin at the back of the house or primary structure.

ii. Does not create a safety hazard.

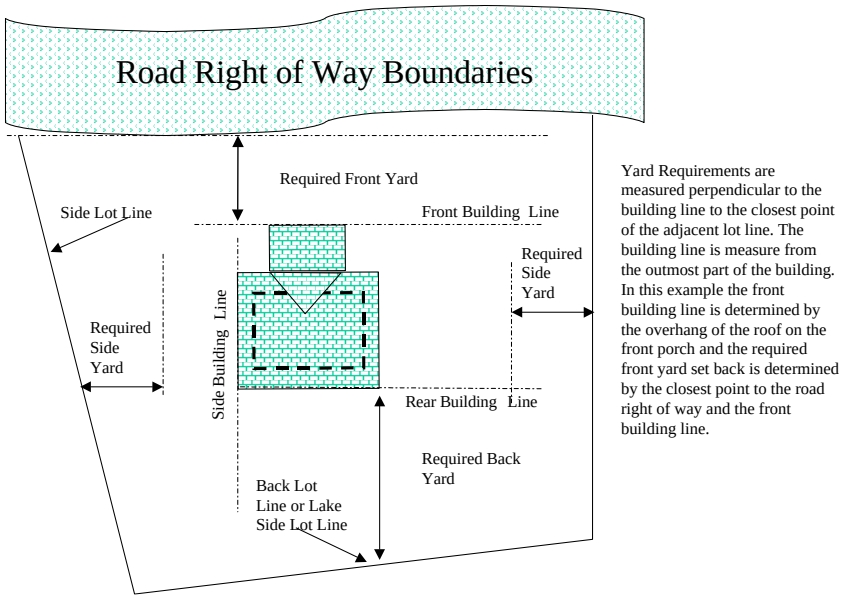
iii. Houses or buildings on property adjacent to the rear of the subject parcel shall not face the same street as the street side yard in which the fence will be located.

iv. Shall not exceed a maximum of six (6') feet from grade.

iv. On a through lot where the back yard faces an adjacent front yard the maximum height of a fence shall be four (4') feet.

v. Plant materials located within thirty (30') feet of the pavement of a public right of way shall not obstruct visibility between a height of three (3') feet and eight (8') feet.

Building Line and Yard Requirement measure point demonstration



vi. Fences shall be located outside of the road right of way and inside all property lines.

vii. All fences shall be maintained in their upright condition. Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.

viii. Fences in the residential, commercial and industrial districts must be built with chain link, standard fence wood, plastic or metal such as wrought iron. Fences may not be built with scrap lumber, chicken wire, wire mesh, wood pallets or other non standard fence materials not approved by the Zoning Administrator. Chain link fences shall not have slats within the links in the residential areas. Barbed wire, electrified components or similar fencing that is likely to cause injury shall not be used in any residential district.

ix. Fences shall not interfere with any public utility or easement to a utility.

x. All fences shall be constructed with a finished side facing out.

f. BUILDINGS TO BE MOVED

Any building or structure which has been wholly or partially erected on any premises located within or outside the Township shall not be moved and/or be placed upon any premises in the Township unless there is full compliance with Township ordinances. Any such building or structure shall fully conform to all provisions of this ordinance and applicable housing codes, and be compatible with the general character and design of surrounding properties. Such compatibility shall first be determined by the Zoning Administrator after reviewing the structure and site. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals within fifteen (15) days of receipt of the determination. Compatibility shall be based upon the definition of "dwelling" and the character of similar structures located within two thousand (2,000) feet, in the same zoning district. The application for a permit to move a building shall require a fee, which shall be determined by the Township Board.

g. CONNECTIONS TO DRAINAGE SYSTEM

Surface drains, ground water drains, and foundation or footing drains, shall be connected whenever possible to an enclosed storm sewer, but they shall not discharge to a sanitary sewer or private waste water treatment plant.

h. DWELLING UNIT STANDARDS

The following standards shall be applied to each dwelling unit constructed or placed in the Township of Tittabawassee:

i. It complies with the minimum square footage requirements of Article 13 for the zone in which it is located.

ii. It has a minimum width across any section of twenty (20’) feet and complies in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where the standards of construction are less stringent than those imposed by the Township building code, then the more stringent Township regulations shall apply.

iii. It is firmly attached to a permanent foundation, constructed on the site in accordance with the Township building code and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.

iv. It does not have exposed wheels, towing mechanism, undercarriage, or chassis.

v. The dwelling is connected to a public sewer and water supply or to private facilities approved by the local Health Department.

vi. The dwelling contains storage area either in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure being of standard construction similar to or of better quality than the principal dwelling. Standards for construction of structures for the storage or protection of autos must also be of similar or better quality than the principal dwelling. Metal and fabric carports are not permitted. This does not pertain to agricultural uses.

The storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15%) percent of the minimum square footage requirement of Article 13 for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) square feet of storage area be required by this provision.

vii. The dwelling and accessory structures are aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6") inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling. Also, not less than two exterior doors, with one being in the front of the dwelling and the other being either at the rear or side of the dwelling, and with permanently-attached steps or ramps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires these steps or ramps.

viii. The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of the Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in the definition of DWELLING as well as the character of residential development outside of mobile home parks within two thousand (2,000') feet of the subject dwelling where the area is developed with dwellings to the extent of not less than twenty (20%) percent of the area, or where the area is not so developed, by the character of residential development outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

ix. The dwelling contains no additions or rooms or other areas except those which are constructed with similar materials, are similar in appearance, and have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.

x. The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home construction and Safety Standards," effective June 15, 1976, as amended.

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

i. HEIGHT AND AREA ZONING EXCEPTIONS

The height and area requirements of all zones shall be subject to the following exceptions:

i. HEIGHT. Chimneys; cooling towers; elevator bulkhead; fire towers; gas tanks; grain elevators; stacks; stage towers or scenery lofts; flour mills; food processing plants; television antennas; refineries; tanks; water towers; radio towers; ornamental towers; monuments; cupolas; domes and spires; necessary mechanical appurtenances; and additions to existing buildings which now exceed the height limitations of the zone district may not exceed fifty (50').

ii. PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building.

i. Open porches, paved terraces and patios, provided the following restrictions apply. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.

1) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.

2) If roofed, a porch is unenclosed, and the roof is no higher than one (1) story. A roofed area may not exceed ten (10%) percent of the required side or year yard.

3) If unroofed, paved areas or porches may have non-continuous wind breaks or walls not over six (6') feet high and not enclosing more than one half (1/2) the perimeter of the paved area or porch.

ii. Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one-half (2.5') feet.

iii. Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.

iv. Signs.

j. RESTORING UNSAFE BUILDINGS

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator. Any such strengthening or restoring shall be in accordance with the building code of the Township.

k. ROOF AND SURFACE DRAINAGE

If a building is equipped with gutters or other means for collection of roof water, the downspouts and/or roof water conductor pipes shall be discharged on unpaved ground or paved surface at a distance of at least three (3') feet from the building wall. Further the grade line at the building wall shall be sloped away from the wall at the rate of at least one inch per foot (1": F), for a minimum of five (5') feet. Where settlement of the ground has occurred at the building wall, then the property owner is required to add fill to correct the condition to conform with this requirement.

l. ONE SINGLE FAMILY DWELLING PER PARCEL

Unless a structure is part of an approved Planned Unit Development, only one (1) Single Family detached dwelling will be allowed to be built on a parcel.

m. SITE AND BUILDING HAZARD AND NUISANCE PREVENTION

i. SMOKE. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions are permitted; smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four minutes in any thirty (30) minutes. Method of measurement: For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the U.S. Bureau of Mines, shall be the standard. The Umbrascope readings of smoke density may be used when correlated with Ringlemann's Chart.

ii. DUST, DIRT AND FLY ASH. No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device or contrivance to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace or combustion device so that the quantity of gas-borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit. These regulations shall not be construed to preclude standard accepted farm practices**.**

Method of measurement: For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50%) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

iii. GLARE AND RADIOACTIVE MATERIALS. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be performed in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

iv. DUMPING OF HAZARDOUS / RADIOACTIVE WASTES. Dumping of hazardous waste materials and/or nuclear wastes shall not be allowed within Tittabawassee Township, except as permitted by current federal and state regulations.

v. NOISE. No operation or activity shall be carried out which causes or creates measurable noise levels exceeding the maximum sound pressure levels prescribed below, measured on or beyond the boundary lines of said districts.

TABLE 18 MAXIMUM PERMITTED SOUND PRESSURE LEVELS: OCTAVE BAND

Octave Band	1-1	1-2
(Cycles Per Second H2)	Day	Night
00 to 74	76	70
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1199	51	44
1200 to 2399	45	39
2400 to 4799	38	33
4800 and above	36	31

i. A db(A) scale will be used (for monitoring purposes). Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in Tables A and B by no more than five (5) decibels. For purposes of this ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

ii. Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noise.

iii. Table 19 Maximum Permitted Sound Pressure Levels: Frequency

Center Frequency	1-1	1-2
(Cycles Per Second H2)	Day	Night
3.15	77	72
63	73	68
125	67	62
250	62	57
500	55	50
1000	51	46
2000	44	39
4000	37	32
8000	33	28

(Post 1600 Preferred Frequencies)

In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Building Inspector deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent districts, even if the decibel measurement does not exceed that specified in those tables.

vi. VIBRATION. Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following tables as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferably the former. For purposes of the Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequently than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

TABLE 20 MAXIMUM PERMITTED STEADY STATE VIBRATIONS

Frequency Cycle (Cycles Per Second)	Vibration in Inches 1-1, 1-2
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

Between the hours of 8:00 P.M. and 6:00 A.M., all the above maximum vibration levels as measured on or beyond the boundary line of residentially used areas shall be reduced to one-half (1/2) the indicated permissible values.

TABLE 21 MAXIMUM PERMITTED IMPACT VIBRATION IN INCHES

Frequency Cycle (Cycles Per Second)	I - Industrial District
10 and below	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

vii. ODOR. The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot line is prohibited.

viii. GASES. The escape or emission of any gas that is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Standards for the regulation of ambient air quality shall be the same as the federal air quality standards

published in the Federal Register on Friday, April 30, 1971. Should these be revised at any time then the revised standards are to apply.

n. BASEMENT DWELLINGS

The use of a basement or the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones, except as living quarters for priests, ministers, and their equivalent as provided by the Board of Appeals. This shall not prohibit a dwelling unit located partially below ground that has access to a hallway providing two remote means of egress to ground level.

SECTION 4.7 PARCEL REGULATIONS

a. BUFFERING

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

i. The objectives of this approach are,

   i. To give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means.

   ii. To encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.

ii. Buffers are required on commercial or industrial property on the side which abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.

iii. A buffer may consist of both a physical distance separation and a physical sight, sound and odor separation as described in this ordinance by a fence, wall, berm or screen.

iv. The Planning Commission shall determine the character of the buffer based on the following criteria:

   i. Traffic impact

   ii. Increased building and parking lot coverage.

   iii. Increased outdoor sales, display and manufacturing area.

   iv. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.

v. Visual, noise and air pollution levels.

vi. Health, safety and welfare of the Township.

v. A buffer may consist of any or all of the following:

i. Buffer area distance. The distance required to be achieved between zones, in addition to the required yard on the side on which a residential district abuts a commercial or industrial districts, shall be according to the following table:

TABLE 22 BUFFER AREA DISTANCE

District	Distance between R-lA, R-1, R-2 zones	Distance between R-3 zones
I-2	45'	45'
I-1	45'	36'
RB	36'	30'
GB	30'	20'
VC	20'	20'

ii. The equivalent of one canopy tree and one evergreen tree must be planted per thirty (30') lineal feet or fraction of buffer area length.

iii. Continuous rolling screen six (6') feet in height comprised of plant material, berming, screen walls or fences or any combination of these elements is required.

vi. Construction Standards:

i. If a screen wall or fence is used for all or part of the buffer area then:

1) The equivalent of two (2) shrubs are required per thirty (30') feet of wall or fence with at least fifty (50%) percent being twenty-four (24") inches high at the time of planting and none being less than twelve (12") inches at the time of planting.

2) All required plants shall be placed on the side facing the exterior.

3) Two (2) evergreen trees must be planted for every thirty (30) linear feet or fraction of buffer area length must be planted.

4) Continuous rolling screen at least six (6') feet in height comprised of plant material, berming, screen walls or fences, or any combination of these elements is required.

5) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.

ii. All areas outside of planting beds shall be covered with grass or other living ground cover.

iii. Minimum Standards for Berms:

1) Berms shall be constructed so as to maintain a side slope not to exceed one foot (1) rise to three foot (3') run ratio.

2) Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition. In addition to district requirements, the equivalent of one canopy tree and one evergreen tree per twenty (20') linear feet or fraction of buffer area achieves a minimum of six (6) feet high on average. Additional landscaping must be used within any areas that do not have a berm six (6) feet high.

3) Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.

4) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

iv. If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.

v. Buffers are required to extend into the front yard area but shall not be closer to a road right of way than fifteen (15') feet. The Planning Commission may require the buffer to extend to the road right of way if it deems it necessary to accomplish the intent of this ordinance.

vi. All plantings including grass must be maintained in good healthy condition and must be replaced if they should die at any time.

vii. Buffer areas must be designed by a person who is a licensed landscaper, certified landscape designer, engineer or architect. A drawing of all required landscaping, top and side profile, must be submitted to the Planning Commission for review prior to site plan approval.

viii. The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All financial deposits must be deposited with the Township prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Township, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned.

b. JUNK MOTOR VEHICLES

Motor vehicles, which are inoperable or not currently licensed shall be deemed to be junk or refuse, and shall not be stored in any residential zone except within the confines of an enclosed building. If after two complaints and citations, or thirty (30) days by the Tittabawassee Township Zoning Administrator, the material remains in violation of this ordinance, the Township may cause the violation to be removed, and bill the property owner. If the billing is not paid within ninety (90) days it shall become a lien on the property, properly recorded at the County.

c. PARKING OF HEAVY TRUCKS SEMITRAILERS, OR CONSTRUCTION EQUIPMENT

Overnight parking of commercial vehicles in excess of one (1.0) ton rated capacity, including all semi-truck tractors and trailers, is prohibited within any Residential Zoning District. This regulation does not apply to emergency vehicles or equipment.

d. PARKING OF LICENSED RECREATIONAL EQUIPMENT

Parking of licensed recreational equipment outside of an enclosed structure, including travel trailers, campers, snowmobiles, boats, and similar items in any Agricultural or Residential Zoning District must conform to required setbacks for accessory structures and to overall limitations for lot coverage. In the R-1, R-1V, R-2, and R-3 districts, no more than one (1) piece of recreational equipment may be parked per parcel and said vehicle shall be parked on a dust free, weed free, paved surface. In the R-1A district no more than two (2) pieces of recreational equipment may be parked per parcel. In the AG district no more than three (3) pieces of recreational equipment may be parked per parcel. In all districts where such vehicles are allowed, they may be parked in the driveway within the required front yard or in the side or rear yards. No recreational vehicles may be parked in commercial or industrial districts unless they are parked in conjunction with the principal use of the parcel, such recreational vehicle sales or repair, or in a completely enclosed building.

e. USE OF TRAILERS.

The use of trailers, trucks, vehicles, modular buildings or similar vehicles or enclosures for sales or storage of materials in connection with a commercial or industrial land use is hereby prohibited. Modular buildings maybe used for sales and storage upon approval by the planning commission, provided said building is attached to a permanent foundation, has all wheels, undercarriage and towing mechanisms removed and is determined to be visually and aesthetically compatible with other structures in the vicinity and the character of the area in general. Trailers used by contractors for office and storage purposes are permitted for a reasonable length of time on a job site, provided there is an active building permit for construction on the site and the trailer's use is directly related to construction on the property upon which it is located.

f. PORTABLE STORAGE UNITS

Temporary portable storage units area allowed up to ten (10) days within a ninety day period in residential districts. The unit must be located at least ten (10') feet from the side lot line and five (5') feet from the rear property line and outside the required front yard setback. An administrative permit is required for placement. Units are not permitted on vacant land or on the public right of way. Only one (1) unit shall be permitted at a time on each parcel. Units may not exceed one hundred thirty (130) square feet in size. Dumpsters are not regulated with this provision. See Article 17, Site Plan Review. (amended 6/08)

g. REQUIRED AREA OR SPACE

No lot, or lots in common ownership and no yard, court, parking area, or other space shall be divided, altered, or reduced to make its area dimensions less than the minimum required under this ordinance, and the area or dimension shall not be further divided or reduced. Where the lot plan presented in the application for a permit includes more than one recorded lot, the Building Inspector shall execute an affidavit in which the facts related to the use of the platted lots, or parts of platted lots, shall be stated and shall cause the plat and affidavit

to be recorded in the office of the Register of Deeds in Saginaw County, Michigan, with the cost of recording to be borne by the applicant.

i. MINIMUM LOT FRONTAGE. The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the Front Lot Line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the Front Yard Setback Line.

ii. ACCESS TO A STREET. Any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, or with access points to a street with curb and gutter, shall have a hard surfaced approach to a public street. All parcels created after the effective date of this Ordinance shall have access to a public street.

iii. SPACE USED ONCE. Any yard or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure except where one is to be demolished upon completion of the other.

iv. ADDITIONAL FRONT SETBACK. Where the current right of way width of an arterial or collector street is less than its future right of way width as determined by the Saginaw County Road Commission, an additional front yard setback from said street is required. The front yard setback for properties fronting on such a street shall be measured from a line which lies a distance of one half of the future right of way width from the centerline of the current right of way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this Ordinance.

h. REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

i. WATER SUPPLY. No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Saginaw County Health Department and applicable State agencies.

ii. SEWAGE WASTES. No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly with the materials to impair the strength of sewer structures; cause mechanical action that will damage the sewer structures; cause restriction of the capacity of sewer structures; cause unusual demands on the sewage treatment process; cause danger to public health and safety; or cause obnoxious conditions. Additional regulations regarding sewer use and connection are located in the Sewer Use Ordinance, #82-2-S-A, and the Sewer Connection Ordinance, #83-2-S-C.

i. PONDS (Artificial).

This section applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in Tittabawassee Township. Oil wells are specifically exempted from this section, and are solely regulated by the Michigan Department of Natural Resources.

Ponds less than one (1) acre in size shall be permitted by administrative permit only. Ponds permitted by administrative review shall be required to submit a site plan and abide by all the construction and operation requirements of the zoning ordinance. Ponds greater than one (1) acre in size shall require a site plan review at the Planning Commission.

i. ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN. The Site Plan for any activity regulated by this section must include the following additional information.

   i. A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5') foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.

   ii. A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.

   iii. The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.

   iv. Distance from nearest structures and their use.

ii. EXCAVATION SITE REQUIREMENTS

   i. Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.

   ii. Excavations which create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.

   iii. Excavations may be no closer than fifty (50') feet, measured horizontally, to a power line, and may not be within a public utility or transportation easement.

iii. CONSTRUCTION AND OPERATION REQUIREMENTS

   i. An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.

   ii. Any pond banks shall have a maximum slope of one (1') foot vertical to four (4') feet horizontal which extends below the projected low water surface elevation to a depth of at least eight (8') feet.

   iii. Minimum designed water depth of a pond must be fifteen (15') feet to ensure proper aeration and circulation of water.

   iv. All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under.

   v. Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed one (1') foot vertical to three (3') feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.

   vi. By October 15 of each year, the completed portion of an excavation and any disturbed area around it, shall be graded and seeded.

vii. No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 8:00 a.m. or after 6:00 p.m., Monday through Friday.

viii. Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.

ix. When two (2) or more dwellings are located within two hundred (200') feet of the edge of any water body on an excavation site or on any parcel, said water body shall be enclosed by a fence at least four (4') feet high with a lockable gate.

x. Ponds constructed for recreational purposes must be located outside of all required yards.

SECTION 4.8 DANGEROUS AND ABANDONED BUILDINGS

a. UNLAWFUL CONDUCT

It is unlawful for any owner or owner's agent to keep or maintain any dwelling or structure or part of a dwelling or structure which is a dangerous building.

b. DEFINITION

As used herein, "dangerous building" means any building or structure which has any of the following defects or is in any of the following conditions:

i. Whenever any portion of the building or structure has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Township Building Code for a new building or similar structure.

ii. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Township Building Code.

iii. Whenever the building or structure or any part, has been structurally weakened because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion of the building or structure.

iv. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

v. Whenever any dwelling becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

vi. An exposed basement or similar large hole that could present a danger is left on the site.

c. NOTICE INFORMATION

i. Whenever the Township Zoning Administrator determines that the whole or any part of any building or structure is a dangerous building as defined in 4.5, B., the Township Zoning Administrator shall issue a notice of the dangerous and unsafe condition.

ii. Such notice shall be directed to each owner or party in interest in the building in whose name the property appears on the last local tax assessment records.

iii. All notices shall be in writing and shall be served upon the owner or party in interest directly and personally, or in lieu of personal service may be mailed by certified mail - return receipt requested and addressed to the owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. A copy of the notice shall be posted upon a conspicuous part of the building or structure.

iv. The Township Zoning Administrator shall file with the Planning Commission a copy of the notice of the dangerous and unsafe condition.

v. The notice shall specify the time and place of a hearing to be held before the Planning Commission on the condition of the building or structure, at which time and place the person or persons to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

d. HEARING INFORMATION

i. The Planning Commission shall take testimony from the Township Zoning Administrator, the owner of the property, and any interested party or other witness. The Planning Commission shall render its decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

ii. If it is determined by the Planning Commission that the building or structure should be demolished or otherwise made safe, or basement or hole filled in and graded to the contour of the site, it shall so order, fixing a time in order for the owner or party in interest to comply.

iii. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the Planning Commission shall file a report of its findings and a copy of its order with the Township Board and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the Planning Commission shall be served on the owner or party in interest.

iv. The Township Board shall fix a date for the hearing, reviewing the findings and order of the Planning Commission, and shall give notice to the owner or party in interest of the time and place of the hearing. At the hearing the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Township Board shall either approve, disapprove or modify the order for the demolition or the making safe of the building or structure.

v. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the Township who shall assess the cost against the property on which the building or structure is located.

vi. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If the owner or party in interest fails to pay within thirty (30) days after mailing by the assessor of the notice of the amount due, the assessor shall add the cost to the next tax roll of the Township and the amount due shall be collected in the same manner as provided by law for the collection of taxes by the Township.

e. JUDICIAL REVIEW

An owner or party in interest aggrieved by any final decision or order of the Township Board may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

SECTION 4.9 AGRICULTURAL TOURISM

A. General Agricultural Tourism Activities
   1. Activities Allowed as General Agricultural Tourism Activities
      a) Direct marketing of agricultural products grown or agricultural related products, being sold at a farm market or on-site farm market. Not less than 50% of the products must be grown or produced on-site or locally.
      b) U-pick Operations, pumpkin patches and Christmas tree lots
      c) Greenhouses with retail sales
      d) Seasonal Outdoor mazes of agricultural origin such as straw bales or corn.
      e) Educational classes, lectures, seminars related to agriculture, food preparation or food safety.
   2. Special requirements for General Agricultural Tourism Activities
      a) Off-street parking must be provided. Required number of parking spaces shall be as defined in the Parking section of the zoning ordinance. Parking shall be on a maintained and marked area. Parking lot surface may be paved, gravel or grass, but parking and driving lanes must be indicated.
      b) Access to parking lot shall be by a marked driveway, not less than two lanes wide or more than 3 lanes wide.
      c) Township noise and nuisance ordinances shall apply.
      d) Minimum size of parcel or adjoining parcels under the same ownership of ten (10) acres.

B. Intense Agricultural Tourism Activities
   1. Activities Allowed as Intense Agricultural Tourism Activities
      a) Banquet Facilities with a maximum capacity of two hundred fifty (250) persons or less.
      b) Breweries, wineries and distilleries
      c) Haunted houses, barns or mazes
      d) Tractor pulls and similar events involving farm equipment
   2. Special requirements for Intense Agricultural Tourism Activities
      a) No public access or activities between the hours of midnight and 8:00 am.

b) Township noise and nuisance ordinances apply.
c) Minimum size of parcel or adjoining parcels under the same ownership of eighty (80) acres.
d) A banquet facility shall not include any activity not allowed in the district.
e) A banquet facility shall provide permanent restroom facilities connected to an approved septic system or sewer. Portable toilets are allowed as supplementary units only.
f) At the time of application, there shall be no more than five (5) unaffiliated residences within one thousand (1000) feet of the activity as measured from the center of the building or activity site.

C. Accessory uses allowed for a General or Intense Agricultural Tourism Business

1. Wagon, sleigh and hayrides
2. Nature trails
3. Cider mills
4. Petting zoos
5. Facilities to process agricultural products for onsite sale
6. Demonstration facilities related to agricultural activities
7. Open air or covered picnic areas.
8. Kitchen facilities located on the farm for processing/cooking items grown onsite for education, entertainment and/or general sales.
9. Gift shops for the sale of agricultural products, agricultural related products and promotional items bearing the name of the agricultural tourism operation.
10. General food concessions
11. Playgrounds or equipment typical of a school playground, such as slides, swings, etc.
12. Family oriented activities such as bounce houses.
13. Temporary use of family oriented mechanical rides for not more than three (3) consecutive days or six (6) days in a calendar month.
14. Craft Shows, flea markets, farm markets, car shows and similar events.
15. Zip lines, elevated walkways and high wire walkways

D. Special rules for Agricultural Tourism Businesses.

1. Any activities involving Marihuana and Marihuana related products are not allowed as Agricultural Tourism activities.
2. In the event of crop failure, Michigan grown products may be substituted for products required to be produced on-site.
3. Any activity involving the use of motorized vehicles by anyone other than an employee of the Agricultural Tourism Business is prohibited.
4. Any activity involving the use of motorized vehicles not normally associated with agricultural operations is prohibited.
5. Banquet Facilities with a maximum capacity of more than two hundred fifty (250) persons are prohibited.
6. Nothing in this section shall prohibit uses allowed elsewhere in this ordinance.

SECTION 4.10 ON-SITE BATTERY ENERGY STORAGE SYSTEMS

1. On-Site Battery Energy Storage Systems shall be allowed as a permitted use in all zoning districts, subject to the provisions of this Zoning Ordinance.
2. A building permit shall be required for all on-site battery energy storage systems.
3. On-Site battery energy storage with an aggregate energy capacity of more than 1 megawatt are subject to additional regulations in the applicable fire code, and required documentation shall be submitted along with the building/electrical permit applications.
4. Coverage. Lot coverage shall not exceed the otherwise permissible percentage of lot coverage for buildings in the applicable district, as specified in Section 3.4.
5. Setbacks. All battery energy storage system structures and related structural apparatus not physically attached to a building shall satisfy the setback requirements in the applicable district, as specified in Section 3.4 of this ordinance.

Article 5 ■*NONCONFORMING USES AND BUILDINGS*

SECTION 5.1 INTENT

It is the intent of this Section to permit the continuation of any lawful use of building or land existing as of the effective date of this Ordinance. Nonconformance with the provisions of this Ordinance is not in the best interest of the Township and should be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.

SECTION 5.2 HISTORIC PROPERTIES

Any nonconforming property in Tittabawassee Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of the Michigan State Historic Preservation Officer shall be requested in writing not less than thirty (30) days before any regulatory action may take effect.

SECTION 5.3 LEGALITY OF NONCONFORMITIES

Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality:

ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.

LEGAL nonconformities are those that meet each applicable criterion listed below. Note that temporary signs are not considered legal nonconforming structures.

a. The nonconformity existed legally before the effective date of this Ordinance.

b. The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.

c. Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.

d. Nonconforming Buildings or Structures only: The building or structure does not extend into a public right-of-way, or over a neighboring property line.

SECTION 5.4 LOSS OF LEGAL NONCONFORMING STATUS

If a nonconforming use of land or structure ceases for any reason for a period of six (6) months or more, any reuse of the land or structure must conform to all requirements of this Ordinance.

SECTION 5.5 EXPANSION OF NONCONFORMITY PROHIBITED

No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. For example, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.

SECTION 5.6 RECONSTRUCTION AND RESTORATION

Any lawful nonconforming use damaged by fire, explosion or act of God, or by other causes may be restored, rebuilt or repaired provided that the reconstruction or restoration work does not increase the footprint of the existing structure.

All such restoration must be started within a period of one year of the time of such damage and diligently pursued to completion. The Board of Appeals may extend the period of time for restoration of any such building or structure when a bona fide emergency renders it impossible to make the restoration of the building or structure within the required time period. No fee shall be charged for an appeal to the Board of Appeals under the provisions of this section. Any basements, large holes, etc. remaining on the site after removal of the structure shall be filled in and leveled within ninety (90) days of removal of the structure**.**

Residential structures in the commercial district are exempt from these requirements. Residential structures undergoing reconstruction or restoration for purposes of providing handicapped facilities are exempt from these requirements.

SECTION 5.7 REPAIR

Nothing in this Ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Residential structures undergoing repair for purposes of providing handicapped facilities are exempt from these requirements.

SECTION 5.8 CHANGING USES

The use of a lawful nonconforming building or structure may be changed only to another use that is less nonconforming. This use may or may not be a permitted use in that district. The determination of relative nonconformance of a proposed use with respect to the previous lawful nonconforming use shall be at the discretion of the Board of Appeals. The proposed use shall be subject to all the requirements applying to that use in the district, including parking, signage and all other aspects of the site. Where the use of a lawful nonconforming building or structure is changed to a less lawful nonconforming use, it may not be changed back to the previous lawful nonconforming use or to another more lawful nonconforming use.

SECTION 5.9 PLANS ALREADY FILED

In any case where plans and specifications for a building or structure, which would conform with the zoning regulations prior to the date of this ordinance or any amendment thereof have been filed, and where a building permit for such building or structure has been issued and construction work started at the effective date of this ordinance or amendment, such work may proceed, provided it is completed within one year.

SECTION 5.10 DISTRICT CHANGES

Whenever changes occur in the boundaries of Zoning Districts, the provisions of this Section shall apply to any uses or parcels that become nonconforming as a result of the boundary changes.

SECTION 5.11 REGULATION OF NONCONFORMITIES

INTERPRETATION. Should any question arise concerning the interpretation of any provision of the REGULATION OF NONCONFORMITIES TABLE (Table 7) or if a situation is encountered which was not anticipated by the Table, the question shall be submitted to the Zoning Board of Appeals for their interpretation which shall be final.

SECTION 5.12 NONCONFORMING LOTS

In any district where residential dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located. No existing conforming lots may be changed to nonconforming lots.

SECTION 5.13 INVENTORY OF NONCONFORMITIES

The Township Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in Tittabawassee Township. This inventory should not list illegal nonconformities. Illegal nonconformities are violations of the ordinance and should be kept in the active files of the Code Enforcement Officer. In theory, the inventory of legal nonconformities should only expand if a Board of Appeals action allowing the nonconformity is issued. All listed properties shall also be identified on a large scale map of the Township which shall be available for public inspection.

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

a. Date each parcel listed on inventory.

b. Parcel identification number.

c. Property address.

d. Current owner(s).

e. Property description.

f. Parcel dimensions.

g. Sketch with dimensions and setbacks of buildings, structures, and parking areas on the parcel.

h. Current zoning district.

i. Current use of property.

SECTION 5.14 ELIMINATION OF NONCONFORMING USES BY ACQUISITION

In accordance with Act 110 of the Public Acts of 2006, Michigan Zoning Enabling Act, as amended, the Township Board may from time to time, acquire properties on which nonconforming uses or structures are located, by condemnation or otherwise, and may remove such uses or develop the property for a public use. The net cost of such acquisition may be made a special assessment against a benefit district, or may be paid from other sources of revenue legally available to the Township.

TABLE 23 REGULATION OF NONCONFORMITIES

Instructions: Locate the situation in top line and nonconformity type in column.

TYPE	IF DISCONTINUED FOR 6 MONTHS	IF DAMAGED MORE THAN S.E.V.	IF DAMAGED LESS THAN S.E.V.	CHANGE IN USE (INCLUDING NEW BUILDINGS)	REMODELING, MAINTENANCE, CODE WORK
ILLEGAL NONCONFORMING PARCEL	N.A.	N.A.	N.A.	Not permitted unless use is conforming.	Property must be kept in safe condition
ILLEGAL NONCONFORMING USE OF LAND	May not be resumed.	N.A.	N.A.	Not permitted unless use becomes conforming.	Property must be kept in safe condition.
ILLEGAL NONCONFORMING USE OF BUILDING OR STRUCTURE	May not be resumed.	Use must stop and may not be resumed.	May repair , but must reduce degree of nonconformance.	Not permitted unless use becomes conforming.	Permitted so long as use is not expanded.
ILLEGAL NONCONFORMING DIMENSIONS OR SETBACK OF BUILDING OR STRUCTURE	N.A.	Building must be rebuilt to fully comply with applicable district regulations.	May repair, but must reduce degree of nonconformance.	New use and new building must adhere to ALL District Regulations.	Permitted, but may not create any greater degree of nonconformance.
LEGAL NONCONFORMING PARCEL	N.A.	N.A.	N.A.	Permitted, but requires a variance.	Property must be kept in safe condition.
LEGAL NONCONFORMING USE OF LAND	May not be resumed.	N.A.	N.A.	Permitted, but must reduce degree of nonconformance.	Property must be kept in safe condition.
LEGAL NONCONFORMING USE OF BUILDING OR STRUCTURE	May not be resumed.	May rebuild if all plans meet All OTHER district regulations.	May repair to pre-damage status.	Permitted, but must reduce degree of nonconformance.	Permitted so long as use is not expanded.
LEGAL NONCONFORMING DIMENSIONS OR SETBACK OF BUILDING OR STRUCTURE	N.A.	May rebuild, but must reduce degree of nonconfor-mance.	May repair to pre-damage status.	Permitted, but requires a variance.	Permitted, but may not create any greater degree of nonconformance.

Article 6 ■*PARKING AND ACCESS*

SECTION 6.1 INTENT

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

SECTION 6.2 CONSTRUCTION AND DESIGN

Regulations in this section apply to all districts.

a. APPLICATION. Any person desiring to establish or change a parking area shall submit plans to the Township Manager or to the Township Engineer, and Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Any curb cuts, entrances, exits, drainage, and design shall have the written approval of the Township Manager and/or Engineer, the comments of the Chief of Police and Fire Department shall be presented for site plan approval by the Planning Commission.

b. STANDARDS. The design and construction of parking areas shall conform to the following requirements:

i. Parking spaces shall be at a minimum ten (10') feet by eighteen (18') feet in SIZE. This does not include access drives and aisles. Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.

ii. HANDICAPPED SPACES - Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

III. REQUIRED NUMBER OF ACCESSIBLE SPACES:

TABLE 24 REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES

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

iv. There shall be a curb or CURB stop provided wherever an off-street parking and loading area adjoins a public sidewalk right-of-way, or adjoining property line. The curb or curb stop shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk, right-of-way, or adjoining property.

v. Any LIGHTING used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises. All light poles and mounts shall be at a height of 15’ or less.

vi. Each off-street parking DRIVEWAY OPENING to a Public Street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90˚) degree angle.

vii. Each off-street parking driveway shall include an on-site STACKING AREA, which does not function as an access aisle for parking spaces, equivalent to at least five (5%) percent of the spaces in the parking area.

viii. All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by Accessory Structures or plantings, within twenty (20’) feet of any Public Street Right-of-Way, for a sight distance of fifty (50’) feet along the near edge of the pavement in either direction.

ix. Except for parallel parking, all parking spaces shall be clearly marked with STRIPING which shall be maintained.

x. LANDSCAPING. Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be

maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.

xi. Off-street parking areas shall be effectively SCREENED on any side which abuts a residentially zoned district or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.

xii. ACCESS DRIVES to and from a multifamily, commercial or industrial parking area and all other drives to structures or entrances to structures on the site shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed approved by the Township staff and in the instance of Midland Road (M-47), the Michigan Department of Transportation.

xiii. Any off-street parking area shall be SURFACED with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.

c. SHARED ACCESS. The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

d. DRIVEWAY CLOSURE. Nonconforming driveways, per this ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review.

e. DRIVEWAY SPACING. Each parcel shall be limited to no more than one driveway entrance and exit opening (including a shared driveway) to any public street for each three hundred (300') feet of frontage, or fraction thereof. They shall be located at least one hundred fifty (150') feet apart as measured from centerline to centerline. No driveway shall be located within thirty (30') feet of a neighboring property line as measured from the end of the radii, or within fifty (50') feet of any intersecting existing or proposed road right-of-way unless it is designed as part of a joint access.

f. DECELERATION LANE. Where the posted speed for a Public Street is over thirty (30) miles per hour driveways opening onto the road must have a right turn deceleration lane at least one hundred (100') feet long in advance of the driveway. Deceleration lanes constructed on state highways must meet Michigan Department of Transportation construction and permit rules.

g. The OCCUPANCY of a building or any part of a building shall not change it from one use to a use in another classification unless the minimum parking requirements are provided for the new use. No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.

h. Parking spaces may COUNT TOWARD THE REQUIREMENT for a Parcel if they are located on it or on an adjoining Parcel where the farthest space is not over five hundred (500') feet from the nearest public entrance to the Principal Building, with a continuous paved walkway between the lot and entrance.

i. The Planning Commission may request a traffic impact study of an applicant for site plan review if the project is located on M-47 or in any commercial or industrial zone.

SECTION 6.3 RESIDENTIAL DISTRICTS

a. Provisions shall be made for one usable off-street parking space for each dwelling unit, plus one for each bedroom over one, up to three spaces. Parking in residential zones is only permitted as an accessory use, and shall be limited to parking space or facilities for not more than four vehicles per dwelling unit. In no case is it intended that parking or access drives to parking spaces or facilities be permitted as a principal use of any residentially zoned lot. Parking areas must be on an approved surface of asphalt or concrete.

b. Apartments require two (2) spaces per dwelling unit. Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet exclusive of access drives or aisles. Parking areas must be on an approved surface of asphalt ***or*** concrete.

c. For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership.

d. The parking areas shall not be permitted in any required front yard area, except in a defined driveway no wider than ten (10') feet (excluding that portion of the drive leading to a garage or parking area), or the width of a garage serving the residence or site. However, in the case of a dwelling with a driveway leading to a garage or parking area, the drive may be used for parking. No driveway shall occupy more than twenty-five (25%) percent of a required front yard.

e. Within a residential district, parking shall be limited to passenger vehicles, recreational vehicles, and trucks with a load capacity of one and one-half (1.5) tons or less.

f. No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon.

g. The Building Inspector shall require execution of a performance agreement in an amount to be established by the Township Board on a per-parking space basis for multiple-family residential projects, in the form, manner, and amount, as in the Inspector's discretion may be required to compel compliance with and performance of all off-street parking requirements of this Article.

h. No travel trailer, motor home or similar recreation vehicle parked in a residential district shall be occupied for more than fourteen (14) consecutive days within a one (1) year period.

i. PARKING OF LICENSED RECREATIONAL EQUIPMENT

Refer to section 4.7d

SECTION 6.4 COMMERCIAL DISTRICTS

Where parking space is required to be provided for any use, ten (10%) percent of the capacity of any publicly owned off-street parking facilities located within two (2) blocks may be deducted from the parking space required by this section, but the requirements of this section shall not be reduced by more than forty (40%) percent.

a. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES

TABLE 25 OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
1. Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
2. Financial Institution	Four (4) vehicles per lane inclusive of the vehicle at the window.
3. Car Wash (coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (11/2) vehicles beyond the washing bay as a drying and vacuum area.
4. Car Wash (tunnel wash)	Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
5. Child Care Centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
6. Dry Cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window.
7. Quick Oil Change	Four (4) vehicles per lane inclusive of vehicle being serviced.
8. Convenience Market	Three (3) vehicles per lane inclusive of the vehicle at the window.
9. Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Traffic Engineer and Township Planner.

i. An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.

ii. Uses occupied or built for the purpose of serving customers in their vehicles by a service window or similar arrangements, off-street waiting spaces shall be provided as defined in Table 25, Off-Street Waiting Area for Drive Through Facilities.

iii. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.

iv. Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.

v. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.

vi. No space shall be located closer than fifty (50') feet to any lot in any Residential District, unless wholly within a completely enclosed building or enclosed on all sides facing Residential Zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

b. LOADING AND UNLOADING SPACE

In all districts for every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces in relation to floor area as follows:

Up to 20,000 square feet	1 space
20,000 to 50,000 square feet	2 spaces
50,000 to 100,000 square fee	3 spaces
One (1) additional space for each additional one hundred thousand (100,000') square feet, or part thereof	

i. Each loading space shall be at least twelve (12') feet in width, and eighty-eight (88') feet in length, and have a clearance of fourteen (14') feet above grade;

ii. Such space may occupy all or any part of any required yard space excluding any front yard area;

iii. No such space shall be located closer than fifty (50') feet to any lot in any residence district, unless wholly within a completely enclosed building or enclosed on all sides facing the residence district by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

c. EMPLOYEE PARKING

Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. Handicapped parking shall be required in accordance with Section 6.2.

d. PARKING SURFACE

All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.

e. ACCESS DRIVES

All access drives to and from a parking area and all other access drives to structures or entrances to structures on the site shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed approved by the Township staff and in the instance of Midland Road (M-47), the Michigan Department of Transportation.

SECTION 6.5 INDUSTRIAL DISTRICTS

a. Where parking space is required to be provided for any industrial use, ten (10%) percent of the capacity of any publicly owned off-street parking facilities located within two (2) blocks may be deducted from the parking space required by this section, but the industrial off-street parking requirements of this section shall not be reduced by more than forty (40%) percent.

b. Off-street parking facilities shall be located as specified in this section. For industrial uses, required parking shall be provided within five hundred (500') feet of the industrial building, which shall be measured from the nearest point of the parking facility to the nearest point of the building such facility is required to serve.

c. Every parcel of land used as a public or private parking area in any "I" District shall be developed and maintained in accordance with the following requirements or other industrial property line, unless screened by a solid masonry wall.

d. For every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, wholesale store or warehouse, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces in relation to floor area as follows:

e.

Up to 20,000 square feet	1 space
20,000 to 50,000 square feet	2 spaces
50,000 to 100,000 square fee	3 spaces
One (1) additional space for each additional one hundred thousand (100,000') square feet, or part thereof Each loading space shall be at least twelve (12') feet in width, and eighty- eight (88') feet in length, and have a clearance of fourteen (14') feet above grade.	

f. Vehicle service garages shall contain one parking space for each five hundred (500) square feet of building floor area.

g. Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. For warehouses, storage buildings, lumber and supply yards and wholesale sales, two (2) parking spaces for each employee shall be provided. Handicapped parking shall be required in accordance with Section 6.2.

h. In the case of a building, structure, or premises, the use of which is not specifically mentioned in 6.6, the provisions for a use which is mentioned and to which the use in question is similar, shall apply.

i. In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply:

Uses per Structure	% of otherwise combined required parking
2	80%
3	75%
4	70%
5 or more	65%
In no case shall less than sixty-five (65%) percent be allowed	

j. PARKING SURFACE All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.

k. ACCESS DRIVES to and from a parking area and all other access drives to structures or entrances to structures on the site shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed approved by the Township staff and in the instance of Midland Road (M-47), the Michigan Department of Transportation.

SECTION 6.6 NUMBER OF PARKING SPACES REQUIRED

Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. In the case of a building, structure, or premises, the use of which is not specifically mentioned, the provisions for a use which is mentioned and to which the use in question is similar, shall apply. Handicapped parking shall be provided in accordance with Section 6.2.

In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply. The Planning Commission shall have the power to reduce parking further in the case of shared drives, shared parking or other circumstances where a reduction in parking will contribute to the safety, function or overall site design.

Uses per Structure	% of otherwise combined required parking
2	80%
3	75%
4	70%
5 or more	65%
In no case shall less than sixty-five (65%) percent be allowed	

In cases where there is a single specified use, the following regulations shall apply:

TABLE 26 REQUIRED PARKING SPACES PER SINGLE SPECIFIED USE

Use	Required Parking Spaces
Vehicle sales	One parking space per each five hundred (500') square feet of sales floor area.
Vehicle service garages	One parking space for each five hundred (500') square feet of building floor area.
Barber and beauty shops	Two (2) parking spaces for each chair or booth.
Bowling alleys	Three (3) parking spaces for each bowling lane. If in addition to alleys, patrons are provided with assembly halls, bars, restaurants, or other businesses, additional off-street parking spaces will be required in accordance with regulations of this section for the uses.
Places of public assembly	One (1) parking space for each three (3) seats.
Commercial recreation (outdoor)	Twenty-five (25%) percent of lot area, but in no case less than ten (10) parking spaces.
Commercial recreational (indoor)	One (1) parking space for each one hundred (100) square feet of building floor space.
Dance hall, assembly hall	One (1) parking space per 200 square feet of gross floor area in the building.
Funeral homes	One (1) parking space per twenty-five (25) feet of building floor area of assembly rooms.
Furniture sales, retail	One (1) parking space for each five hundred (500) square feet of building floor area.
Gasoline service stations	One (1) parking space for each employee on the largest shift, plus one for each service bay.
Hospitals and convalescent homes	One (1) parking space for each hospital bed and one (1) parking space for each three (3) rest home beds.
Laundromats	One (1) parking space for every two (2) washing machines or two hundred (200) square feet of gross building floor area, whichever is greater.
Motels, hotels, motor courts, tourists or lodging homes, trailer courts, and clubs	One parking space for each sleeping room. If, in addition to sleeping rooms, patrons are provided with assembly halls, bars, restaurants, retail shops or other businesses, additional off-street parking spaces shall be required for the other uses in accordance with the regulations of this section for those uses. Parking reductions may apply.
Office buildings, including banks,	One (1) parking space for each two hundred (200) square

Use	Required Parking Spaces
business and professional offices	feet of building floor area, but in no case less than five (5) spaces.
Restaurants, taverns, bars, cocktail lounges, and similar eating establishments	One (1) parking space for each four (4) seats provided for patron use.
Retail sales and personal services	Parking area equivalent to a minimum of one (1) space per one hundred fifty (150) and a minimum of two hundred (200) square feet of the public floor area.
Theaters	One (1) parking space for each four (4) seats.
Warehouses, storage buildings, lumber and supply yards, wholesale sales	Two (2) parking spaces for each employee. If retail sales exist, required parking spaces shall be determined by using retail floor space requirements for the building floor area used for retail in conjunction with the employee requirement.

Article 7 ■*TRO TITTABAWASSEE ROAD OVERLAY DISTRICT*

SECTION 7.1 INTENT AND PURPOSE

This article is intended to recognize the unique and disparate functions of major and minor arterials which include long distance traffic movement as well as land access to individual traffic generators. It is the purpose of this article to serve the public interest by minimizing operational difficulties caused by these generally incompatible traffic functions.

The regulations of this article strive to promote the efficient use of public thoroughfares, protect the public investment in long distance traffic carrying facilities, diminish hazardous traffic conditions, minimize accidents and property damage, and avoid future degradation of arterial street traffic capacity. Simultaneously, the regulations strive to protect the right of abutting land owners to reasonable access, while maintaining and promoting the economic viability of uses along the corridor.

These regulations are in effect in all communities that abut the Tittabawassee Road Corridor. The presence of this language in each municipality's zoning ordinance is intended to promote the consistent and continued intent and purpose of this ordinance.

SECTION 7.2 APPLICABILITY

The regulations set forth in this article will apply to the Tittabawassee Road Corridor from M-47 (Midland Road) to the Saginaw River and as designated on the official municipal zoning map. These regulations shall apply as an overlay district to the general ordinance, as shown on the official Tittabawassee Township Zoning Map.

These regulations will only apply when the average daily bidirectional traffic volumes on Tittabawassee Road, for one-half mile east or west of the proposed access point, exceed 13,000 vehicles. In addition, these regulations will apply if traffic generated by any new development or change to an existing development causes the average daily bidirectional traffic volume to exceed 13,000 vehicles for one-half mile east or west of the proposed access point.

As an overlay zone, these regulations will apply in addition to those regulations presently in force. Where there are actual or implied conflicts between regulation in the overlay zone and the base zoning district, the Tittabawassee Road Corridor Overlay Zone regulations shall apply. Construction or any alteration of a direct access driveway, except resurfacing, along any public street, road or highway shall require issuance of an access permit from the Planning Commission and the Saginaw County Road Commission. The Saginaw County Road Commission will count and determine the average daily traffic count of Tittabawassee Road for purposes of this ordinance.

SECTION 7.3 DESCRIPTION OF ACCESS CONTROL OVERLAY ZONE

The overlay zone in Tittabawassee Township will be along the frontage of Tittabawassee Road from the Saginaw River to M-47 (Midland Road), for a depth of six hundred (600) feet.

Intersecting road frontages will also be included in the overlay zone for a distance of six hundred (600) feet. The overlay zone is shown on the Tittabawassee Township Zoning Map.

SECTION 7.4 PERFORMANCE STANDARDS

It shall be unlawful to construct or utilize any direct access driveway which does not meet the following criteria:

a. Any driveway design utilized must allow an entering vehicle turning speed of fifteen (15) mph to help reduce interference with through street traffic.

b. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a traffic survey method approved by the Planning Commission.

c. There must be sufficient on-site storage to accommodate at least five (5) queued vehicles waiting to park, or exit without utilizing any portion of the street right-of-way or in any other way interfering with street traffic.

d. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems, or other methods, determined at the time of site plan review.

e. Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.

f. Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.

g. Direct access driveway placement must be such that an exiting vehicle has an unobstructed sight distance from the stop bar, according to the following schedule:

TABLE 27 ROAD DESIGN: SIGHT DISTANCE

Road Design Speed (mph)	Sight Distance (feet)
30	220
35	225
40	275
45	325
50	350

h. Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. In addition, an exiting vehicle turning right must be able to enter traffic utilizing only the first through traffic lane available without encroachment into the adjacent through lane.

SECTION 7.5 PERMIT APPLICATION

a. All applications for driveway approach permits shall be made on a form prescribed by and available at Tittabawassee Township and the Saginaw County Road Commission.

b. Permit applications shall be accompanied by clear, scaled drawings (minimum of 1"=20') in triplicate showing the following items:

i. Location and size of all structures proposed on the site.

ii. Size and arrangement of parking stalls and aisles.

iii. Proposed plan of routing motor vehicles entering and leaving the site.

iv. Driveway placement.

v. Property lines.

vi. Right-of-way lines.

vii. Intersecting roads and streets within three hundred (300) feet either side of the property on both sides of the street.

viii. Width of right-of-way.

ix. Width of road surface.

x. Type of surface and dimensions of driveways.

xi. Proposed turning radii.

xii. Proposed treatment of right-of-way adjacent to driveway(s) and between the right-of-way line and property line. Show all proposed landscaping, signs, etc.

xiii. Traffic analysis and trip generation survey results, obtained from a licensed engineer.

xiv. Design dimensions and justification for any alternative or innovative access design.

xv. Dumpster location.

xvi. Adjacent parcel information

SECTION 7.6 PERMIT REVIEW PROCESS

a. Application for an Access Permit may be obtained from the Saginaw County Road Commission or Tittabawassee Township.

b. The completed application must be received by the Tittabawassee Township Zoning Administrator at least 14 days prior to the Planning Commission meeting where the Permit will be reviewed.

c. The applicant, the Saginaw County Road Commission and the Zoning Administrator or Planning Commission representative may meet prior to the Planning Commission meeting to review the application and proposed Access Design.

d. The Planning Commission shall review and recommend approval, or denial, or request additional information. They also shall forward the Access Application to the Saginaw County Road Commission for their review.

e. The Saginaw County Road Commission shall review the Access Permit application and conclusions of the Planning Commission. One of three actions may result:

i. If the Planning Commission and the Road Commission approve the application as submitted, the Access Permit shall be granted.

ii. If both the Planning Commission and the Road Commission deny the application, the permit shall not be granted.

iii. If either the Planning Commission or Road Commission requests additional information, approve with conditions, or do not concur in approval or denial, there shall be a joint meeting of the administrative staff of the Saginaw County Road Commission, Tittabawassee Township Planning Commission and the applicant. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the Road Commission regarding approval or denial.

No application will be considered approved, nor will any permit be considered valid unless the Planning Commission and Road Commission have indicated approval.

f. The Zoning Administrator shall keep a record of each application for an Access Permit which has been submitted, including the disposition of each one. This record shall be a public record.

g. An Access Permit remains valid for a period of one (1) year from the date it was issued. If the Permit holder fails to begin earnest construction authorized by the Access Permit by the end of one (1) year, the Permit is automatically null and void. Any additional rights which have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits, or variances, expire together with the Access Permit.

h. Any performance guarantee shall be refunded to the Permit holder unless the failure to initiate activity has resulted in costs to the Township. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the Permit holder.

i. The Permit may be extended for a period not to exceed one (1) year. The extension must be requested, in writing by the permit holder before the expiration of the initial Permit period. Administrative staff of the Township may approve a permit extension provided there are no deviations from the original Access Permit present on the site or planned, and there are no violations of applicable ordinances. If there is any deviation or cause for question, the Administrative staff of Tittabawassee Township shall consult a representative of the Saginaw County Road Commission for input.

j. Reissuance of an Access Permit which has expired requires a new Access Application form to be filled out and processed independently of previous action.

k. The permittee shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.

l. Where a permit has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised plan has been submitted and approved as specified in this section.

m. Application for a permit to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.

n. When a building permit is sought for the reconstruction or remodeling of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be made to comply, with all design standards as set forth in this ordinance prior to the issuance of a zoning or occupancy certificate.

o. Tittabawassee Township and the Saginaw County Road Commission acting jointly may require a performance bond or cash deposit in any sum not to exceed five thousand (5,000) dollars for each such approach or entrance to ensure compliance with all of the terms of the permit. Such bond shall terminate and deposit be returned to the permittee when the terms of the permit have been met or when the permit is canceled or terminated.

SECTION 7.7 DRIVEWAY SPACING

Driveway spacing will be determined as a function of current or planned arterial road operating speeds. Spacing will be determined according to the following schedule:

TABLE 28 DRIVEWAY SPACING

Driveway Spacing	
Posted Road (speed, mph)	Minimum Spacing (feet)
25	105
30	125
35	150
40	185
45	230
50	275

(Standards are derived from the American Association of State Highway Transportation Officials, Geometric Design of Highways and Streets, Table of Stopping Sight Distance)

These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe stopping distances and traffic operation. Spacing will be measured from the midpoint of each driveway. In the event that a particular parcel or parcels lack sufficient arterial frontage to maintain adequate spacing the land owner(s) have the following options:

a. The adjacent land owners may agree to establish a common driveway. In such case, the driveway midpoint may be the property line between the two parcels or be located on either parcel. The driveway must meet standard specifications, and the estimated driveway volume will be the sum of the trip generation rate of both land uses in question. A joint easement agreement must be entered into prior to an access permit being granted.

b. If a common driveway cannot be established, for reasons beyond the property owners (both the proponent and adjacent land owner's) control, the proponent can seek a variance from the Zoning Board of Appeals from minimum spacing, but in no case should the variance be

greater than the next lowest classification in Table 12. For example, on a forty (40) mph arterial requiring a one hundred eighty-five (185) foot spacing, the distance may be reduced to no less than one hundred fifty (150) feet which is the standard for a thirty-five (35) mph facility.

SECTION 7.8 NUMBER OF DRIVEWAYS PER PARCEL

a. A maximum of one (1) driveway opening is permitted to a particular site from Tittabawassee Road and one abutting street. Wherever feasible, access must be obtained from an abutting street.

b. When in the opinion of the Township or Road Commission's traffic engineer, and in the views of the permittee, and it is in the interest of good traffic operation, the Board may permit: One (1) additional driveway entrance along a continuous site frontage if there is a demonstrated need based on trip generation and road traffic data.

c. Where a dual service driveway, as depicted in Figure 1, is used it will be considered, for purposes of this section, to be only one direct access driveway.

d. In the case of dual one-way driveways, one (1) pair may be used per two hundred fifty (250') feet of frontage. Only one (1) pair of one-way drives may be used per street frontage.

SECTION 7.9 DESIGN CRITERIA

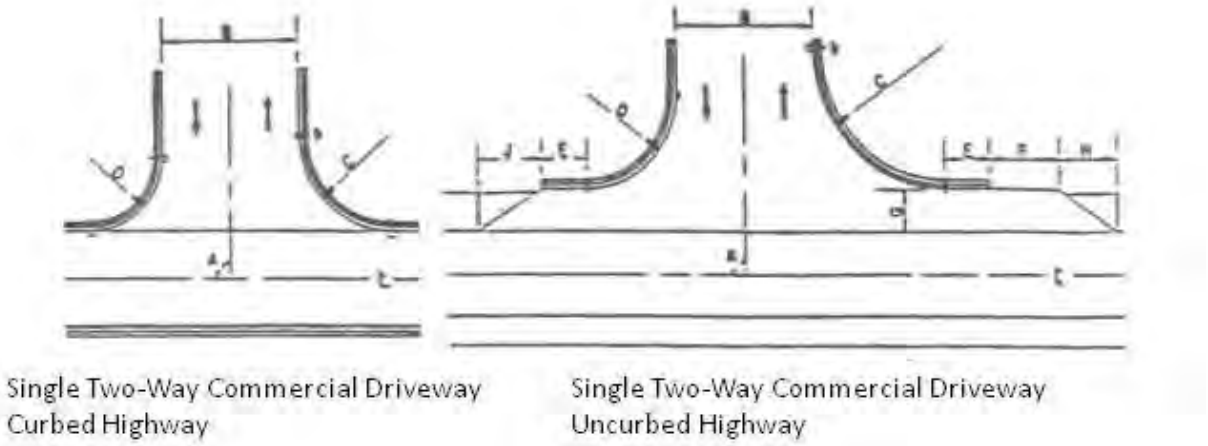
The design features described and illustrated in this section shall be used by the applicant in dimensioning a proposed driveway or driveway system or plans accompanying the driveway permit application. Figure 1 depicts the standard minimum driveway design. Every driveway constructed along and within a public right-of-way must at least meet the listed design criteria.

If projected driveway traffic volumes exceed seven hundred fifty (750) vehicles per day, for all traffic using the driveway, a departure from the standard design may be required. Tittabawassee Township, in conjunction with the Saginaw County Road Commission, may specify a driveway system which will accommodate vehicle movements normally expected without creating undue congestion or hazard on the road.

The applicant may also request a particular alternative design as part of the site plan submitted accompanying the driveway application permit.

a. The following figures and table depict driveway standards and reasonable working ranges for each standard.

FIGURE 4 STANDARD TWO-WAY DRIVEWAY - PERMITTED BY RIGHT



Single Two-Way Commercial Driveway
Curbed Highway

Single Two-Way Commercial Driveway
Uncurbed Highway

TABLE 29 TWO-WAY DRIVE: STANDARDS FOR DESIGN

Design Features		Curbed Road		Uncurbed Road	
		Standard	Range	Standard	Range
Intersecting Angle	A	90 deg	80-100 deg	90 deg	80-100 deg
Driveway Width	B	24 ft.	20-36 ft.	24 ft.	20-36 ft.
Entering Radius	C	20 ft.	15 – 35 ft.	25 ft.	15- 35 ft.
Exiting Radius	D	15 ft.	15 – 35 ft.	20 ft.	15 -35 ft.

b. The standard shall be used unless the Zoning Administrator, in consultation with the Saginaw County Road Commission, determines that another dimension within the range is more suitable for a particular site or special condition and is approved by the Road Commission and the Township.

i. Expected right turn ingress movements meet or exceed 50 MPH during a typical weekday peak traffic period.

ii. When driveway volumes are expected to meet or exceed 1,000 vehicles per day.

iii. When the Saginaw County Road Commission or Township Engineer can document, through traffic analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the public thoroughfare.

c. Center left turn lanes in conjunction with tapers will be required when:

i. Existing traffic volume or traffic generated by any new development or change to and existing development causes the average daily bidirectional traffic volume to exceed 18,000 vehicles for one half miles east or west of the proposed access point.

ii. A right-turn lane shall be preceded by a taper. The design feature dimensions of a right-turn land and taper shall conform to those given in the Figures and Table following.

FIGURE 5 RIGHT TURN LANE AND TAPERS (ENTERING TAPERS)

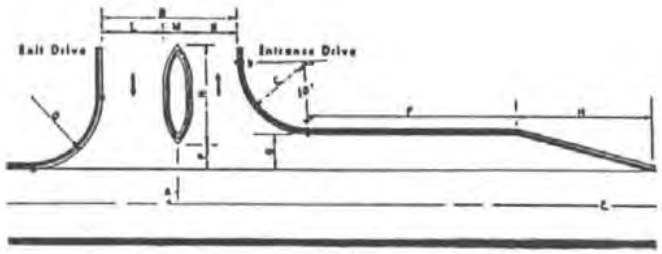


FIGURE 6 RIGHT TURN LANE AND TAPERS (EXISTING TAPERS)

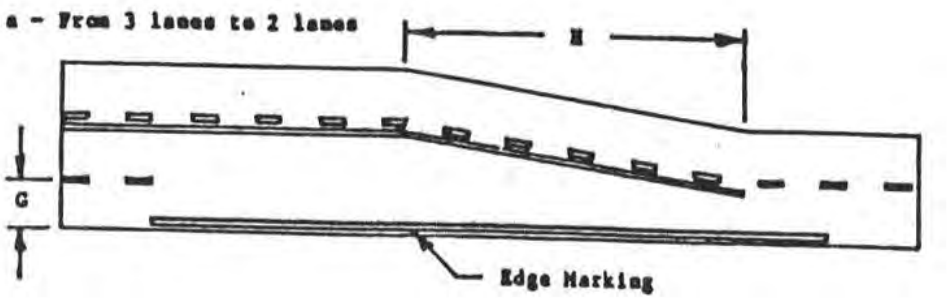


TABLE 30 RIGHT-TURN LANE AND TAPERS: STANDARD FOR DESIGN

Design Features		Curbed Road		Uncurbed Road	
		Standard	Range	Standard	Range
Curb Ending	b	NA	NA	10 ft.	No range
Right turn Lane Length	F	Length of Lane = width of lane x speed			
Right Turn Lane Width	G	12 ft.	10 – 15 ft.	12 ft.	10-15 ft.
Entering Tapers	H	150 ft.*	50	150 ft.	50-150 ft.
Exiting Tapers	H	150 ft. *	50	150 ft.	50
Exiting Radius	D	NA	NA	50 ft.	50

*If a right-turn lane is used, the Entering or Exiting Taper standard shall be fifty (50') feet. Without a right-turn lane, the Entering or Exiting Taper standard shall be one hundred and fifty (150') feet. This standard shall be used unless the Zoning Administrator in consultation with the traffic engineer determines that another dimension within the range is suitable for a particular site or special condition.

d. Driveway Profile. Driveway profiles shall be determined using the following criteria:

i. The grade of a two-way, one-way or divided commercial driveway shall not exceed 1.5% for a minimum distance of twenty-five (25') feet from the edge of the pavement. Beyond this distance the grade shall not exceed 8%.

ii. If the road is curbed and if the sidewalk is ten (10') feet or less from the edge of the pavement, the grade of a driveway shall be the grade required to meet the sidewalk elevation. If that grade would exceed the maximums specified in paragraph (1), the sidewalk shall be either tilted or inclined.

iii. If the road is uncurbed, the grade of the driveway between the road edge of pavement and the edge of the shoulder shall confirm to the slope of the shoulder to the edge of the driveway approach. From that point the dimensions specified in Section 306 (9d2) will apply.

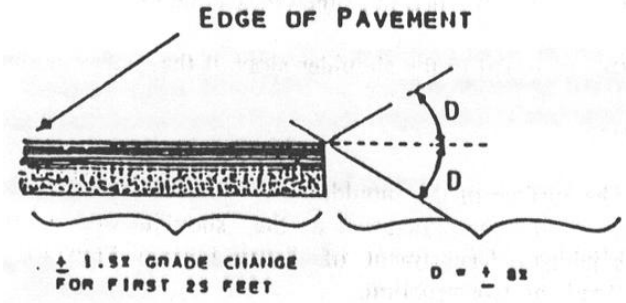
iv. For a driveway on an upgrade towards the road, a grade of 1.5% for a distance of one hundred (100') feet from the edge of the pavement is required. Beyond this distance, the grade shall not exceed 40% and the difference in grades where there is a change of grade shall not exceed 3%.

v. Vertical curves with a minimum length of fifteen (15') feet shall be provided at a change of grade of 4% or more.

vi. If the sidewalk elevation has to be adjusted to meet the driveway, the sidewalk shall be inclined at a rate not to exceed on (1') foot vertical for every twenty-four (24') feet horizontal.

e. Drainage.

i. A driveway shall be constructed so that it does not adversely affect the road drainage.



The drainage and the stability of the road subgrade shall not be altered by driveway construction or roadside development.

ii. Drainage from adjacent parking or storage areas on private property in excess of existing drainage shall not be discharged into the road drainage system.

f. Surfacing and curbing along curbed roads: A driveway shall be paved and curbed o either the right-of-way line or to the point of curvature between the driveway edge and the larger radius, point (b) in Figure 1, as determined by the engineer.

g. Surfacing and curbing along uncurbed roads: A driveway shall be paved and curbed to either the right-of-way line or o the point of curvature between the driveway edge and the

FIGURE 7 STANDARD PROFILE DESIGN

larger radius, point (b) in figure 8. The curb ending adjacent to the driveway shall be located at least thirteen and a half (13.5') feet from and parallel to the edge of the pavement.

h. Surface material and thickness: The surface of a paved driveway, excluding right-turn lanes, shall be concrete, bituminous or equivalent surfacing material. The thickness of the surface and the base to be used shall be sufficient to provide the bearing capacity needed to carry the proposed traffic loads. A 2 ½ inch, 250 pounds per square yard, bituminous mix on 8 inches of compacted gravel, 8 inches of unreinforced concrete or equivalent surfacing material which meets current MDOT Standard Specifications for Construction is acceptable for normal driveway traffic loads over stable soil. These specifications are minimum requirements and apply to the driveway only.

i. Surfacing of Right-turn lanes and tapers.

i. The pavement of a right-turn lane and accompanying tapers shall match the road pavement, unless the authority permits the use of an equivalent pavement.

ii. The cross slope of a right-turn lane and tapers shall be:

i. A continuation of the cross slope of the road if the road is curbed.

ii. Equal to the shoulder slope if the road is uncurbed.

j. Shoulders

i. The surface of the shoulder adjacent to a right-turn lane and tapers shall be of the same material as the shoulder and conform to the current Michigan Department of Transportation Standard Specifications for Roadway Construction.

ii. If the distance between two paved commercial driveways serving the same property is less than one hundred (100') feet, measured between adjacent ends of the curb endings, the applicant shall pave the shoulder between the driveways.

k. Driveway curb details. The driveway curb shall either match the existing curb or shall conform to the current standards for curb and gutter.

SECTION 7.10 CORNER CLEARANCE

Intersecting streets and direct access driveways shall be spaced according to the same regulations for distances between direct access driveways, as listed in Table 12 with the exception of the following. Direct access driveways must be at least four hundred (400') feet from the intersections of M-84 (Bay Road) and Mackinaw Road.

SECTION 7.11 CONSISTENCY WITH COMPREHENSIVE PLAN

In some cases, on a particularly congested arterial, the Tittabawassee Township Plan may call for specific innovative treatment of access control. Examples may include service drives, continuous right turn lanes, access off of collector streets, commercial parks, and combined, coordinated parking/access systems. In such cases, any innovative design meeting the spirit and intent of these regulations, and performance standards, may be considered through site plan review.

SECTION 7.12 TEMPORARY DRIVEWAY PERMITS

Temporary driveway permits are intended to allow existing driveways and new driveways, necessary to access sites remote from adjacent access, to remain in use until such time as the conditions specified on the permit are met.

a. A temporary permit may be granted for:

i. Existing driveways that access existing development or are necessary to service farm fields and are only used for that purpose. Existing driveways are legal nonconforming driveways and may exist without a temporary permit under the conditions specified in Section 11.12 Nonconforming Driveways.

ii. New driveways necessary to access new development where the new development is remote from adjacent access drives that shared access is not feasible at the time of development.

b. Conditions upon which the Temporary Permit will expire may include:

i. Adjacent development within one hundred and fifteen (115) feet of the site where the temporary driveway is located is planned. At this time, joint access provisions with the adjacent property owner must take place.

ii. The use of the site for which the temporary permit was granted has ceased for six (6) months or more or the use of the site or the driveway has changed such that the use of the driveway is increased to any degree.

SECTION 7.13 NONCONFORMING DRIVEWAYS

a. Driveways that do not conform to the regulations in this Ordinance, and were constructed before the adoption of this Ordinance, shall be considered legal nonconforming driveways. Existing driveways granted a temporary permit are legal nonconforming driveways until such time as the temporary permit expires.

b. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, for a period of six (6) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Ordinance.

c. Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded in such a way that impact the use of the driveway. At this time, the driveway must be made to conform with all aspects of the Ordinance.

d. Driveways that do not conform to the regulations in this Ordinance and have been constructed after adoption of this Ordinance, shall be considered illegal nonconforming driveways.

e. Illegal nonconformities must be cited as violations of this Ordinance, made to cease use of the driveway and correct any nonconforming aspects of the driveway. Driveways constructed in illegal locations must be closed and all evidence of the driveway removed from the right-of-way and site on which it is located.

f. Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways.

SECTION 7.14 VARIANCES FOR DRIVEWAY DESIGNS

The applicant may apply for a variance from the standard driveway designs, under the following conditions:

a. When driveway volumes are expected to meet or exceed one thousand (1,000) vehicles per day.

b. When expected turning ingress or egress movements meet or exceed fifty (50) per hour during a typical weekday peak traffic period as determined by a traffic study or generally accepted trip generation table, approved by the Planning Commission, such as the Institute of Transportation Engineers Trip Generation Manual.

c. When in the judgment of the Saginaw County Road Commission or municipal traffic engineer, specific site conditions require alternative design treatments to provide for safe and efficient driveway operation.

d. When a joint or coordinated access-parking system is being used. When two adjacent property owners agree to combine access points, the municipality may grant an incentive bonus. The total road frontage normally required will each be reduced by ten (10) percent for both land owners. (Site circulation and safety standards will still be enforced).

e. When a permitee seeks a variance for an innovative method for access design or operations. Variances should be granted only where practical difficulties require an innovative access design or dimensional change that is consistent with the intent of the ordinance. Variances may not be granted for financial hardship or in any instance where the intent of the ordinance can be met by abiding by the standards in this document. The Tittabawassee Township Board of Appeals and one representative of the Saginaw County Road Commission shall hear and decide all requests for a variance, interpretation or administrative review of access control regulations.

SECTION 7.15 SAMPLE DRIVEWAY DESIGN ALLOWED BY VARIANCE

DUAL SERVICE DRIVE

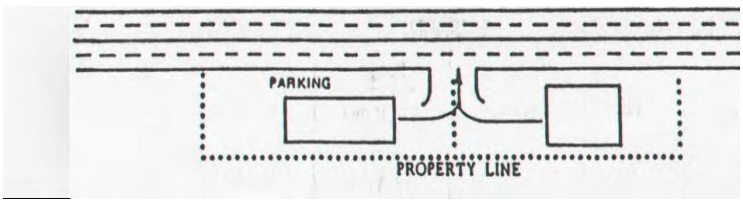


TABLE 31 DESIGN STANDARDS: DUAL SERIVCE DRIVE

DESIGN FEATURES		CURBED		UNCURBED	
		Standard	Range	Standard	Range
Intersecting Angle	AR	60 deg	45- 90 deg	60 deg	45-90 deg
Entering Radius	CR	20 ft	15-35 ft	25 ft	15-35 ft
Exiting Radius	DR	10 ft	5-25 ft	5 ft	5-25 ft
Intersecting Angle	AL	120 deg	90-135 ft	120 ft	90-135 ft
Entering Radius	CL	10 ft	5-25 ft	5 ft	5-15 ft
Exiting Radius	DL	15 ft	5-50 ft	20 ft	5-50 ft
Driveway Width	B	24 ft	20-35 ft	24 ft	12-50 ft 20-36 ft
Distance Between Driveways	S	20 ft	10-150 ft	20 ft	10-150 ft

The standard shall be used unless the Zoning Administrator in consultation with the Saginaw County Road Commission and Tittabawassee Township Planning Commission determines that another dimension within the range is more suitable for a particular site or special condition.

FIGURE 9 SAMPLE COORDINATED ACCESS PARKING SYSTEM

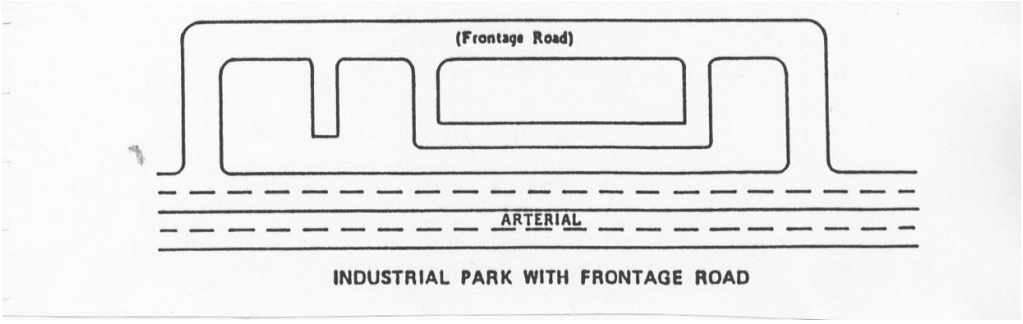
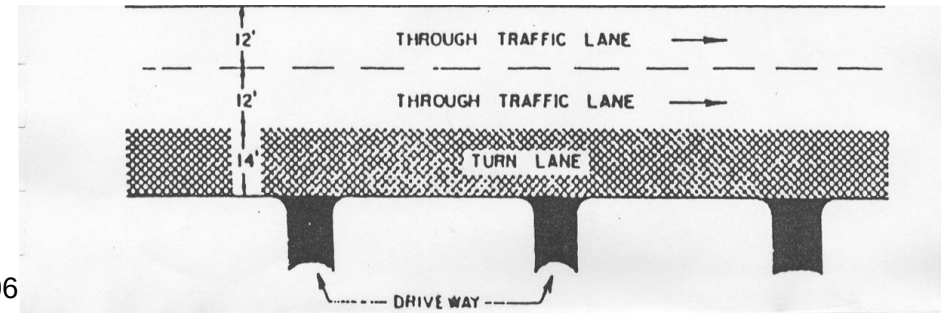


FIGURE 8 CONTINUOUS RIGHT LANE



Article 8 ■*SIGN REGULATIONS*

SECTION 8.1 SCOPE

These Standards are adopted to:

a. Maintain and enhance the aesthetics of the community.

b. Enhance pedestrian and vehicular traffic safety.

c. Preserve public health, safety, and welfare.

d. Minimize the adverse effects of signs on nearby public and private property.

e. Minimize driver distraction.

f. Encourage appropriate plants and landscaping material.

g. Avoid excessive signage.

h. Protect and enhance the scenic views and natural landscapes.

i. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.

j. Promote the use of aesthetically pleasing sign materials and colors.

k. Avoid obstacles, distractions, or traffic hazards, which impair a traveler's ability to see pedestrians, traffic signs, or vehicles.

l. Preserve the right to enjoy scenic amenities.

m. Enhance the effectiveness of necessary directional and warning Signs.

n. Preserve property values.

o. Provide for the effectiveness of Permitted Signs.

p. Avoid adverse lighting or reflection.

q. Require structurally safe Signs.

SECTION 8.2 PERMIT PROCEDURE

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

a. APPLICATION FOR A PERMANENT SIGN. Application for a permit to construct or locate a permanent sign shall be obtained from the Township Zoning Administrator. The application shall include the following information.

i. Name, address, telephone number of the landowner, developer, or petitioner.

ii. A map of the property at a scale of 1"=10' showing the location and type of existing structures on the site, property boundaries, location and type of structures on adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.

iii. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.

iv. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.

v. The proposed dates of construction and completion of the sign.

vi. Structural information necessary to comply with all current building codes.

vii. A fee shall be paid to Tittabawassee Township for each sign permit. A schedule of fees shall be established and amended from time to time by the Township Board.

b. APPLICATION FOR A PORTABLE/TEMPORARY SIGN. Application for a permit to install a temporary sign shall be obtained from the Township Zoning Administrator. The application shall include the following information.

i. Name, address, telephone number of the landowner, developer, or petitioner.

ii. Address at which the sign will be located.

iii. The size of the sign to be installed.

iv. The proposed dates the sign will be in place.

v. A fee shall be paid to Tittabawassee Township for each sign permit. A schedule of fees shall be established and amended from time to time by the Township Board.

vi. In the 30 days leading up to an election and up to 5 days following the election, the requirement to obtain a temporary sign permit shall be waved.

c. All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 3 days.

Zoning District	Duration of Permit	Permits per Parcel
AG/RES used for non-residential use	14 days	Unlimited
AG/RES (All Other)	14 days	1 per year
COMMERCIAL	30 days	2 per year
INDUSTRIAL	30 days	2 per year
TEMPORARY LAND DEVELOPMENT	1 year	1 per year

SECTION 8.3 EXEMPTIONS

a. ACTIONS EXEMPT FROM PERMITTING. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.

i. REPLACING COPY. The changing of the advertising copy of an approved painted or printed sign, where the sign structure does not change, or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

ii. MAINTENANCE. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

b. SIGNS EXEMPT FROM PERMITTING

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

i. SIGNS AT CONSTRUCTION PROJECTS. One sign may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of thirty-two (32) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project or one year from issuance of permit. Corner and through lots are allowed one sign on each side of parcel bordering a roadway.

ii. ON PROPERTIES FOR RENT/SALE/LEASE

i. One sign is allowed, when located on land or building intended to be rented, leased or sold. On corner or through lots, one sign is allowed on each side of the parcel which boarders a roadway.

ii. On parcels used for commercial or industrial uses, the sign shall not exceed twenty-four (24) square feet in area or six (6) feet in height.

iii. On parcels used for agricultural or residential uses, the sign shall not exceed six (6) square feet in area or four (4) feet I height.

iii. SMALL SIGNS. In the all zoning districts, one (1) sign is permitted without a permit. The sign shall be no greater than six (6) sq. ft. or four (4') ft. in height. All signs must be a minimum of ten (10) feet from the edge of the road or curb. Signs are not allowed in

the area between a sidewalk and the adjoining roadway. In the 30 days leading up to an election and up to 5 days following the election, the number of small signs allowed per parcel shall be increased to ten (10) in all zoning districts.

iv. DECORATIONS. In the VC, GB, RB, I-1 and I-2 districts, signs and decorations smaller than one (1) square foot are permitted. Flags or banners, properly anchored to permanently mounted poles that are less than three (3) square feet are permitted. Flags, banners and signs larger than this shall be treated as portable/temporary signs.

v. CROP IDENTIFICATION. Crop identification signs in the agricultural district.

vi. PRIVATE TRAFFIC DIRECTION SIGNS. Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner, not exceeding two (2) square feet.

vii. FLAGS. Two (2) flags are allowed to be exempt from these regulations. If additional flags will be displayed no more than the time period allowed for a portable sign, the flag will be considered a portable sign and is subject to portable sign regulations. If the flag will be displayed more than the time period allowed for portable signs, the flag becomes a permanent sign and must be calculated into the total sign area allowed for a parcel.

~~viii.~~ ADDRESSES. All structures in all zoning districts including apartment units and office suites) shall display a street number address in Arabic numerals at least three (3”) inches in size.

ix. VEHICLE SIGNS. Signs attached to legally licensed vehicles that are used upon the highways for transporting persons, goods or equipment.

x. GOVERNMENTAL SIGNS. Traffic or other municipal signs including, but not limited to, the following, legal notices, historic site designations, municipal facility directional signs, street or traffic signs, railroad crossing signs, danger and other emergency signs as may be approved by the Township Board or any Federal, State or County agency having jurisdiction over the matter of the sign. Such signs may be located in any zoning district. However, all signs on governmental property on which a municipal building is located shall meet the commercial zoning district requirements state herein.

xi. COMMUNITY SPECIAL EVENT. Community special event signs approved by the Township Board.

xii. DECORATIVE SIGNS. Signs of a decorative nature, not used for any commercial purpose, provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days, nor more than sixty (60) total days in any one year.

SECTION 8.4 MEASUREMENT OF A SIGN

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in

determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

SECTION 8.5 TABLE OF SIGNS PERMITTED

District	Type	# per Parcel	Size	Setbacks	Maximum Height
CG	None	0	n.a.	n.a.	n.a.
AG	• Non dwelling use • Small sign • Wall Sign • Portable/temporary • Integral Sign	1 1 1 1 1	32 sq. ft. 6 sq. ft. no limit 32 sq. ft. no limit	•Within required yard •Within required yard •Any wall •Within required yard •Any wall or roof	5 ft. 4 ft. Any wall 5 ft. Any wall or roof
R-1A **R-1** **R-2**	• Non dwelling use sign • Small sign • Wall Sign • Portable/temporary • Subdivision	1 1 1 1 2	32 sq. ft. 6 sq. ft. 2 sq. ft. 32 sq. ft. 24sq. ft. each	•Within required yard •Within required yard •Any wall •Within required yard •Within required yard	5 ft. 4 ft. Any wall 5 ft. 5 ft.
R-3 **R-4**	• Same as AG district • Wall sign • Subdivision • Portable/temporary	1 1 2	Same as AG district 32 sq. ft. 24 sq. ft.	• Same as in AG district • Any wall • Within required yard	Same as AG district Any wall 5 ft.
VC Wash.	• Freestanding or • Monument	1 or 1	18 sq. ft. 32 sq. ft.	• Within required yard • Within required yard	6 ft. 6 ft.
VC M-47 **GB** **RB**	• Freestanding or • Monument	1 or 1	32 sq. ft. 32 sq. ft.	• Within required yard • Within required yard	18 ft. 6 ft.
	OR/AND				
	• Wall/Window • Integral	1	64 sq. ft. or 70% of any wall	• Any wall facing a road	Height of highest eave
	• Marquee/Canopy	1	64 sq. ft. or 70% of any wall	• On structure	Height of highest eave

District	Type	# per Parcel	Size	Setbacks	Maximum Height
	• Portable/temporary • Temporary land development	1	32 sq. ft.	• Within required yard	5 ft.
	• Street Banners	see notes	see notes	• see notes	n.a.
	• Electronic message board	1	32 sq. ft.	• Within required yard	~~12~~ ***8*** ft.
I-1 **I-2**	• Wall and window • Integral (wall only)	1	64 sq. ft. or 70% of any wall facing a road	• Any wall • Within required yard	Any wall
	• Freestanding or Monument	1	32 sq. ft.	• Within required yard	18' at grade of lot line
	• Roof	1	60 sq. ft.	• Within required yard	Roof line
	• Portable/temporary • Temporary land development	1	32 sq. ft.	• Within required yard	5 ft.

NOTES TO TABLE

a. THROUGH LOTS. In the case of through lots (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.

b. CORNER LOTS. In the case of a corner lot, situated on two or more streets, signs may be permitted on each street according to the regulations for individual signs in the table. If the property owner chooses to only have signage on one of the street frontages, additional bonus provisions will be applied to the sign on the street where the sign is located. Bonus provisions will be based on those available to the property owner had he chosen to locate the sign on the unsigned street frontage.

c. BUSINESS CENTER If there are three (3) or more businesses located on the same parcel, the Planning Commission shall determine the allowable sign size at the site plan review stage.

d. SIGN TYPE. No premises other than through or corner lots shall be permitted more than two signs of different types or more than one (1) sign of any particular type.

e. UPPER FLOOR OCCUPATION. Each business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.

f. ADDITIONAL BUILDING ENTRANCE. One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.

g. STREET BANNERS. Fabric signs, suspended across public streets advertising a public entertainment or event. The location of each street banner must be specifically approved by the Saginaw County Road Commission or the Michigan Department of Transportation (for banners on M-47). A copy of the Road Commission or MDOT permit must be on file with the Zoning Administrator prior to display of the banner. These signs may be displayed during the event being advertised and for no more than 14 days before and 4 days after it.

h. ELECTRONIC MESSAGE BOARDS. The message/symbol/picture change cycle of a changeable message sign shall be not less than six (6) seconds per message/symbol/picture.

i. NONDWELLING USE SIGNS. In the AG, R-1A, R-1, and R-2 districts, only nondwelling use signs may be illuminated.

j. WALL SIGNS. Signs constructed of fabric that are securely anchored to a building so that no portion of the sign moves, are maintained in good repair and meet all other provisions of this ordinance are permitted. These signs are considered permanent signs and must be within the maximum square footage and placement allowed for such signs.

SECTION 8.6 BONUS PROVISIONS

In all commercial and industrial districts, additional signage is permitted under the following conditions: (The percentage bonus provisions shall be applied to the maximum size as specified in section 8.5)

a. LANDSCAPING. Ten percent (10%) bonus in the size of one sign when any freestanding or monument sign which is erected in a landscaped area. The landscaped areas must contain a minimum of two (2) square feet for each square foot of the sign area. The landscape design must be approved by the Planning Commission or its designee.

b. DESIGN. A twenty (20%) bonus in sign area will be allowed if at least fifty (50%) of the total sign structure is comprised of brick, stone or architectural block.

c. HEIGHT. Ten percent (10%) bonus in the size of one sign when any freestanding or monument sign which is erected at least one (1') foot lower than the maximum height allowed.

d. SPEED LIMIT. In areas where the speed limit is 35 mph, no bonus shall be given. Where the speed limit is 45 mph, an additional 8 sq. ft. of sign structure shall be allowed. Where the speed limit is 55 mph, an additional 16 sq. ft. of sign structure shall be permitted.

e. FRONTAGE. An additional 8 sq. ft. of sign structure size shall be permitted for every 25 feet over the first 200 lineal feet of lot frontage.

SECTION 8.7 PROHIBITED SIGNS

Signs are prohibited that:

a. Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.

b. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.

c. Are attached to a utility pole.

d. Are not properly anchored or secured to a building or the ground.

SECTION 8.8 ILLUMINATION

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

In the AG, R-1A, R-1, R-1V and R-2 districts, only non-dwelling use signs may be illuminated.

SECTION 8.9 NONCONFORMING SIGNS

a. INTENT. This ordinance is intended to encourage the eventual elimination of signs which do not comply with the ordinance. The elimination of non-conforming signs is as much a subject of health, safety, and welfare as is the prohibition of new signs in violation of this ordinance. Therefore, this ordinance attempts to realize the removal of non-conforming signs and to avoid any unreasonable invasion of established property rights.

b. CONTINUANCE. A Nonconforming Sign may be continued during the useful life of the Sign if it is maintained in good condition. It shall not, however, be replaced by another Nonconforming Sign. It may not be structurally altered so as to prolong the useful life of the Sign. It may not be reestablished after damage or destruction is the Department determines that the estimated cost of reconstruction exceeds fifty (50%) percent of the estimated replacement costs.

SECTION 8.10 CONSTRUCTION AND MAINTENANCE

a. CODES. All signs shall conform to the latest edition of the applicable building and electrical codes.

b. FASTENINGS. All signs must remain safe and secure during the period of use. All parts of the Signs, including bolts and cables, shall remain painted, and free of corrosion.

c. FIRE ESCAPES. A sign may not obstruct a fire escape.

d. IDENTIFICATION. All signs for which a permit is required shall identify the name and operating telephone number of the person responsible for the sign.

e. DISPLAY OF STREET ADDRESS. The street and/or building address number shall be displayed on the primary freestanding identification sign for each premises on land located

in any commercial or industrial district. Display of street address numbers shall conform with the following standards:

i. Address number shall be displayed on the sign face or on the supporting structure of the sign, at a minimum height of two (2) feet above grade.

ii. The height of numbers shall be eight (8”) inches.

iii. If the premises which are identified by a primary freestanding identification sign contains more than one street address number, the street address number displayed on the sign shall identify the lower and upper ends of the address range to which the sign pertains.

iv. Display of street address numbers on a sign structure shall not be considered a sign subject to the regulations contained in unless the height of the address numbers exceeds eight (8”) inches, in which case the street address number shall be considered a sign, subject to the limitations on size and number signs contained in this ordinance.

f. RESPONSIBILITY FOR COMPLIANCE. The owner of the parcel on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.

VIOLATIONS AND REMOVAL

a. Any sign erected, altered, or converted subsequent to the passage of this ordinance and in violation of any provisions thereof is hereby declared to be a nuisance per se. Any person or anyone acting on behalf of any such person who shall violate any provisions of this ordinance, or who shall fail to comply with any requirements thereof shall be guilty of a municipal civil infraction as provided in Ordinance No. 01-01, Tittabawassee Township Municipal Sanctions for Ordinance Violations Ordinance. Each day that there is a failure to comply shall constitute a separate offense. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law, including costs and attorney's fees.

b. Upon discovery of a violation of this Article the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the Township Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Article or removed.

c. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.

d. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in B. above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in B. and C. above.

e. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article he shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.

SECTION 8.11 ABANDONED SIGNS.

A sign or sign insert shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises and the Township determines that the sign is in a condition that is detrimental to the health, safety and welfare of the Township. This may include structural deficiencies or poor maintenance. If the owner or lessee fails to remove it within 30 days of the termination of the business, or the property owner fails to provide the Township with a permit request for a replacement sign within one hundred and eighty (180) days of the business no longer being conducted on the premises, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

Article 9 ■*SPECIAL LAND USES*

SECTION 9.1 INTENT AND PURPOSE

In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgment of the Planning Commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed Special Use. The Special Uses which are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.

This Article provides procedures and standards for regulating activities identified as uses by special use permit. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.

SECTION 9.2 GENERAL PROVISIONS

a. INITIATION OF SPECIAL LAND USE. Any person having a freehold interest in land, an ownership interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, and which is specifically enforceable, may file an application to use the land for one or more of the special uses provided for in this section in the zoning district in which the land is located.

b. APPLICATION OF SPECIAL LAND USE. An application for a special use permit for any land or structure use permitted under this article shall be submitted and processed under the following procedures:

i. Submission of Application: Any application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board by resolution to cover costs of processing the application. No part of any fee shall be refundable.

ii. Data Required: Every application shall be accompanied by the following information and data:

i. The form supplied by the Building Inspector filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of this Article.

ii. Site plan drawn to the specifications of the site plan review regulations of this Zoning Ordinance.

c. NOTICE OF REQUEST. Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that a request for special land use

approval has been received shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300') feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300') feet. The notice shall be given not less than five and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall contain the following information.

i. Description of the nature of the special land use request.

ii. Indication of the property which is the subject of the special land use request.

iii. Statement of when and where the special land use request will be considered.

iv. Indication of when and where written comments will be received concerning the request.

d. AUTHORIZATION. The Zoning Administrator shall review each application for a special land use, and make a recommendation to the Planning Commission. Where applicable, the Zoning Administrator or Planning Commission shall request a written response to a site plan review from affected federal, state, county, or local agencies. The Planning Commission may deny, approve, or approve with conditions any application for a special land use. The Planning Commission shall incorporate its decision in a statement of conclusions pertaining to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

No person should think that compliance with the standards defined by this Article automatically grants him or her the right to establish a special use in a given zoning district. Rather, the privilege of establishing a special use is granted or denied by the Planning Commission following the process outlined in this Article.

e. GENERAL REQUIREMENTS FOR APPROVAL. The request for special land use approval must meet the following general standards, as well as the more specific requirements for the requested land use. The Planning Commission shall review each application for the purpose of determining that each use on its proposed location will:

i. Be harmonious with and in accordance with the general principals and objectives of the Comprehensive Plan of the Township of Tittabawassee.

ii. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.

iii. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

iv. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.

v. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.

vi. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.

f. CONDITIONS AND GUARANTEES. Prior to the granting of any special land use, the Planning Commission shall stipulate the conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified. In all cases in which special land uses are granted, the Planning Commission shall require any evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the special land use are being, and will be, complied with. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the land owner. The Township Clerk shall maintain a record of changes granted in the conditions. A Special Land Use is authorized and legal until the specific land use with all conditions is changed. The Special Land use then “runs with the land” regardless of the owner of the land.

g. PERMIT EXPIRATION. A special use permit issued under this section shall be valid for a period of one (1) year 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 Manager, Planning Commission and Township Board in writing of the expiration or revocation of said permit.

h. EFFECT OF DENIAL OF A SPECIAL LAND USE. No application for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Zoning Administrator and the Planning Commission.

i. REVOCATION. In any case where a special land use has not been established within one (1) year after the date of granting authorization for the use, the special land use authorization shall automatically be null and void without further action by the Planning Commission. In addition, a special land use can be revoked by the Planning Commission under the same procedure as the section used to approve it, if it is found that it no longer meets the standards of this ordinance.

SECTION 9.3 PERMITTED SPECIAL LAND USE PROVISIONS

These Permitted Uses and Uses allowed by Special Permit enumerated in any zoning district, if included below, shall be subject to all the conditions and requirements of this Article and all other applicable regulations of this Ordinance.

SECTION 9.4 ADULT BUSINESS.

The purpose and intent of requiring the following standards for adult bookstores and entertainment facilities is to prevent conditions that would presently or ultimately lead to blight and deterioration.

a. No adult bookstore or entertainment use shall be located within one thousand (1,000') feet of a church, school, public park, noncommercial public assembly facility or public office building.

b. The site shall not be adjacent to or within five hundred (500') feet of any residential area or Residential Zone.

c. The site shall not be within one thousand (1,000') feet of any other adult business use.

d. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of any adult uses, are limited to a single sign and all such displays shall be part of specific approvals for all the use/activity. Any alteration to the above media shall be approved by the Planning Commission.

e. The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.

SECTION 9.5 AGRICULTURE AND FORESTRY ACTIVITIES/GREENHOUSES/SOD FARMING

(These regulations were moved from R-1A district regulations for consistency. Adding “Greenhouses” to this regulation is new)

a. Agricultural operations, greenhouses, hobby farms: including general farming, truck gardening, fruit orchards, nursery green houses, and associated farm buildings provided such activities occur on a parcel of land five (5) acres or larger, and subject to the following conditions:

i. The raising and keeping of horses and other similar animals over five hundred (500 lbs.) pounds shall be allowed, provided that the minimum area upon which one horse or similar animal may be kept is two and one half (2-1/2) acres plus two (2) acres for each additional horse or similar animal. There shall be a maximum of four (4) such animals for each ten (10) acres of land.

ii. The raising and keeping of livestock weighing five hundred (500 lbs.) pounds or less (such as sheep and goats) shall be allowed, provided that the minimum area upon which one such animal may be kept is two (2) acres, with a maximum of five (5) such animals for each ten (10) acres of land.

iii. Associated farm buildings shall be located no closer than two hundred (200') feet from an existing public right of way and no closer than fifty (50') feet from the side and rear lot lines of the parcel upon which such buildings are located. Where an adjoining parcel contains a residence or is zoned for residential use, the side and rear yard setback requirements for such accessory buildings shall be increased to one hundred (100') feet.

iv. No storage of manure or odor or dust-producing materials or use shall be permitted within one hundred (100') feet of the nearest developed lot line.

SECTION 9.6 AGRICULTURE BULK COLLECTION, STORAGE, DISTRIBUTION

a. Each principal agribusiness use shall have frontage upon and access to a thoroughfare having a primary or greater classification.

b. The minimum lot area shall be ninety thousand (90,000) square feet and the minimum lot width shall be three hundred (300') feet.

c. A bulk collection, storage, distribution, and similar structure shall be located not less than fifty (50') feet from any right-of-way line and not less than fifty (50') feet from any side or rear property line.

d. The total coverage of all main and accessory buildings shall not exceed thirty (30%) percent of the lot on which they are located.

e. Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond five hundred (500') feet from the boundaries of the lot or premises from which the noise or objectionable characteristic is generated.

SECTION 9.7 AUTOMOBILE SERVICE AND REPAIR/QUICK OIL CHANGE

a. Minimum lot area shall be ten thousand (10,000) square feet for an automobile service station or repair garage.

b. Minimum lot width shall be not less than one hundred (100') feet.

c. An automobile service station building shall be located not less than fifty (50') feet from any right-of-way line and not less than thirty (30') feet from any side or rear lot line abutting residentially zoned property.

d. Ingress and egress drives shall not be less than fifteen (15') feet in width.

e. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.

f. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

g. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than thirty (30') feet from any lot line, and shall be arranged so that motor vehicles shall not be

supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

h. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight foot high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three (3) days.

i. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

j. On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.

SECTION 9.8 BED AND BREAKFAST

a. A Bed and Breakfast must be licensed by Tittabawassee Township according to current licensing regulations.

b. Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.

c. Not more than twenty-five (25%) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.

d. No bed and breakfast sleeping rooms shall be located in a basement or attic.

e. Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay. Breakfast is the only meal that may be served to guests.

f. Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.

g. Bed and breakfast occupants shall be limited to four (4) in (1) room at any one (1) time.

h. The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.

i. A maximum of six (6) persons per each restroom will be permitted.

j. A two (2') feet square sign, affixed flat against the dwelling and not illuminated, will be permitted.

k. All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to Township standards with materials which maintain the historical character of the neighborhood. Natural screening by use of plant materials or other screening may be required to screen parking areas form adjoining residential properties.

l. No additions to existing structures will be approved for the purpose of adding bed and breakfast space. New construction in residential zones will be permitted subject to review and approval of the Planning Commission.

m. Bed and breakfast guests shall have access to all common areas, including but not limited to, dining rooms, parlors, screened-in porches, etc.

SECTION 9.9 CAMPGROUND/RV PARKS

a. The campground must provide a Health Department approved sewage disposal and water system and be maintained in a neat and attractive manner.

b. There must be a minimum of fifteen (15) campsites/trailer pads.

c. Campgrounds, travel trailer parks and similar activities shall be located only in areas which contain soils that are not considered prime for agricultural production and which are otherwise suitable for recreational use.

d. Minimum lot size shall be five (5) 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.

e. Minimum distance between designated campsites shall be twenty (20') feet; minimum distance between travel trailers/ recreational vehicles shall be twenty 20' feet.

f. Appropriate vegetation and screening around the perimeter of the site shall be provided.

SECTION 9.10 CAR WASH

a. Minimum lot size shall be twelve thousand (12,000) square feet, minimum lot width shall be one hundred (100') feet.

b. All washing activities must be carried on within a building.

c. 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 space for vehicles to be serviced by the subject facility.

d. Ingress and egress drives shall not be less than fifteen (15') feet wide.

e. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

SECTION 9.11 CEMETERIES

Public or private, when occupying a site of not less than twenty (20) acres, provided that no building shall be closer than fifty (50') feet from any property lines.

SECTION 9.12 EARTH REMOVAL, QUARRYING, GRAVEL PROCESSING

The purpose of this Article is to allow limited commercial quarrying, gravel processing and mining of minerals within the Township under certain defined conditions, and to minimize the

impacts of those operations upon adjacent properties and the surrounding neighborhood. The following requirements also apply to expanded or new areas of earth removal quarrying, gravel processing, mining and mineral extraction businesses actively in existence with the Township at the time of adoption of the Ordinance.

a. STREET ACCESS

All such operations shall be located on a major road for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

b. SETBACKS AND GRADE LEVELS

i. Sufficient setbacks shall be provided from all property lines and public rights-of-way to assure adequate lateral distances from adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150') feet to interior boundary lines of the property but larger setbacks may be required by the Planning Commission to adequately protect adjoining properties.

ii. No such excavation operation shall be permitted within fifty (50') feet of adjoining public rights-of-way except for the lowering of land adjoining the rights-of-way to the grade level of the rights-of-way.

iii. The permanent processing plant and its accessory structures shall not be located closer than two hundred fifty (250') feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus, to the stockpiling or loading of materials and to the location of transportation equipment.

iv. No such excavation operation shall be located within one hundred (100') feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having appropriate jurisdiction. No such mining operations shall be conducted to the detriment or damage of adjoining public or private properties.

c. SIGHT BARRIERS

Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

i. Earth berms constructed to a height of six (6') feet above the mean elevation of the centerline of the adjacent public roadway and/or six (6') feet above the general level of terrain along interior property lines. Such berms shall have slopes that are not in excess of one (1') foot vertical to three (3') feet horizontal and shall be planted with grass, trees or shrubs.

ii. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4') feet in height at the time of planting and which grow to not less than six (6') feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6') feet in height.

d. NUISANCE ABATEMENT

i. NOISE AND VIBRATIONS. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

ii. AIR POLLUTION. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

iii. HOURS OF OPERATION. The operation shall be restricted to the hours of seven (7:00 AM) o'clock a.m. until six (6:00 PM) o'clock p.m. Monday through Friday.

iv. FENCING. In addition to the sight barriers along the boundaries of the site all steep excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others. Such excavation, pits, pond areas, banks and slopes upon termination of operations, shall be eliminated as expeditiously as possible.

e. RECLAMATION OF MINED AREAS

i. TIME PERIODS. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.

ii. STANDARDS.

i. All excavation shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable, non-polluting and non-combustible solids to ensure:

1) That the excavated area shall not collect stagnant water and not permit the same to remain; or,

2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind

and water erosion, and which will be generally compatible with the adjoining land area.

ii. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.

iii. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, top soil shall be applied to a minimum depth of four (4") inches sufficient to support vegetation.

iv. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

v. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

f. PERFORMANCE BOND

A performance bond or cash shall be furnished the Township Clerk ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall not be less than three thousand dollars ($3,000) per acre proposed to be mined or excavated in the following twelve (12) month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator and the Planning Commission. In no event shall such financial guarantee be less than three thousand dollars ($3,000) and the dollar amount of the guarantee shall be set by the Township Board.

g. SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS

i. PLAN CONTENTS. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

i. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are

"all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.

ii. The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.

iii. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.

iv. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.

v. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. The soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a registered civil engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance to the boundaries of the site.

vi. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

h. ADDITIONAL CONDITIONS. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations. It shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of the mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of the revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the stated violation. All permits shall be reviewed by the Planning Commission annually.

i. INSPECTIONS AND CONFORMANCE. Inspections shall be made of the mining site no less often than twice in each calendar year by the Zoning Administrator in order to ensure conformance with the requirements of the approved special use permits. An aerial photo or a video tape in VCR format showing the entire property and/or operations thereon shall be taken prior to the start of operations and annually thereafter and presented to the Zoning Administrator for administrative and enforcement purposes.

j. LIABILITY INSURANCE. All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in amount

to be established by the Township Board. The insurance shall cover injury or damage occurring upon the site of the operations as well as upon adjoining properties, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

SECTION 9.13 FIREWORKS STORAGE.

This language is a restatement of Tittabawassee Township General Ordinance, #00-07, Storage of Fireworks.

a. PURPOSE. The purpose of this regulation is to provide guidelines for the safe storage of fireworks in agricultural zones. These regulations only apply to materials that have been licensed under the regulations of the Bureau of Alcohol, Tobacco and Firearms and the State of Michigan and are awaiting Township approval. It is the intent of these regulations to separate storage of fireworks from adjacent uses, provide for aesthetic and buffering requirements for the storage container, limit traffic to and from the container, provide for the safety of surrounding people, animals and property and maintain control over the ongoing storage of such materials. By storing these materials in an agricultural area, it is intended to locate this land use is a safe environment by isolating it from more intense land uses and zoning districts, thereby reducing the risk of injury and property damage and to discourage the curiosity of people that might occur in more populated areas elsewhere.

b. SITE OWNERSHIP. The site on which fireworks are stored must be owned by the person in whom the ATF and State permit is issued. Both permits must be in the same name. A dwelling unit must be located on the same site, also owned by the person named on the ATF and State permit, and occupied by that person on a full time basis in an agricultural zone.

c. NOT A HOME OCCUPATION. Storage of fireworks is not a Home Occupation as defined by the Tittabawassee Township Zoning Ordinance. This statement is intended to serve as the interpretation of the definition of a Home Occupation should the question arise.

d. MINIMUM SITE SIZE. The minimum site size is ten (10) acres.

e. SETBACKS. The storage container and/or structure must be set back minimally

i. As defined by the ATF, from the nearest dwelling unit or inhabitable building, including the dwelling unit occupied by the owner of the site, from the nearest structure housing animals, and from the nearest road right of way. If an adjoining property owner chooses to construct a home or other inhabitable structure closer than the specified setback, the fireworks storage shall be moved or the permit to store fireworks shall be revoked upon the issuance of a certificate of occupancy for the structure.

ii. One thousand (1000') feet from the nearest day care center or institution of any kind.

iii. If state or federal regulations are more stringent than those in this Ordinance, the most restrictive regulations shall apply.

f. TYPE OF STRUCTURE. The structure must be of a temporary nature and may not have a permanent foundation. The purpose of this regulation is to facilitate dismantling of the structure should the permit requirements cease to be met and to discourage other uses of the structure in the future.

g. TYPE AND QUANTITY OF MATERIALS STORED. The only materials that may be stored in the structure are those specifically listed in the ATF and/or State of Michigan permit. All other materials commonly associated with the use of fireworks materials may not be stored in the structure nor in any other structure located on the premises. Both State or federal regulations must be adhered to, and the most restrictive regulations at the state and/or federal level shall apply. If state or federal regulations become more stringent during the tenure of this Ordinance, the most restrictive regulations shall apply.

h. ACCESS TO STORAGE STRUCTURE. The owner of the site and his or her employees may access the structure with a vehicle as needed. No other vehicles or persons are allowed to access the site. The purpose of this regulation is to minimize the amount of traffic in an otherwise residential/ agricultural setting, control access to the materials.

i. BUFFERING. The structure must be buffered from view by at least 50% obscuration by any means using only natural plant materials.

j. NO RETAIL SALES. No sales of any kind of any materials may take place on the site, either retail or wholesale.

k. ATF and STATE OF MICHIGAN PERMIT. A valid ATF and State of Michigan permit must be maintained to allow continuation of the Special Use Permit. Annual ATF and/or State of Michigan permits may not be automatically renewed by the building inspector, Township staff or elected officials. In addition, this Special Use does not run with the land, but with the owner, unlike other Special Uses and is automatically void should the ownership of the site on which the explosives are stored or the ownership of the dwelling unit change. This is an exception to the Ordinance as a whole and is noted as such in these regulations by this statement.

l. OTHER RESTRICTIONS AS REQUIRED BY THE PLANNING COMMISSION. Other restrictions may be imposed on the site, the owner, the structure or other aspects of storage of explosives as deemed necessary by the Planning Commission with the intent of this section.

SECTION 9.14 GOLF COURSES/COUNTRY CLUBS – PITCH AND PUTT, 9 HOLES, 18 HOLES

Type of Course	Acreage	Parking	Setbacks	Lighting
Pitch and Putt	10 acres minimum	3 spaces per hole and one space per employee	All main and accessory buildings must be 50 feet from all property lines. Planting and screening shall be provided where the course abuts a residential lot.	Shielded to reduce glare and shall be directed away from all residential lands which adjoin the site.
9 Hole Course	40 acres minimum	5 spaces per hole and one space per employee		
18 Hole Course	80 acres minimum	5 spaces per hole and one space per employee		

SECTION 9.15 GOLF DRIVING RANGE, MINIATURE GOLF

a. Minimum lot size shall be five (5) acres.

b. Main and accessory buildings shall be set back at least fifty (50') feet from all adjacent property lines.

c. The perimeter of the driving range shall be enclosed with a chain link fence of a minimum height of six (6') feet.

SECTION 9.16 HUNTING AND GAME PRESERVES, ARCHERY/PISTOL RANGES

a. General

All firearm and archery activity shall, at a minimum, comply with the "Generally accepted operation practices" as defined by Public Act 269 of 1989.

b. Hunting and Game Preserves

i. Hunting and game preserves are allowed in the following zoning districts:

1) A1-Agricultural

ii. Safety Area. A buffer of a minimum of four hundred and fifty (450') feet must be provided along any county road of from any dwelling unit. This buffer is distance requirement only and is intended to be an area where there is no shooting from within the buffer zone toward the perimeter of the property. No additional landscaping is required.

iii. Posting. The entire perimeter of the site must be posted as required by the DNR license.

iv. Noise and hours of operation. The hours of operation shall not exceed dawn to dusk, regardless of the season or hunting conditions.

v. Parking. Adequate parking shall be provided on site at a quantity determined by the planning commission on a case by case basis. Other parking regulations in this ordinance do not apply.

vi. Retail sales. No retail sales to the public shall take place on the premises of any kind. Sales to participants in the shoot such as shot gun shells, hates, licenses, game birds, clothing, etc. is allowed.

vii. Gun use. Bow and arrow, crossbows, and shot guns using shells appropriate for the target are allowed. Handguns, rifles, and all other weapons are not allowed.

c. Shooting Ranges – Outdoor

i. Commercial/Clubs – Outdoor shooting ranges intended for use by the public or by a membership/subscription are allowed under the following restrictions.

1) Commercial outdoor shooting ranges are allowed by special use permit in the following zoning districts:

a. A1-Agricultural
b. C2-General Commercial

c. C3-Regional Commercial
d. I1-Light Industrial
e. I2-Heavy Industrial

2) Safey Area. A buffer of a minimum of four hundred and fifty (450') feet must be provided along any county road or from any dwelling unit. This buffer is a distance requirement only and is intended to be an area where there is no shooting from within the buffer zone toward the perimeter of the property. No additional landscaping is required.

3) Backstops and bullet stops must be installed in all shooting lanes and shall be compliant with safety requirements as specified by state and federal regulations.

4) Keet, Trap and similar target shooting must be installed in all shooting lanes and shall be compliant with safety requirements as specified by the state and federal regulations

5) Posting. The entire perimeter of the site must be posted as no trespassing.

6) Noise and hours of operation. The hours of operation shall not exceed 7:00a.m. to 10:00p.m. the same day, regardless of the season or hunting conditions.

ii. Private Use – Outdoor shooting ranges intended for use by the property owner and invited guests are allowed under the following restrictions.

1) Private outdoor shooting ranges are allowed in the following zoning districts:
a. A1-Agricultural

2) There shall be no fee charged to remuneration received for the use of this range.

3) Safety Area. A buffer of a minimum of four hundred and fifty (450') feet must be provided along any county road or from any dwelling unit. This buffer is a distance requirement only and is intended to be an area where there is no shooting from within the buffer zone toward the perimeter of the property. No additional landscaping is required.

4) Backstops and bullet stops must be installed and compliant with safety requirements as specified by state and federal regulations.

5) Posting. The entire perimeter of the site must be posted as no trespassing.

6) Noise and hours of operation. The hours of operation shall not exceed dawn to dusk, regardless of the season or hunting conditions.

7) Gun use. Only firearms which comply with the specifications of the installed target backstops are allowed.

d. Shooting Ranges – Indoor

i. Indoor shooting ranges are allowed by special use permit in the following zoning districts:

1) A1 – Agricultural
2) C2 – General Commercial
3) C3 – Regional Commercial
4) I1 – Light Industrial
5) I2 – Heavy Industrial

ii. Safety Area. Construction of the shooting lanes must be such that projectiles and debris cannot exit the shooting lanes.

iii. Backstops and bullet stops must be installed and compliant with safety requirements as specified by state and federal regulations.

iv. Noise and hours of operation. The hours of operation shall not exceed 7:00a.m. to 10:00p.m. the same day, regardless of the season or hunting conditions. Noise levels outside the building shall not be allowed to exceed normal daytime ambient levels.

v. Gun use. Only firearms which comply with the specifications of the installed target backstops are allowed.

e. Archery Ranges

i. Indoor Archery Ranges

Indoor commercial archery ranges are allowed as an indoor recreation center provided adequate safety precautions are provided in the shooting lanes and no firearms are allowed to be used.

ii. Outdoor Archery Ranges

1) Outdoor commercial/club archery ranges are allowed in the following zoning districts:

a) A1 – Agricultural
b) C2 – General Commercial
c) C3 – Regional Commerical
d) I1 – Light Industrial
e) I2 – Heavy Industrial

2) Safety Area. Construction of the shooting lanes must be such that projectiles and debris cannot exit the shooting lanes.

3) No firearms are allowed to be used.

SECTION 9.17 INDUSTRIAL PARK

a. PERMITTED USES IN INDUSTRIAL PARK.

i. Uses primarily engaged in research and light manufacturing activities.

ii. Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Planning Commission.

iii. Distribution and Warehousing Plants

iv. Administrative, professional and business offices associated with and accessory to a permitted use.

v. Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.

b. DEVELOPMENT STANDARDS.

i. SETBACKS. No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:

i. Front Yard Setback. Twenty (20) feet, except that unsupported roofs or sun screens may project six (6') feet into the setback area.

ii. Side Yard Setback. Ten (10) feet, provided that a single building is constructed on two or more lots. No fences shall be constructed within the required side yard.

iii. Rear Yard Setback. The rear yard shall be thirty (30) feet.

c. BUILDING CONSTRUCTION AND MATERIALS. Buildings, including buildings associated with the principle structure, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls.

The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.

d. SIGNS. No sign shall be erected or maintained in the Park except in conformity with the following:

i. Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.

ii. Only one (1) single faced or double faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.

iii. A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed maximum area of thirty-two (32) square feet.

iv. No ground signs shall exceed four (4) feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20) feet, as measured from the property line, of any street side set back area. However, the above standards shall not apply to the Community Directional Sign, Special Purpose Sign, or Construction Sign.

v. Wall Signs shall be fixture signs. Signs painted directly on the surface of the wall shall not be permitted.

e. TELEPHONE AND ELECTRICAL SERVICE. All on site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view streets and adjacent properties.

f. NUISANCES. No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

SECTION 9.18 INSTITUTIONS: RELIGIOUS, EDUCATIONAL, SOCIAL, HUMAN CARE; STATE LICENSED RESIDENTIAL FACILITIES FOR 7-20 PEOPLE; GROUP HOUSING DEVELOPMENTS/CHILDCARE ORGANIZATIONS

a. DIRECT INGRESS AND EGRESS shall be from a paved road unless determined to be unnecessary by the Planning Commission.

b. SETBACK. The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than fifty (50) feet.

c. HEIGHT EXCEPTION. Buildings of greater than the maximum height allowed in the zoning district that a religious institution is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed.

SECTION 9.19 KENNELS, VETERINARY HOSPITALS

a. All kennels shall be operated in conformance with all county and state regulations, permits being valid no longer than one year.

b. For dog kennels, the minimum lot size shall be one-half acre for the first three dogs and an additional one-half acre for each three additional animals.

c. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than thirty (30') feet to any adjacent occupied dwelling or any adjacent building used by the public, ***fenced*** and shall not be located in any required front, rear or side yard setback area.

SECTION 9.20 LIVESTOCK FEEDLOTS/AUCTION YARDS

a. The Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices (GAAMPS) for new and expanding livestock facilities shall be followed.

b. Site/facilities locational requirements. The applicant for an intensive livestock operation permit shall submit with the application a detailed site plan showing that the property upon which the operation is proposed to be sited and the buildings, structures, and enclosures thereon, including animal waste storage areas, structures and excavations, fully comply with the following locational requirements:

i. The property shall be zoned AG- Agricultural pursuant to the Tittabawassee Township Zoning Ordinance and Zoning Map.

ii. The property shall have a minimum lot area of forty (40) contiguous tillable acres.

SECTION 9.21 MANUFACTURED HOME SALES – SEE OUTDOOR SALES

SECTION 9.22 MINISTORAGE

a. Minimum lot size shall be one (1) acre. Minimum lot width shall be one hundred (100') feet.

b. Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15') feet, as measured from building front to building front.

c. All items shall be stored inside an enclosed facility.

d. Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.

e. All access aisles and entrances to the site shall be paved with asphalt or concrete with appropriate storm water drainage. Where possible, access to individual units shall face the interior of the site to avoid perimeter traffic.

SECTION 9.23 MULTIPLE FAMILY DWELLINGS

a. Side Yard Setback. All two family and townhouse developments and multiple family developments with a height of three (3) stories or less shall meet the side yard setback in the Schedule of Regulations for the zoning district in which the development is located. All multiple family developments with a height of four (4) stories or greater located adjacent to a single family residential dwelling zoning district shall have a side yard setback of fifty (50) feet.

b. Minimum Lot Area. Multiple-family developments and townhouses one (1) to three (3) stories in height shall comply with the lot dimensional requirements per dwelling unit specified in Table 15.1.

Table 15.1: LOT AREA REQUIRED PER DWELLING UNIT

Building Height	**Square Feet of Lot Area Required Per:**			
	Efficiency Unit	**One-Bedroom Unit**	**Two-Bedroom Unit**	**Three or more Bedroom Unit**
One Story Townhouse	3,600	3,600	4,000	4,400
Two or Three Story Apartments	2,000	2,000	2,500	3,500

Four Story Apartments	320	640	960	1,360
Five Story Apartments	300	600	900	1,280
Six Story or greater Apartments	280	560	840	1,200

c. Minimum Floor Area. The minimum floor area for each unit shall comply with the requirements in Table 15.2:

Table 15.2: MINIMUM FLOOR AREA PER DWELLING UNIT

Dwelling Unit Size	Minimum Floor Area
Efficiency Unit	360 sq. ft.
1 Bedroom Unit	500 sq. ft.
2 Bedroom Unit	620 sq. ft.
3 Bedroom Unit	760 sq. ft.
4 or more Bedroom Unit	840 sq. ft. + 80 sq. ft. for each additional bedroom

d. Building Spacing. The minimum distance between any two (2) multiple family or townhouse buildings shall be as required by the following Table 15.3:

Table 15.3: MINIMUM BUILDING SPACING

Relationship Between Buildings	Minimum Distance Between Buildings
Front to Front	40 ft.
Front to Rear	40 ft.
Rear to Rear	40 ft.
Side to Side	20 ft.
Front to Side	30 ft.
Rear to Side	30 ft.

e. Access and Circulation. Multiple family and townhouse developments shall comply with the following requirements for access and circulation:

f. Emergency Access. All dwelling units, including those under construction, shall be readily accessible by fire and emergency vehicles from a paved public road, paved private access road, or other approved paved area. Private roads or driveways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:

g. Roads. All roads shall be paved and bi-directional allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement, provided that the width of each paved moving lane in each direction is at least fifteen (15) feet.

h. Sidewalks. Sidewalks shall be provided within multiple-family, two-family and townhouse developments. Sidewalks shall also provide convenient access to community buildings and between parking areas and dwelling units.

i. Parking. Required parking shall be located in parking lots or individual driveways. Parking may be permitted in required side and rear yard setback areas provided that parking lots and access drives shall be located a minimum of ten (10) feet from any property line or road right-of-way. Parking lots and access drives shall not be located closer than twenty-five (25) feet to a wall of any residential structure which contains windows or doors, nor closer than ten (10) feet to a wall of any residential structure which does not contain openings.

SECTION 9.24 OUTDOOR SALES

The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials and lumber yards. Other uses covered by this section include: agricultural retail facilities; forestry; sod farming; grain and seed elevators; home improvement centers;

a. Lot area, lot width, and other dimensional requirements of the zoning district shall be complied with, provided that no item or items displayed outdoors shall be greater than thirty-five (35) feet in height.

b. All exterior lighting shall be no greater than 12’ in height, be directed downward and away from all adjacent property. Lighting shall be turned off or reduced to a minimum necessary for safety when the business is not open.

c. The Planning Commission may establish, as a condition of approval, hours of operation for the Outdoor Sales Facility.

d. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to any landscaping and buffering standards contained in this Zoning Ordinance to mitigate the visual impact of an Outdoor Sales Facility,

e. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or side yards and with adequate screening or fencing.

f. The outdoor sales area shall be paved or have mechanisms to prevent the creation of dust shall be implemented. The site plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash, and debris on the site.

SECTION 9.25 OUTDOOR WOOD FIRED HEATERS

a. Definitions

i. "Clean wood" means wood that has not been painted, stained, coated, preserved, or treated with chemicals such as copper chromium arsenate, creosote, or pentachlorophenol. The term does not include construction and demolition debris.

ii. "EPA" means the United States Environmental Protection Agency.

iii. "Outdoor wood-fired hydronic heater" (OWHH) or "outdoor wood boiler" means a fuel burning device designed to burn wood or other solid fuels; That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds; and Which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

iv. "Phase I OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.6 pounds per million BTUs input and is labeled accordingly.

v. "Phase II OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million BTUs output and is labeled accordingly.

b. Permit Requirements

No OWHH may be installed or relocated from one lot to another lot in any district without first obtaining a permit from the building inspector. Any new installation or relocation of an OWHH must be inspected by the building inspector prior to use.

c. Unit Requirements

i. No person shall, from the effective date of this ordinance, operate an existing Outdoor Wood Furnace unless such operation conforms to the manufacturer's instruction regarding such operation and the requirements of this ordinance regarding fuels that may be burned in an Outdoor Wood Furnace.

ii. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this local law shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

iii. All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

iv. The owner of any new Outdoor Wood Furnace shall produce a copy of the manufacturer's owner's manual or installation instructions and a site plan of where the furnace will be located to the Code Enforcement/Building Department to review prior to installation.

d. Setback Requirements

The Outdoor Wood Furnace shall be located

i. At least 15 (fifteen) feet from the owners property line.

ii. At least 250 (two hundred and fifty) feet from any residence that is not served by the Outdoor Wood Furnace unless the owner of the neighboring property gives written

permission and agrees to a deed notification for the property waiving the required setback.

e. Permitted Fuels

Permitted fuels means any fuel burned in an OWHH:

i. Clean wood;

ii. Wood pellets made from clean wood;

iii. Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired OWHHs.

iv. Corn

f. Prohibited Fuels

Prohibited fuels means any fuel burned in an OWHH other than permitted fuels. Prohibited fuel includes but is not limited to:

i. Wood that does not meet the definition of clean wood,

ii. Garbage, refuse, tires, yard waste, materials containing plastic or rubber

iii. Newspaper, cardboard or any material with ink or dye products

iv. Petroleum products, including asphalt products, other than those that are permitted fuels,

v. Paints and paint thinners, chemicals, coal,

vi. Plywood, particleboard, manure or other animal products or wastes.

g. Fuel Storage

Fuel must be stored in the rear or side yard and meet the setback for accessory structures.

h. Nuisance

A nuisance, is defined by this ordinance is “an offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident of that property.”

If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, the following steps may be taken by the owner and the (appropriate department) having jurisdiction:

i. Cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance

ii. Modifications made to the unit to eliminate the nuisance such as extending the chimney/stack, or relocating the Outdoor Wood Furnace or both.

SECTION 9.26 PLANNED UNIT DEVELOPMENT

It is the purpose of this Section to encourage more imaginative and livable housing and working environments within Tittabawassee Township through a planned reduction, or averaging, of the individual lot area requirements for the AG, R-1A, R-1, R-2, R-3, VC, GB and RB Districts, PROVIDING the overall density requirements for each district remain the same. Cluster/Open Space development is a form of Planned Unit Development that promotes protection and conservation of open spaces and natural areas through the clustering of residential units on smaller lots than normally required within the district in which the development is located. In some instances, residential and commercial uses are combined.

a. OBJECTIVES

The objectives to be considered in reviewing any application for a Special Use Permit for Planned Unit Development are,

i. To provide a more desirable living and working environment by preserving the natural amenities of the site.

ii. To encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all development.

iii. To encourage developers to use a more creative and imaginative approach in development.

iv. To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through avoiding natural obstacles on the site.

v. To encourage variety in the physical development pattern of the Township by providing a mixture of housing types and commercial uses where appropriate.

b. QUALIFYING CONDITIONS

Any application for a Special Use Permit shall meet the following conditions to qualify for consideration as Planned Unit Development:

i. The Planned Unit Development site shall be not less than five (5) acres in area, shall be under the control of one owner or group of owners acting jointly, and shall be capable of being planned and developed as one integral unit.

ii. The Planned Unit Development shall meet or exceed all of the standards and requirements of the Tittabawassee Township Subdivision Control Ordinance except in specified cases where the Planning Commission determines that the intent of the PUD will be better served by varying those regulations.

iii. The proposed residential population density of the Planned Unit Development shall be no greater than if the parcel were developed with the lot area requirements of the particular district in which it is located.

iv. Open space, undevelopable or scenic land shall be dedicated to Tittabawassee Township or be set aside for the common use of home or lot owners within the Planned Unit Development under legal procedures which shall also give an association that must be formed a covenant or interest therein, so that there are assurances that the required

open space shall remain open. The Township may, upon the decision of the Township Board, take over maintenance of such common land if the association is dissolved or unable to maintain the property or under other such circumstances the Board determines is in the best interest of the Township.

c. PERMITTED USES

The following uses of land and structures may be permitted within Planned Unit Developments:

i. All uses permitted by right or by Special Use Permit in the AG, R-1A, R-1, R-2, R-3, VC, GB, and RC Districts, subject to all applicable specified restrictions.

ii. Any residential uses may be combined on one site, provided the residential uses at the perimeter of the site are the same as the uses allowed by right or special use permit in the adjacent district.

iii. Combining residential and commercial uses within a PUD is only allowed within the R-2, R-3 and VC districts.

iv. Where commercial and residential uses are combined, the site on which the PUD is located may not abut residential uses on an adjacent site that is not developed as a PUD, without the written consent of at least sixty-six (66%) percent of the property owners of abutting property lines.

d. CONCEPTUAL SITE PLAN

An applicant must submit a conceptual site plan as specified below to the Zoning Administrator. This submittal is mandatory to facilitate early communication and concurrence between the Township and the developer.

i. A conceptual site plan has maps and a written statement. It shows enough of the area surrounding the proposed Planned Unit Development to demonstrate the relationship of the Planned Unit Development to adjoining uses, both existing and proposed.

ii. The Conceptual Site Plan may be in general schematic form, at a scale of one hundred (100') feet to one (1") inch and shall contain the following information:

i. The existing topographic character of the land with contours shown at intervals not greater than five (5') foot intervals, except that, where the land slope is less than five (5%) percent, the contour interval shall be two (2') feet;

ii. Existing and proposed land uses and the approximate location of buildings and other accessory structures;

iii. The character, type, number, and density of dwelling units proposed;

iv. The approximate location of major arterial and collector streets;

v. The location and tabulation of all public or common open space, and;

vi. The approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, and telephone lines and street lighting.

vii. The written statement to accompany the Conceptual Site Plan shall contain the following information:

1) An explanation of the character of the Planned Unit Development

2) A legal description of the present ownership of the land

3) The expected schedule and/or phase of development.

e. FINAL SITE PLAN

The applicant must submit a final site plan which shall include all the following required information:

i. The street system and their proposed construction standards.

ii. Utilities including sanitary sewer, storm sewer, water, electric, gas, cable and telephone.

iii. The area of land dedicated as common and usable open space and all areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public uses.

iv. A plan and showing the approximate size and location of all lot lines, building, structures, parking areas, and improvements both existing and proposed.

v. A map indicating the areas allocated for common open spaces and allocated for usable open spaces. The Township may also request the developer to dedicate some portion of the site as public open space. To facilitate such a dedication, the developer may increase the number of proposed units by one (1) for each five (5) acres of open space dedicated for public use.

vi. Preliminary elevation of typical structures and improvements. These drawings must indicate substantially the architectural intent, but need not show final decisions or details

vii. A general landscaping plan showing existing and proposed trees and plantings.

viii. A development schedule indicating the date when construction of the project can be expected to begin, the stages in which the project will be built the area and location of common open space that will be provided at each stage.

ix. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common and usable open space areas.

x. A written environmental analysis statement which technically discusses impact or impacts of the proposed project on existing adjacent land uses and values, traffic, school enrollment, sanitary and storm sewers, natural drainage systems, water systems, subsurface water tables, soils, natural vegetation, air qualities, visual qualities, and energy supplies, as well as any other factors the project will affect.

xi. Prior to the granting of any Planned Unit Development, the Planning Commission may recommend such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Planned Unit Development as they or the Township Board deems necessary for the protection of the public interest and to

secure compliance with the criteria specified in this Ordinance. An escrow agreement and account approved by the Township Attorney as to form and content and by the Planning Commission, shall be required in the amount of one hundred and twenty-five (125%) percent of the estimated construction cost and engineering. These funds may be dispersed upon certification by the Project Engineer and Tittabawassee Township acting through the Township Supervisor. The escrow shall accompany the request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, plantings, screenings, etc.

f. CONTROL OF PLANNED RESIDENTIAL DEVELOPMENT

i. After the certificate of approval has been issued, the use of land and the construction, modification or alteration of any buildings or structures within the Planned Unit Development will be governed by the approved final development plan rather than by any other provisions of the Zoning Ordinance.

ii. After the certificate of final approval has been issued, no changes may be made in the approved final development plan except upon application to the Planning Commission under the procedures provided below:

g. LOT SIZE CALCULATION

The lot area for a Planned Unit Development may be averaged or reduced from those sizes required by the applicable zoning district within which the development is located by compliance with the following procedures. A sample calculation follows.

Step 1: The site acreage for a Planned Unit Development shall be the gross acreage minus the following types of land: Public utilities as easements for major facilities or other similar lands which are not available to the owner because of such easements.

Example: The gross site acreage is 100 acres. 5 acres are power line easements. The site acreage computation is

100 acres - 5 acres = 95 acres

Step 2: Street and other circulation needs shall be set aside at fifteen (15%) of the Gross site acreage minus easements. Subtract fifteen (15%) of total site acreage for streets.

Example: Then subtract 15% of 100 (15 acres) for streets.

95 acres -15 acres = 80 acres

Step 3: Open space shall be set aside in the PUD at a level of twenty (20%) of the Net Site Acreage computation obtained in Step 2. The Net Site Acreage minus the required open space shall be used to compute the minimum lot size in the PUD.

Example: The Site Acreage in Step 2 is 80 acres. Then subtract 20% of 80 (16 acres) for open space.

80 acres - 16 acres = 64 acres

This figure is the Net Site Acreage.

Step 4: The total number of lots is computed by taking the Net Site Acreage number computed in Step 2 and dividing it by the minimum square footage required per parcel in the underlying zone. The resulting figure is the total number of lots allowed in the development.

Example: Assuming the underlying zone is R-1 with sewer and water. The minimum square footage per parcel is 8,750.

80 acres (3,484,800 sq. ft.) / 8,750 sq. ft. = 398 lots maximum

Step 5: Using the net site acreage computed in Step 3, divide by the total number of lots calculated in Step 4 into the Net Site Acreage. This gives the minimum square footage per lot allowed in the PUD.

Example: 64 acres / 398 lots = .1608 acres or 7,004 sq. ft. per lot minimum

Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned residential development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the parcel were developed under the minimum lot area requirements of the underlying zone.

h. OPEN SPACE REQUIREMENTS

All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development, or shall be dedicated to Tittabawassee Township or as park land for the use of the general public. The Planning Commission shall utilize one of the following options most appropriate as part of its approval of a Special Use Permit for a Planned Unit Development:

i. That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER than an open space easement for said land shall be conveyed to Tittabawassee Township to assure that open space land shall remain open.

ii. That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of park or recreation land conforms in intent to the Comprehensive Development Plan of Tittabawassee Township and PROVIDED further that the access to and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.

iii. The owners or developers of the Planned Unit Development shall not be compelled or required to improve the natural condition of the open space land.

i. DEVELOPMENT STANDARDS

The following standards are intended to supplement the requirements of the Tittabawassee Township Subdivision Control Ordinance. Where conflicts or discrepancies may occur, the more stringent requirements shall take precedence except in instances where the intent of the PUD with be not be served with more stringent regulations.

i. Streets

i. The arrangements, the character, the extent and location of all streets shall conform to any official thoroughfare plan for streets and highways, and shall be considered in their relation to existing and planned streets, topographical conditions, public conveniences and safety, and to the proposed uses of the land to be served by such streets.

ii. Where a subdivision abuts or contains an existing or proposed primary road, or other major street, the Township Board may require marginal access streets, a reversed frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

iii. All road construction shall be completed at least to the applicable road specifications and shall comply with such additional specifications as are set forth in these regulations.

iv. If adjoining property is not subdivided, provision shall be made for the projection of proposed roads by continuing the full widths of right-of-way with rough grading of the roads to the boundaries of the subdivision. This provision shall not prevent the establishment of cul-de-sacs within the subdivision.

ii. Utility and Street Improvements

The proprietor shall provide water, sanitary sewer, storm sewer, underground utilities, sidewalks, pedestrian ways, streets, lighting, and additional public improvements as required by the Planning Commission to achieve the intent of the PUD. All such improvements shall be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the Township.

iii. Open Space shall be accessible from all areas of the development by foot using common easements.

SECTION 9.27 PUBLIC UTILITY/SERVICE INSTALLATION

a. All public and private utilities, services and installations shall be located behind the front building line of the principal building on the property. Where possible, utilities shall be buried.

b. All above ground utilities and installations must be screened from view of the road and adjacent properties whether installed on the ground or on structures.

c. Where fencing is required or desirable, fencing shall be consistent in design with the surrounding environment. In no case shall chain link fencing with inserted privacy slats be

used. Use of barbed wire is prohibited in residential districts and in other districts where residential uses are within view.

SECTION 9.28 RESTAURANTS/FAST FOOD WITH DRIVE THROUGH, DRIVE-IN USES

a. The main and accessory buildings shall be set back a minimum of thirty (30') feet from any adjacent right-of-way line or residential property line.

b. A six (6') foot high masonry obscuring wall shall be provided adjacent to any residential district or a suitable buffer approved by the Planning Commission.

c. Applicable off-street waiting areas shall be provided in accordance with parking and loading regulations.

SECTION 9.29 RIDING STABLES, COMMERCIAL

a. LOCATION. Commercial stables shall not be located on land that is part of a recorded plat.

b. MINIMUM SIZE. Commercial stables shall have a minimum of one (1) acre per animal, but in no such case shall there be less than twenty (20) acres.

c. SETBACKS. All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line planned, zoned or used for residential purposes and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public on-site.

d. DESIGN. All commercial stables shall provide adequate space for shelter, exercise and water for animals.

e. MAINTENANCE. All stables shall be constructed and maintained so that odor, dust, noise and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one-hundred (100) feet from any property line and shall be removed from the premises or spread and cultivated so as to control odors and flies.

f. SUPERVISION. Persons renting horses shall be properly supervised so as to avoid conflict with other nearby property owners.

SECTION 9.30 SALVAGE YARDS/RESOURCE RECOVERY FACILITIES, SEWAGE TREATMENT AND DISPOSAL

a. Plans and specifications shall be submitted to the Planning Commission and shall include the following, in addition to items required on the site plan checklist:

i. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the Township's waste water treatment facility.

ii. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.

iii. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.

iv. Daily clean-up procedures.

v. Other details necessary as required by the Planning Commission.

b. A facility shall be located not less than five hundred (500') feet from the nearest residential zone and must be screened by a fence of not less than eight (8') feet in height and not less than ninety (90%) percent solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.

c. The site must be located on major arterial roads and not on residential-or collector-type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.

d. Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.

e. Highly flammable or explosive materials shall not be accepted unless approved by the Health Department.

f. The salvage yard site shall not be less than five (5) acres in size.

g. Open burning shall not be carried on in a salvage area facility.

h. The salvage yard area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.

i. Necessary operations of the salvage yard shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.

j. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances.

k. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.

l. The provisions of this section are not intended to diminish or alter the enforceability or application of any separate contractual agreements between the Township and any individual or company which owns a landfill or is involved with landfill operations.

m. No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.

n. FENCE REQUIREMENTS:

i. AROUND RESOURCE RECOVERY. Storage of junk should be screened by a solid fence or wall at least eight (8) feet in height. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.

ii. AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY. All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.

SECTION 9.31 SITE CONDOMINIUM DEVELOPMENT

The following regulations shall apply to all condominium projects:

a. Initial Information: Concurrently with notice required to be given the Township of Tittabawassee pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

i. The name, address and telephone number of:

i. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).

ii. All engineers, attorneys, architects or registered land surveyors associated with the project.

ii. The developer or proprietor of the condominium project.

iii. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.

iv. The acreage content of the land on which the condominium project will be developed.

v. The purpose of the project (for example, residential, commercial, industrial, etc.).

vi. Approximate number of condominium units to be developed on the subject parcel.

b. SITE PLANS – New Projects Master Deed, and Engineering and Inspections:

Prior to recording to the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo application and review procedures pursuant to Section 9.2 of this Ordinance. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney and Township Engineer, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.

c. EXPANDABLE OR CONVERTIBLE PROJECTS

Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval. The condominium project developer or proprietor shall furnish the Zoning Administrator with the following:

i. one (1) copy of the recorded Master Deed,

ii. one (1) copy of all restrictive covenants and

iii. two (2) copies of an "as built survey."

The "as built survey" shall be reviewed by the Township Engineer for compliance with Township ordinances. Fees for this review shall be established by resolution of the Township Board.

d. MONUMENTS REQUIRED – SITE CONDOMINIUM PROJECTS:

i. All condominium projects which consist in whole or in part of condominium units which are building sites, or recreational sites shall be marked with monuments as provided in this subsection:

i. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.

ii. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

iii. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.

iv. If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

v. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

vi. All required monuments shall be placed flush with the ground where practicable.

vii. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.

viii. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township of Tittabawassee whichever the proprietor selects, in an amount not less than twenty-five dollars ($25.00) per monument and not less than one hundred dollars ($100.00) in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

e. STREETS

All streets shall have a sixty-six (66') foot right-of-way and shall be built to Saginaw County Road Commission Standards.

f. RELOCATION OF BOUNDARIES

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

g. SUBDIVISION OF CONDOMINIUM UNITS

All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

h. CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND APPROVAL

All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of Section 15.35. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Subdivision Control Act.

SECTION 9.32 SUBSTANCE ABUSE REHABILITATIONS CENTER, REHABILITATION INSTITUTIONS

a. Frontage and Access. Such uses shall front onto a County Primary or State Truck Line. The main means of access to the facility for patients, visitors and employees shall be via the Primary Road or State Trunk line. In no case shall access be off of a residential street.

b. Setbacks. The principle building shall be setback at least seventy-five (75') feet from side and rear property lines. The front yard setback shall meet the requirements of the district in which the facility is located.

c. Open Space. Open space will be required and will be site specific.

d. Screening. Screening will be required and will be site specific.

SECTION 9.33 WIND ENERGY POWER SYSTEMS

a. DEFINITIONS

i. Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

ii. Applicant: The individual, group, company or other legal entity proposing the project and any successor individual or organization.

iii. ANSI: American National Standards Institute.

iv. 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.

v. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

vi. Decommissioning: The termination of use of a wind energy facility or a portion of a facility.

vii. IEC: International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

viii. ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

ix. Non-Participating Parcel: Any parcel of land which does not meet the requirements to be a participating parcel.

x. On-Site Use Wind Energy Systems: An On-Site Use wind energy system is intended to primarily serve the needs of the consumer.

xi. Operator: The applicant, any successor and any individual, group or legal entity having legal or financial interest in the wind energy system.

xii. Participating Parcel: Any parcel of land which is owned or leased by the applicant or for which the property owner has entered into an easement agreement with the applicant where the property owner accepts all impacts of the wind energy system.

xiii. 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.

xiv. SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

xv. 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 a dwelling.

xvi. 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.

xvii. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

xviii. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

xix. 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.

xx. Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

b. ON SITE WIND ENERGY SYSTEMS: An On Site Use wind energy system is intended to primarily serve the needs of the consumer. An On Site Use wind energy system with a tower higher than 65 feet shall be considered a Special Land Use. On Site Use wind energy systems with no towers or towers 65 feet or less shall be a Permitted Use in all zoning classifications where structures of any sort are allowed subject to the following requirements. Anemometer towers more than 65 feet in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system shall also be a Special Land Use.

i. Prior to the installation of an On Site Use wind energy system with a tower higher than 65 feet, an application for a Special Land Use permit shall be filed with the local government that will include:

i. applicant identification,

ii. a site plan,

iii. documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met, and

iv. proof of the applicant's public liability insurance.

ii. Property Set-back: The distance between an On Site Use wind energy system and the owner's property lines shall be at least 1 ½ times the height of the wind energy system tower including the top of the blade in its vertical position. 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.

iii. Sound Pressure Level: On Site Use wind energy systems shall not exceed 55 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 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

iv. 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.

v. 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.

c. 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.

1) Pre-Construction Planning. Prior to construction the applicant must submit the following documentation to the Township Planning Commission for approval.
   a. A special use permit must be submitted and approved by the Planning Commission prior to construction. 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. This applicant shall agree to reimburse the Township for additional costs for engineering reviews and consultants needed to evaluate the submitted plans. The application for a Special Land Use permit shall include the following documentation:
      i. Applicant Identification: Applicant name, address, and contact information
      ii. 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.
      iii. Map showing all participating properties and affected properties for which lease or easement agreements are not in place.

   b. A site plan must be submitted and approved by the Planning Commission prior to construction. An applicant shall submit an Application for a Site Plan review and fee in the amount specified in the fee schedule adopted by the local government. This applicant shall agree to reimburse the Township for additional costs for engineering reviews and consultants needed to evaluate the submitted plans. The site plan shall include.
      i. The project area boundaries
      ii. maps showing the physical features and land uses of the project area, both before and after construction of the proposed project
      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 and access roads from the nearest county or state maintained road

v. existing topography
vi. water bodies, waterways, wetlands, and drainage channels, and
vii. all new infrastructure above ground related to the project

c. Proof of the applicant's public liability insurance
d. Copy of the modeling and analysis report for sound pressure levels.
e. 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.
f. Visual simulations of how the completed project will look from four viewable angles.
g. Copy of the Environmental Impact analysis.
h. Copy of the Avian and Wildlife Impact analysis
i. Copy of the Shadow Flicker analysis
j. 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
k. Copy of the decommissioning plan
l. Description of the complaint resolution process

2) Design and Operating Requirements: The Utility Grid Wind Energy System shall meet the following design standards and operating requirements.
   a. Overlay Zone: If the site of the proposed project is subject to an overlay zone, the proposed project shall meet or exceed the applicable standards in the overlay zone.

   b. Utility Grid Wind Energy Systems are permitted in the A1-Agricultural zoning district as a special use and require a special use permit. Utility Grid Wind Energy Systems are prohibited in all other zoning Districts.

   c. Property Set-Back: The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties including public rights of way shall be at least two and one half (2 ½) times the height of the wind energy system tower including the top of the blade in its vertical position. Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than two and one half (2 ½) times the height of the wind energy system tower including the top of the blade in its vertical position from the closest edge of the right of way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

   d. SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.

   e. Sound Pressure Level: The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

f. As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type 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.

g. Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

h. Safety: All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

i. Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer’s and/or owner’s identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government’s comprehensive plan.

j. Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns

that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.) , Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system.

k. Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.

l. Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for 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. 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.

m. Shadow Flicker: The applicant shall conduct an analysis on potential shadow flicker at occupied 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 sun-rise to sun-set over the course of a year.
The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

n. Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include:
   i. the anticipated life of the project,
   ii. the estimated decommissioning costs net of salvage value in current dollars,
   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.

o. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

3) Performance Bond. The applicant shall post a performance bond to insure the decommissioning of the Utility Grid Wind Energy System and restoration of the property.
   a. The applicant shall post a performance bond for each tower constructed. The bond shall be in the amount of $1,000,000.00 per tower or an amount determined by the Township Planning Commission to be sufficient to cover the decommissioning of the system.
   b. 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.
   c. 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.
   d. The performance bond shall remain in effect until the system and all components are removed and the site restored.

4) Decommissioning: At decommissioning of the system or components of the system, the operator or his agent shall:

   a. Remove all towers and other components of the system.
   b. Remove all foundations and underground components to a depth of not less than six feet below ground level.
   c. Remove all roads and driveways not accepted for use by either the township or the property owner.
   d. Restore the site to condition acceptable to the township and the property owner.
   e. 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.

SECTION 9.34 WIRELESS COMMUNICATION

d. INTENT AND PURPOSE.

The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will:

i. Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township,

ii. Minimize adverse visual effects of towers through design and siting standards,

iii. Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and

iv. Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.

e. DISTRICT REGULATIONS. A wireless communication facility shall require a building permit in all instances and may be permitted as follows:

i. All districts: A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such installations shall be permitted by right in all zoning districts and be permitted through the site plan review process by the Planning Commission.

ii. Towers in Residentially zoned areas are only allowed if they are:

i. Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance shall be allowed in the rear yard of parcels.

ii. Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this Ordinance:

1) Church sites, when camouflaged as steeples or bell towers;

2) Park sites, when compatible with the nature of the park; and,

3) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Township owned properties.

4) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Township staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's

suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

iii. Towers in agriculturally, commercially or industrially zoned areas are allowed by right if they qualify as towers allowed by right in residentially zoned areas.

iv. Newly constructed towers in agriculturally, commercially or industrially zoned areas are allowed by Special Use Permit in the Wireless Communication Facility overlay zone as shown on the Township's most recently adopted zoning map under the following situations:

1) The telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:

1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

3) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.

4) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

2) A tower structures built by other than a licensed carrier may not be constructed until at least two carriers have been secured to occupy the structure. Contracts with such carriers will be required by the Township as proof that two carriers will occupy the structure.

f. COLLOCATION

Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

i. A survey of all existing structures that may be feasible sites for collocating wireless service facilities,

ii. Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,

iii. Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

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

g. TOWER CONSTRUCTION

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

h. TOWER, ANTENNA AND ACCESSORY BUILDING DESIGN

Proposed or modified towers and antennas shall meet the following design requirements:

i. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

ii. Commercial wireless telecommunication service towers shall be of a monopole design unless the Township Board determines that an alternative design would better blend into the surrounding environment.

iii. Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

i. TOWER SETBACKS

Towers shall conform with each of the following minimum setbacks requirements:

i. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does no encroach upon any easements.

ii. Towers shall be set back from planned public right-of-ways as shown on the Township's Master Plan by a minimum distance equal to the height of the tower including all antennas and attachments.

iii. Towers shall not be located between a principal structure and a public street, with the following exceptions:

i. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

ii. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

iv. Tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

v. Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit, except where they are being collocated on existing towers or structures.

j. TOWER HEIGHT

In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed 200' except as granted by the Zoning Board of Appeals.

k. TOWER LIGHTING

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

l. SIGNS AND ADVERTISING**.**

The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.

m. ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS**.**

Abandoned or unused towers or portions of towers shall be removed as follows:

i. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

ii. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.

n. INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS**.**

No new or existing telecommunications service shall interfere with public safety telecommunications. The Planning Commission may request an intermodulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least ten calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.

o. MODIFICATIONS**.**

A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:

i. The applicant and/or co-applicant wants to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:

i. Change in the number of facilities permitted on the site;

ii. Change in the technology used for the wireless service facility.

ii. The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

p. SITE PLAN SUBMISSION REQUIREMENTS.

i. General Filing Requirements

i. Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.

ii. Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.

iii. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.

ii. Location Filing Requirements

i. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.

ii. Tax map and parcel number of subject property.

iii. Zoning district designation for the subject parcel.

iv. A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.

iii. Siting Filing Requirements

i. A one-inch-equals-40 feet vicinity plan showing the following:

1) Property lines for the subject property.

2) Property lines of all properties adjacent to the subject property within 300 feet.

3) Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.

4) Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.

5) Proposed location of antenna, mount and equipment shelter(s).

6) Proposed security barrier, indicating type and extent as well as point of controlled entry.

7) Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the personal wireless service facility.

8) Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.

9) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.

10) Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.

ii. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

1) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.

2) Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.

3) Any and all structures on the subject property.

4) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

5) Design Filing Requirements

1) Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

2) Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

3) Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.

4) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.

5) If lighting of the site is proposed, the applicant shall submit manufacturers computer generated point to point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

iv. Radio Frequency Radiation (RFR) Filing Requirements. The Planning Commission reserves the right to request RFR requirements in the form of a certification that the following studies have been completed.

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:

i. Existing, or ambient: the measurements of existing RFR.

ii. Existing plus proposed personal wireless service facilities: maximum estimate of RFR from the proposed personal wireless service facility plus the existing RFR environment.

iii. Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Radiation Standards sub-section of this Bylaw. In all cases the applicant shall provide a letter from emergency service providers within the coverage area of the proposed facility stating that emergency services will not be adversely impacted by the proposed facility.

SECTION 9.35 SOLAR FARM.

a. Intent and Purpose: To regulate the use of Solar Energy within Tittabawassee Township as an alternative energy source and to provide for the land development, installation, and construction regulations for solar farm facilities subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish minimum requirements and standards for the placement, construction, and modification of solar farm facilities, while allowing a renewable energy source for our community in a safe, effective, and efficient manner.

b. Definitions used in this section:
   1) Accessory Solar Energy System – A solar energy system that is an accessory to the primary use of a property, such as a residence or a commercial building, and that provides electricity intended for use by a primary structure located on the same parcel as the SES. Accessory systems can range in size and configuration. They typically range from being small enough to power an exterior light fixture to being large enough to power electricity for multiple buildings, for instance livestock or equipment barns. Accessory systems can be affixed to the roof or wall of a building or can be freestanding, ground-mounted structures.
   2) Accessory Ground-Mounted Solar Energy System – A ground-mounted Accessory System.
   3) Building-Integrated Solar Energy System – A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
   4) Dual Use – A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:
      a) Pollinator Habitat: Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites
      b) Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
      c) Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
      d) Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
   5) Ground-Mounted Solar Energy System: A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
   6) Invasive Plant: Non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.
   7) Kilowatt (KW): A unit of electrical power equal to one thousand (1,000) watts.
   8) Maximum Tilt: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
   9) Megawatt (MW): A unit of electrical power equal to one million (1,000,000) watts.

10) Minimum Tilt: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
11) Nameplate Capacity: means the designed full-load sustained generating output of a solar energy system. Nameplate capacity shall be determined by reference to the sustained output of a solar energy system even if components of the system are located on different lots, whether contiguous or noncontiguous.
12) Non-Participating Lot(s): One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.
13) Participating Lot(s): One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.
14) Photovoltaic (PV) System: A semiconductor material that generates electricity from sunlight.
15) Principal-Use Solar Energy System: A solar energy system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy system property. A principal-use solar energy system may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.
16) Repowering: Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.
17) Roof-Mounted Solar Energy System: A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.
18) Solar Array: A photovoltaic panel or collection of panels and/or collectors in a solar energy system that collects solar radiation.
19) Solar Carport: A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.
20) Solar Energy System (SES): A photovoltaic system for generating electricity, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface, the ground or building integrated. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.
21) Wildlife-Friendly Fencing: A fencing system with openings that allow wildlife to traverse over or through a fenced area

c. General Provisions For Accessory SES

Accessory SES are a use by right in all zoning districts where structures of any sort are allowed, and shall meet the following requirements:

1) Roof-Mounted SES
    a) Height: Roof-Mounted SES shall not exceed 1 foot above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
    b) Application: All SES applications must include site plan. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.
2) Accessory Ground-Mounted SES

a) Height: Ground-Mounted SES shall not exceed 16 feet measured from the ground to the top of the system when oriented at maximum tilt.
b) Setbacks: A Ground-Mounted SES must comply with the zoning districts setbacks for structures. Setback distance is measured from the property line to the closest point of the SES at minimum tilt.
c) Lot Coverage: The area of the solar array shall not exceed the lot coverage restrictions for accessory structures within the zoning district.
d) Visibility (Residential): A Ground-Mounted SES in residential districts shall be located in the side or rear yard to minimize visual impacts from the right-of-way(s).
e) Application: All SES applications must include a site plan. Applications for Ground Mounted SES must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Accessory use applications that meet the ordinance requirements shall be granted administrative approval.

3) Building-Integrated SES
   a) Building-Integrated SES are subject only to zoning regulations applicable to the structure or building and not subject to accessory ground or roof-mounted SES permits.

d. General Provisions For Principal-Use SES

A principal-use SES by a special use permit in the following zoning districts:

- A1-Agriculture district which is not within the Urban Growth Boundary as defined in the Tittabawassee Township Master Plan in use at the timer of the application.
- C2-General Business
- C3-Regional Business
- I1-Light Industrial
- I2-Heavy Industrial

For the protection of agricultural uses in the Township, the aggregate amount of land to be used by all principal-use SES allowed within the Township shall be no more than 1,000 acres. An individual principal-use SES shall meet all the following requirements:

1) Height: Total height for a large principal-use SES shall not exceed the maximum height of 16 feet when measured from the ground to the top of the system when oriented at maximum tilt. However, other structures aside from the solar panel shall not exceed twenty-five (25) feet measured from the ground to the highest point of the structure.
2) Setbacks: Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any other SES components and as follows:
   a) One hundred (100) feet from any property line of a non-participating lot.
   b) One hundred (100) feet from any public or private right-of-way or easement.

c) Three hundred (300) feet from any existing non-participating dwelling unit.

d) A principal-use SES is not subject to property line setbacks for common property lines of two or more participating lots, except that road right-of-way setbacks shall apply.

e) One hundred (100) feet from a stream, river, pond, lake, wetland, drain, or lands located within a 100-year floodplain as identified by the Federal Emergency Management Agency.

3) Application: All Principal-Use Solar Energy System applications also require site plan review. In addition to the application general requirements for special land use and site plan review the following must also be included:

a) The complete name, address, and telephone number of the applicant.

b) The planned date for the state of construction and the expected duration of construction.

c) A description of the energy facility, including a site plan as described in the Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:

i. A map of all properties upon which any component of a facility or ancillary feature would be located, and all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.

ii. Lot lines and required setbacks shown and dimensioned including horizontal and vertical elevation drawings that show the location and height of the Solar Energy System on the land and dimensions of the Solar Energy System.

iii. Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.

iv. A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area.

v. The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.

vi. A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit.

d) A description of the expected use of the facility.

e) Expected public benefits of the proposed energy facility.

f) The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.

g) Information on the effects of the proposed energy facility on public health and safety.

h) A description of the portion of the community where the energy facility will be located.

i) A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.

j) Evidence of consultation with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application. Relevent agencies include, but are not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.

k) The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.

l) Interconnection queue information for the applicable regional transmission organization.

m) If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.

n) If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.

o) A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the applicant. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.

p) A fire response plan and an emergency response plan.

1. The fire response plan (FRP) shall include:

    a. Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department representatives is not possible, provide evidence of consultation or a good faith effort to

consult with the State Fire Marshal or other local emergency manager.

b. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
c. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
d. A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.
e. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
f. Other information the applicants finds relevant.

2. The emergency response plan (ERP) shall include:
   a. Evidence of consultation or a good faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.
   b. An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);
   c. Emergency response measures by contingency.
   d. Evacuation control measures by contingency.
   e. Community notification procedures by contingency.
   f. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;
   g. A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years;
   h. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and
   i. Other information the applicants finds relevant.

q) A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the facilities will remain below the statutory limit throughout the operational life of the facilities.

r) Any other information regarding compliance with the requirements herein.

4) **Fencing:** A large principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall be not less than seven (7)

feet in height. All access doors to principal-use SES and related components and structures shall be locked to prevent entry by unauthorized persons. Fencing is not subject to setbacks as a component of the principal-use SES. The Planning Commission may require wildlife-friendly fencing with openings that allow wildlife to traverse over or through a fenced area or Knox boxes and keys for emergency personnel access.

5) **Screening/Landscaping:** The Planning Commission shall require reasonable measures to minimize visual impacts by preserving existing natural vegetation, requiring new vegetative screening or other appropriate measures. The Planning Commission shall determine such visual screening measures as may be required on a site- specific basis pursuant to the standards set forth in this Ordinance, as most applicable to the circumstances. In making this determination the Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a system is proposed to be located on property adjacent to a residential use and/or a residential district zoning classification. All screening/landscaping shall be properly maintained throughout the life of the project including replacement of any dead landscaping within six months.
6) **Ground Cover:** A large principal-use SES shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan. Vegetation establishment must include invasive plant species (and noxious weed if local regulation applies) control. The following standards apply:
    a) Ground cover at sites not enrolled in PA 116 shall be accomplished through a Dual Use, as defined in this ordinance.
    b) Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.
7) Lot Coverage: A large principal-use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.
8) Land Clearing: Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil disturbed during site preparation (grading) on the property shall be retained on site.
9) Environmental Impact: The Planning Commission shall review potential impacts on wildlife, water, and other environmental factors present on the site and may impose additional requirements to preserve and protect endangered species or prevent negative impacts to adjacent parcels, including but not limited to requirements of EGLE and/or US Fish and Wildlife Service. All surface water runoff shall be effectively managed on-site.
10) Access Drives: New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil

for the construction of temporary drives during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation or completion of construction whichever occurs first.

11) Wiring: SES wiring (including communication lines) shall be buried underground where practicable. Any above-ground wiring within the footprint of the SES shall be installed in accordance with all applicable codes and regulations.
12) Lighting: Principal-use SES lighting shall be limited to inverter locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited. RFI Interference: Solar Farms shall not create any radio frequency interference in violation of any State or Federal regulation.
13) Glare: All solar energy system location/tilt components shall be designed, maintained and operated to avoid glare and reflection of sunlight and other artificial lighting which may affect adjacent properties, navigation by air, water, and roadway. Solar energy system designs shall comply with all Federal Aviation Administration siting requirements.
14) Public Safety: The ERP and FRP shall provide reasonable protection of the public health, welfare and safety including but not limited to an emergency shutdown procedure in place and safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identification of typical hazards related to, electrical, fire, smoke and hazardous materials pertinent to the facility. Upon request, all principal-use SES facilities shall provide first responder training at the site.
15) Signage: An area up to 120 square feet may be used for signage at the project site. Any signage shall meet the setback, illumination, and materials/ construction requirements of the zoning district for the project site.
16) Sound: The sound pressure level of a large principal-use SES and all ancillary solar equipment shall not exceed 55 dBA (Leq (1-hour)) at the property line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
17) Repowering: In addition to repairing or replacing SES components to maintain the system, a principal-use SES may at any time be repowered, without the need to apply for a new special land use permit, by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the site plan application requirements and review procedure contained in the Township Zoning Ordinance and in effect at the time of the request. Legal services and other studies resulting from an application to modify an SES will be reimbursed to the Township by the SES owner in compliance with established escrow policy to alter the footprint of the SES.
18) Decommissioning: A decommissioning plan is required at the time of application. An approved decommissioning plan shall be put into a recordable decommissioning agreement acceptable to the township attorney.
    a) The decommissioning plan shall include:

1. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Pursuant to this requirement, the decommissioning plan shall be required to include that any structures up to forty-eight (48) inches below-grade shall be removed for disposal.
2. The projected decommissioning costs shall reflect the actual cost of decommissioning the project. Salvage value shall not be included in the cost to decommission the project.
3. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond or cash deposit).
4. A review of the amount of the surety bond, based on inflation, and current removal costs shall be completed every 4 years, for the life of the project, and approved by the Planning Commission.

b) A SES owner may at any time:
   1. Proceed with the decommissioning plan approved by the Planning Commission, and remove the system as indicated in the most recent approved plan; or
   2. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

c) Decommissioning of a SES must commence when the soil is dry to prevent soil compaction and must be completed within 18 months after abandonment. A SES that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.

d) Restoration shall include bringing soil and topography of the land to their pre-development composition to ensure permitted uses upon restoration. Soil tests shall be required as part of the decommissioning plan both before development and prior to the decommissioning.

19) Transfers: No transfer in ownership of the SES shall occur prior to providing 60 days' notice to the Township and upon Township approval verifying that the new owner agrees to carry out the terms of the special land use and site plan approval.

e. Host Community Agreement

A principal-use SES special exception use permit holder shall enter into a host community agreement with the Township within 90 days after issuance of the permit. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the Township $2000 per megawatt of nameplate capacity located within the Township. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the Township and the permit holder within said 90 days.

SECTION 9.36 BATTERY ENERGY STORAGE SYSTEM

A. Intent and Purpose**:** This Ordinance is to establish minimum requirements and regulations for the construction, erection, placement, location, maintenance, modification, operation, and decommissioning of Battery Energy Storage Systems in the Township in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, residential areas, endangered species habitats, conservation lands, and other sensitive lands.

B. Definitions:

a. Battery Energy Storage System: One or more devices, assembled, capable of storing energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery, an electric motor vehicle, or small store-bought batteries designed and used purely for household electronic items.
b. Battery Energy Storage System, On-Site: A Battery Energy Storage System that is an accessory use that is intended to primarily serve the needs of the consumer on-site.
c. Battery Energy Storage System, Small Off-Site: A Battery Energy Storage System that is a principal use (or co-located with a second principal use) and that is designed and built to connect into the distribution or transmission grid with a nameplate capacity less than 50 megawatts.
d. Battery Energy Storage System, Large Off-Site: A Battery Energy Storage System (BESS) that is a principal use (or co-located with a second principal use) and that is designed and built to connect to the transmission grid with a nameplate capacity of 50 megawatts or more.
e. Non-Participating Property: Any property that is not a participating property.
f. Participating Property: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the system owner (or affiliate) regardless of whether any part of a system is constructed on the property.

C. The following requirements shall apply to all off-site battery energy storage systems:

a. Site Selection: In the A-1 Agricultural District, this land use shall not unreasonably diminish farmland, including, but not limited to, prime farmland and, to the extent that evidence of such farmland is available in the evidentiary record, farmland dedicated to the cultivation of specialty crops. Off-Site Battery Energy Storage Systems are not allowed in the A1-Agricultural District within the Urban Growth Boundary as defined in the Master Plan in use at the time of the application.
b. Battery Energy Storage Systems, Small Off-Site: Shall be allowed as a special land use in the following zoning districts:
    1) A-1 Agricultural except as defined in sub-section 1
    2) C-2 General Commercial
    3) C-3 Regional Commercial
    4) I-1 Light Industrial

5) I-2 Heavy Industrial

c. Battery Energy Storage Systems, Large Off-Site: Shall be allowed as a special land use in the following zoning districts:
   1) A-1 Agricultural except as defined in sub-section 1
   2) C-2 General Commercial
   3) C-3 Regional Commercial
   4) I-1 Light Industrial
   5) I-2 Heavy Industrial

d. Setbacks: The following minimum setbacks shall be required. Setbacks are measured from the nearest facility structure to the nearest point on the associated item:
   1) 100 feet from any property line of a non-participating property.
   2) No setback is required between participating parcels.
   3) 300 feet from the nearest point on the outer wall of a dwelling on non-participating property.
   4) 100 feet from any structure which is not used as a component of the BESS
   5) 50 feet measured from the nearest edge of a public road right-of-way

e. Height: The height of battery energy storage system structures, except for electric distribution and transmission poles, shall not exceed a height of twenty (20) feet as measured from the natural grade of the property beneath the structure. Stacking of battery storage system components is prohibited.

f. Fencing: The system shall be completely enclosed with fencing in compliance with the latest version of the National Electrical Safety Code or any applicable successor standard approved by the Michigan Public Service Commission.

g. Sound: The system may not generate a maximum sound in excess of 55 average hourly decibels as measured at the property line of an adjacent non-participating property. Decibel modeling shall use the A- weighted scale designed by the American National Standards Institute. The Planning Commission may require the applicant to provide a sounds study as part of the special land use review process.

h. Lighting: The system must implement dark sky-friendly lighting solutions.

D. Impacts of Battery Energy Storage System, Small Off-Site and Battery Energy Storage System, Large Off-Site

A. Requirements: The Following requirements shall apply to the entire system, or to designated components of the system, as indicated:

1) Safety Signage: The system shall post signs in compliance with NFPA 70/70E or any applicable successor code in place at the time of application for approval. Additionally, signage shall be provided per NFPA 855 7.4.4, or

any applicable successor code in place at the time of application for approval, including information on the system type and technology, special hazards, fire suppression system and 24-hour emergency contact information, including reach-back phone number. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

2) Other Signage: Additional signage may be permitted or required by the Planning Commission as is necessary to ensure the safe operation of the system.
3) The facility shall comply with NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems”, or any applicable successor standard adopted by the Michigan Public Service Commission.

B. The Planning Commission shall require reasonable measures to minimize visual impacts by preserving existing natural vegetation, requiring new vegetative screening or other appropriate measures. The Planning Commission shall determine such screening measures as may be required on a site-specific basis pursuant to the standards for Buffering as specified in Section 4.7a of this zoning ordinance. In making this determination the Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a system is proposed to be located on property adjacent to a residential use and/or a residential district zoning classification. All screening/landscaping shall be properly maintained throughout the life of the project including replacement of any dead landscaping within six months.

C. If the system includes an access drive(s) for maintenance purposes, the surface of the access drive(s) shall be permeable (unless on brownfield land or on an already paved surface at the time of application for approval, such as a parking lot or former building foundation).

D. Except as otherwise depicted on and subject to approval of the Planning Commission, the area within which the system is located shall not be paved with asphalt/concrete or any other surface material that is impermeable to water other than for slab foundations for structures and equipment. This shall not apply to a system located on brownfield land or on an existing paved area such as a former building slab or in an unused parking area when adequate parking remains for all other uses on the site.

E. All surface water runoff created by construction and operation of the project shall be effectively managed on-site.

E. Installation and Operational Safety. The system shall comply with all the following requirements:

A. The system shall be designed and constructed for interconnection to a Michigan Public Service Commission or Midcontinent Independent System Operator regulated utility electrical power grid and shall be operated with such interconnection.
B. The system and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations. The manufacturer's engineer or another qualified engineer shall provide written

certification that the design, installation (including foundations), and interconnection is compliant with the manufacturer and industry standards, all applicable local construction and electrical codes, and any applicable federal/state regulations.

C. Other than transmission or distribution lines for interconnection to the electric power grid, all electrical wiring shall be buried underground; except where the manufacturer's engineer or a qualified engineer employed by the utility that owns/operates the electrical power grid to which the system shall be interconnected certifies an underground wiring installation is not permitted by an applicable code and/or applicable federal/state regulation, with attached complete documentation supporting any such certification.

D. The system shall be designed, located, and maintained so as to comply with all applicable codes and regulations.

F. Public Safety: Public Safety. The Emergency Response Plan and Fire Response Plan shall provide reasonable protection of the public health, welfare and safety including but not limited to an emergency shutdown procedure in place and shall provide the local fire department site safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identification of typical hazards related to, electrical, fire, smoke and hazardous materials pertinent to the facility. Upon request, all systems shall provide first responder training at the site.

G. Repair and Augmentation: In addition to repairing or replacing facility components to maintain the system, the facility may at any time be augmented without the need to submit a new site plan so long as the augmentation is within the same footprint (e.g., same dedicated use building or on footings/foundations in the same location) as the original permit. If there is a change in the battery chemistry, an updated Hazard Mitigation Analysis and Emergency Operation Plan shall be provided. When a facility is anticipated to be augmented over its lifetime by adding additional components, the applicant should apply for the final/augmented site arrangement. A proposal to increase the size the project footprint may be considered a new application, subject to the ordinance standards at the time of the request.

H. Decommissioning and Removal: A decommissioning plan is required at the time of application.

   a. The decommission plan shall include:

      i. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Pursuant to this requirement, the decommissioning plan shall be required to include that any structures up to forty-eight (48) inches below-grade shall be removed for disposal.

      ii. The projected decommissioning costs shall reflect the actual cost of decommissioning the project. Salvage value shall not be included in the cost to decommission the project.

      iii. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond or cash deposit).

b. A review of the amount of the surety bond, based on inflation, and current removal costs shall be completed every 4 years, for the life of the project, and approved by the Planning Commission. A Battery Energy Storage System owner may at any time:
    i. Proceed with the decommissioning plan approved by the Planning Commission, and remove the system as indicated in the most recent approved plan; or
    ii. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

c. Decommissioning of a Battery Energy Storage System: Must commence when the soil is dry to prevent soil compaction and must be complete within 18 months after abandonment. A Battery Energy Storage System that has not operated for 12 consecutive months shall prompt an abandonment hearing.
    i. Restoration shall include bringing soil and topography of the land to their pre-development composition to ensure permitted uses upon restoration. Soil tests shall be required as part of the decommissioning plan both before development and prior to the decommissioning.

I. Special Land Use Permit and Site Plan Application Requirements: Applications for Special Exception or special land use permit approval shall comply with Article 9 of this Ordinance. A formal application for site plan approval for this land use shall comply with Article 11 of this Ordinance. An incomplete application will not be accepted. Each such application shall also be subject to the following additional submission requirements:
    a. The complete name, address, and telephone number of the applicant.
    b. The planned date for the start of construction and the expected duration of construction.
    c. A description of the system, including a site plan as described in Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:
        i. A map of all properties upon which any component of a facility or ancillary feature would be located, and all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.

        ii. Lot lines and required setbacks shown and dimensioned including horizontal and vertical elevation drawings that show the location and height of the Battery Energy Storage System on the land and dimensions of the Battery Energy Storage System.

        iii. Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.

        iv. A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area.

v. The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.

vi. A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit.

d. A description of the expected use of the system.
e. Expected public benefits of the proposed system.
f. The expected direct impacts of the proposed system on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
g. Information on the effects of the proposed system on public health and safety.
h. A description of the portion of the community where the system will be located.
i. A statement and reasonable evidence that the proposed system will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.
j. Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
k. The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed system will be located.
l. Interconnection queue information for the applicable regional transmission organization.
m. If the proposed site of the system is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
n. If the system is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.
o. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the applicant. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.
p. A Fire Response Plan and an Emergency Response Plan.
    i. The Fire Response Plan (FRP) shall include:
        1. Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department

representatives is not possible, provide evidence of consultation or a good faith effort to consult with the State Fire Marshal or other local emergency manager.

2. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
3. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
4. A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.
5. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
6. Other information the applicants find relevant.

ii. The Emergency Response Plan (ERP) shall include:

1. Evidence of consultation or a good faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.
2. An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan).
3. Emergency response measures by contingency.
4. Evacuation control measures by contingency.
5. Community notification procedures by contingency.
6. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
7. A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years.
8. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and
9. Other information the applicants finds relevant.

q. A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the system will remain below the statutory limit throughout the operational life of the system.
r. Any other information regarding compliance with the requirements herein.

J. Waiver: Because of the ever-changing technical capabilities of battery storage infrastructure and of new technology in general, the Township Planning Commission shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this ordinance as part of the special land use review process, and other requirements.

K.

L. Building Permit: Prior to issuance of a Building Permit, the following information shall be provided:
   a. Equipment specification sheets.
   b. Identification and contact information for the installer(s) of the proposed system.
   c. Augmentation Plan.
   d. Approved Decommissioning Plan and Decommissioning Agreement in recordable form and acceptable to the Township Attorney.
   e. Life expectancy of the system components including the anticipated schedule for battery replacement to maintain megawatts over the system's lifetime.
   f. Hazard Mitigation Analysis.
   g. Operation and Maintenance Manual.
   h. Identification and contact information for the installer of the system.
   i. Electrical schematic plan for the system, including disconnect devices.
   j. An approved FRP and ERP
   k. Proof of financial guarantee for decommissioning.

M. Transfers: No transfer in ownership of the Battery Energy Storage System shall occur prior to providing 60 days' notice to the Township and upon Township approval verifying that the new owner agrees to carry out the terms of the special land use and site plan approval.

Article 10 ■*PERMIT AND AMENDMENT PROCEDURES*

SECTION 10.1 PURPOSE

All excavation for, or construction of, any building, structure or parking area or structural changes in any existing building or structure requires a project application issued from the Zoning Administrator. In instances where a use on property located within a particular district is not identified as a permitted use or as a use allowed by special permit within that district, an eligible applicant may request a change in the zoning of that property to a zoning district where that use is permitted by right or allowed by special permit. As an option to a request to rezone a particular property, an applicant may request an amendment to the Ordinance text to include that specified use or uses within a particular district.

A site plan review for the following types of projects will be required to ensure that the development or improvements do not produce health, safety or protection hazards:

a. Property development more extensive than a single or two family home.

b. Accessory and subordinate buildings that do not require new access to public roads,

c. The expansion or remodeling of existing structures.

d. Additional structures similar to existing structures on a site (if all of the existing site complies with all Zoning Ordinance requirements).

SECTION 10.2 PROJECT APPLICATIONS

No person shall commence excavation for, or construction of, any building, structure, or parking area, or make structural changes in any existing building or structure, without first obtaining a project application from the Zoning Administrator. No permit shall be issued for the construction, alteration, or remodeling of any building or structure, until an application has been submitted, in accordance with provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance. An extension of a project application shall be allowed by authorization of the Zoning Administrator, after reasonable cause for an extension is shown by the applicant. No more than one extension, not to exceed a six (6) month period, may be allowed.

a. PERMIT REQUIREMENTS

Every application for a permit shall designate the existing or intended use of the structure or premises or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by one copy of drawings, drawn to scale, showing the actual lines, angles, and dimensions of the lot to be built upon or used and exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the Zoning Administrator.

b. PERMIT EXPIRATION

A project application shall remain in effect for a period of one (1) year from the date it is issued. One extension of up to one hundred and eighty (180) days may be issued by the Zoning Administrator if requested in writing by the permit holder before the expiration of the initial permit period.

SECTION 10.3 DISTRICT CHANGES AND SECTION AMENDMENTS

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. PUBLIC PARTICIPATION.

The Planning Commission shall conduct a public hearing on the proposed amendment or change after providing public notice in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended.

c. ACTION BY TOWNSHIP BOARD.

After receiving the recommendations and report from the Planning Commission, the Township Board may deny the request or enact an amendment to the Zoning Ordinance, or zoning map. However, upon presentation of a notice of intent to file a protest petition meeting the requirements of Michigan Zoning Enabling Act, Public Act 110 of 2006, the amendment to the Zoning Ordinance which is the object of the petition shall not take effect until after one (1) of the following occurs:

i. The expiration of thirty (30) days after publication of the Ordinance, if a petition is not filed within that time.

ii. If a petition is filed within thirty (30) days after publication of the Ordinance, the Township clerk determines that the petition is inadequate.

iii. If a petition is filed within thirty (30) days after publication of the Ordinance, the Township clerk determines that the petition is adequate and the Ordinance or part of the Ordinance is approved by a majority of the registered electors residing in the portion of the Township outside the limits of cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitting an Ordinance or part of an Ordinance to the electors for their approval or rejection, and determining the result of the election.

d. ADOPTION OF CHANGE.

Following adoption of a Zoning Ordinance and subsequent amendments by the Township Board, one notice of adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption. The notice shall include the following information.

i. In the case of amendment to an existing Ordinance, either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.

ii. The effective date of the Ordinance.

SECTION 10.4 PUBLIC NUISANCE, PER SE

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this section and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 10.5 RIGHTS AND REMEDIES ARE CUMULATIVE

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

Article 11 ■*SITE PLAN REVIEW AND APPEARANCE CODE*

SECTION 11.1 PURPOSE

Before a building permit is issued a site plan shall be submitted to the Planning Commission for review and approval. In addition, for all new developments and substantial modifications (50% or more of the existing floor area or front wall surface area) to an existing building in the VC Village Center District, appearance code standards must be adhered to. Before granting approval, the Planning Commission shall ascertain that all provisions of this Article and the Tittabawassee Land Division Ordinance, as applicable, are complied with and that the proposed location and arrangement of buildings, accesses, parking areas, walkways, yards, open areas, and other improvements produce no potential health, safety, or protection hazards, and that the arrangement of buildings and structures will provide convenience for the intended occupants or utilization by the public and will be harmonious with development on adjacent properties.

SECTION 11.2 SCOPE

a. An administrative or Planning Commission site plan review is required if any one (1) or more of the following apply:

   1) The activity involves the erection of, or addition to any building or structure in the R-3, R-4, or any Commercial, Business or Industrial district, with the exception of situations described in section 11.2b.

   2) The activity involves a special use permit.

   3) The activity involves any grading or change in land elevation on any parcel in any commercial, business or industrial district, if the activity involves moving material onto the site or removing material from the site.

   4) There is a change in use in any zoning district. (i.e. cold storage to office use etc.)

   5) The activity involves a planned unit development.

b. The following buildings, structures, or uses shall be exempt from site plan review and procedures. Project application and building permit requirements still apply.

   1) New construction or remodeling resulting in single family homes, including Accessory Uses

   2) New construction or remodeling resulting in two family homes under separate ownership on an individual and separate lot for each home and including Accessory Uses

   3) Installation of Manufactured Homes and associated accessory buildings in approved Manufactured Home Parks located in the R4 Manufactured Home Park District.

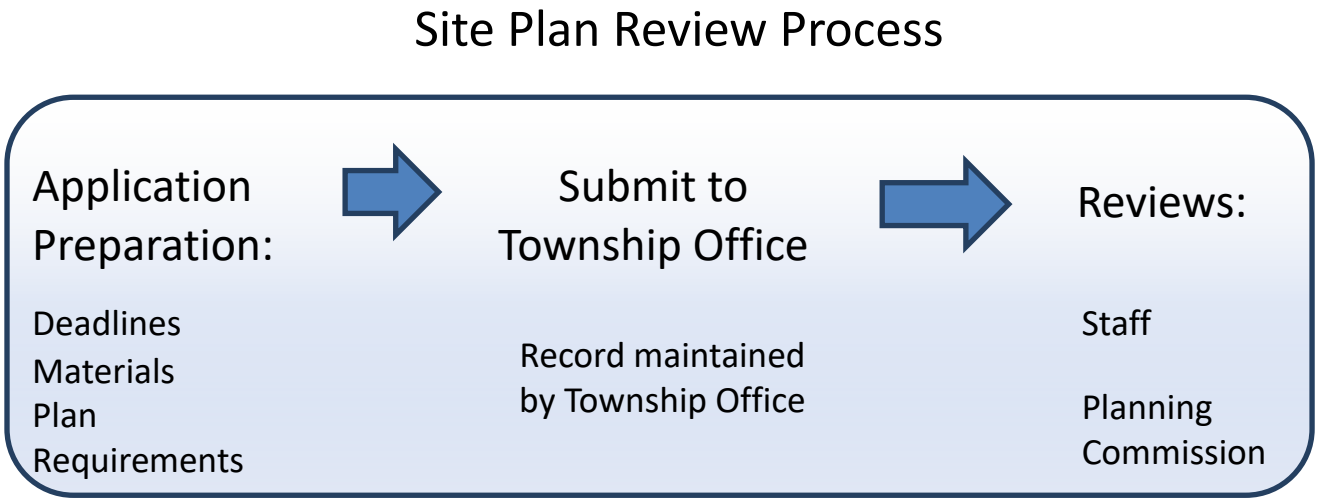
c. Administrative site plan review may be used for:

1) The planned expansion, remodeling or enlargement of an existing building in any zoning district where all the following are true:
   a) The project involves not more than 5,000 square feet of space
   b) The project complies with all zoning ordinance requirements
   c) The project involves no new or additional means of access from adjoining public roads or highways.
2) The planned construction of a detached structure in any zoning district where all the following are true:
   a) the project impacts not more than 5,000 square feet of space
   b) the project is an expansion of an existing commercial or industrial operation on the site
   c) the project complies with all zoning ordinance requirements
   d) the project involves no new or additional means of access from adjoining public roads or highways.
3) A change of use which creates no substantive impact on surrounding uses.
4) A grading or change in elevation which has no substantial negative impact on surrounding parcels or water runoff patterns.
5) Construction, installation or modification of on-premises advertising signs providing they conform to this ordinance.
6) The Collocation of Wireless Communication Facilities
7) Ponds less than one (1) acre in size.
8) Temporary Uses
9) The Zoning Administrator has the authority to require a full review by the Planning Commission regardless of size.

d. Projects not defined in 11.2b or 11.2c shall require site plan review by the Planning Commission. Staff may elect to send any project to the Planning Commission for site plan review if they determine the project has a substantive impact on surrounding uses.

e. Where appearance standards are defined, they shall apply to all new, expanded, remodeled, or enlarged buildings exceeding fifty (50%) percent of existing floor area or building facade surface.

SECTION 11.3 APPLICATION PROCEDURE



Requests for site plan review shall be made on a site plan review form using the site plan checklist provided for in the developer packet supplied by the Township. The components of the site plan checklist shall be completed before the site plan is reviewed by the Planning Commission. The developer packet outlines specific requirements for submittal. Incomplete site plans or site plans on land not reviewed and approved by the assessor as portrayed on the site plan, will not be accepted for review. All site plans must be stamped by a licensed professional engineer, architect, landscape architect or surveyor.

SECTION 11.4 ACTION ON APPLICATION AND PLANS

a. REVIEW OF A SITE PLAN OUTSIDE OF A PLAT:

i. The Designated Township Official shall record the date of the receipt of the application and plans. The application shall be considered received when the Township staff confirms that all required documentation has been received. Copies shall be transmitted by the Township staff to the affected Township Departments and professionals as the Township deems necessary. It is strongly advised that all applicants discuss their site plan with the Township staff prior to review by the Planning Commission. Applications for Appearance Code approval only, related to modification (not expansion) of an existing structure, shall be submitted only to the Planning Commission.

ii. Where a proposed use may have an impact upon any public facility, right-of-way or easement, the applicant shall submit the site plan to the appropriate state, county or local agency(s) that it may impact upon and shall request the appropriate agency(s) to review the proposed land use and submit a written response to the Zoning Administrator or Planning Commission describing the potential impact of the project and the agency's recommendations for approval, disapproval or modifications.

iii. The Township and/or Planning Commission may request a traffic impact analysis in cases where the location, nature of the use or specific circumstances indicate traffic and/or access management issues require professional analysis. This impact study shall be at the expense of the applicant. Permits for driveways, obtained prior to official approval of a site plan by the Planning Commission shall not constitute approval for construction and are subject to approval by the Planning Commission.

iv. The application shall be scheduled for review at the first scheduled meeting of the Planning Commission, or at a special meeting of the Planning Commission if requested by the applicant, that is not less than 28 calendar days after receipt of the completed application. This schedule may be adjusted by mutual agreement of the applicant and the Planning Commission Chair.

v. The applicant shall be notified of the date, time and place of the public meeting on his application not less than fifteen (15) days prior to that date.

vi. During the public meeting, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this section and the criteria contained herein. Any required modification or alteration shall be stated in writing, together with the reasons for the modification, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or

may require a further review after the modifications have been included in the proposed plans for the applicant.

vii. Two (2) copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the Township records for future review and/or enforcement. Each copy shall be signed and dated by the Chairman of the Planning Commission for identification of the final, approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the Township records as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

b. PROCESS FOR REVIEW OF A PLAT

A plat shall be reviewed in the same manner as a site plan and as described in this Article, except that a plat shall be submitted for review at two separate stages in the development of the plat and in accordance with the Subdivision Control Act of 1967, as amended, P.A. 288:

i. The Tentative Preliminary Plat. This plat shall be submitted showing all aspects of the plat as required for site plans, including any additional information requested by the Planning Commission. Following approval of the Tentative Preliminary Plat, a Preliminary Plat shall be submitted.

ii. The Preliminary Plat shall be considered the final site plan for the development. Prior to approval of a Preliminary Plat, the applicant shall present written approval from the Saginaw County Road Commission, the Department of Environmental Quality and the Saginaw County Drain Commissioner. The Tentative and Preliminary Plats may be reviewed and approved simultaneously at the discretion of Township staff if all requirements of the Zoning Ordinance have been satisfied and there are no outstanding issues that would prevent a combined review.

iii. The Final Plat is under the jurisdiction of the Saginaw County Plat Review Board.

SECTION 11.5 CRITERIA FOR REVIEW

In reviewing the application and site plan and approving, disapproving, or modifying the plan, the Planning Commission shall be governed by the following general standards, in addition to any other site plan standards contained in any other area of this Ordinance.

a. TRANSPORTATION. The site plan shall provide a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to insure the safety, as the primary goal, and convenience as the secondary goal, of pedestrian and vehicular traffic and access management principles have been followed.

b. NATURAL FEATURES. The site plan shall retain as many natural features of the landscape as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.

c. DRAINAGE. The site plan shall provide adiquate provision for storm water drainage on or from the site. In the case of residential developments, rear lot drainage is required. Sheet drainage is not permitted on any developments in any district. A drainage plan will be required.

d. ADVERSE EFFECTS OF DEVELOPMENT. The site plan shall provide that any adverse effects of the proposed development and activities emanating from such development which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways.

e. LAYOUT. The site plan shall provide that the layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.

f. LAND DIVISION ORDINANCE. The site plan must comply with all provisions of the Zoning Ordinance and the Tittabawassee Township Land Division Ordinance, as applicable. However, this would not preclude the applicant from applying for an appropriate variance with the Zoning Board of Appeals. The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.

g. SHARED ACCESS. The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

h. PONDS. Ponds must be constructed according to the requirements specified in the Special Use provisions for Earth Removal, Quarrying and Gravel Processing.

i. NOISE EASEMENTS. Noise easements may be required within the MBS International Airport noise overlay zone.

SECTION 11.6 CONFORMITY TO APPROVED SITE PLAN

a. Revocation of site plan. 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.

b. Criteria for commencing construction. Approval of the site plan shall be valid for a period of one (1) year. If a building permit has not been obtained and on-site development actually commenced within one (1) year, 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 11.7 AMENDMENT TO SITE PLAN

A proposed amendment, modification, or alteration to a previously-approved site plan may be submitted to the Planning Commission for review in the same manner as the original application was submitted or reviewed.

SECTION 11.8 PERFORMANCE BOND

The Planning Commission shall have the right and authority to require the developer to file with the Zoning Administrator at the time of application for a building permit, a performance agreement in a form approved by the Zoning Administrator to ensure the development of those portions of the site that will be dedicated to the Township for public use, including streets and utility easements, in accordance with the approved site plan, conditioned upon the proper construction and development. A Performance Bond may also be required in instances where the Planning Commission determines that the nature of the project is such that the activity being approved by the site plan could cause substantial negative impact on the safety, aesthetics or function of the infrastructure of the Township in the event that the activity/construction or change to the land was not completed as planned. This agreement shall continue for the duration of the construction and development of the site.

Article 12 ■*ZONING BOARD OF APPEALS*

SECTION 12.1 ESTABLISHMENT

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

SECTION 12.2 MEMBERSHIP

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

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

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

SECTION 12.3 TERMS OF OFFICE

Terms shall be for three (3) years, except for members serving because of their membership on the planning commission, or township board. whose terms shall be limited to the time they are members of the zoning board, planning commission, or township board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A Township Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

SECTION 12.4 BOARD OF APPEALS PROCEDURES

a. MEETINGS.

Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

b. RECORDS.

Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.

c. RULES OF PROCEDURE.

The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.

d. MAJORITY VOTE.

The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.

e. CONFLICT OF INTEREST.

A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

SECTION 12.5 APPEALS, METHOD FOR TAKING

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

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

An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning Administrator may certify to the Board of Appeals after the notice of the appeal shall have been filed with him

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

SECTION 12.6 DECISIONS

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

SECTION 12.7 DUTIES

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

a. REVIEW

The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator, or by any other official in administering or enforcing any provisions of this Ordinance.

b. INTERPRETATION

The Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this ordinance as follows:

i. So as to carry out the intent and purposes of this ordinance.

ii. To determine the precise location of the boundary lines between zoning districts; or,

iii. To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

c. VARIANCES

The Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this Ordinance PROVIDED all the basic conditions listed and any ONE of the SPECIAL conditions listed thereafter can be satisfied.

i. Basic Conditions

i. Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.

ii. Shall not permit the establishment within a district of any use which is not permitted by right within that district.

iii. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

iv. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to undermine the stated intent of an existing ordinance.

v. Will relate only to property which is under the stated ownership and control of the applicant and is an exceptional or extraordinary circumstance or condition that does not generally apply to other property or uses in the vicinity.

ii. Special Conditions: Special conditions for the granting of a variance shall include any one of the following clearly demonstrated conditions after all basic conditions have been satisfied, when applied to the applicant's use and

i. When there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of use of that particular parcel of land.

ii. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property, that did not generally apply to other property or uses in the same zoning district.

iii. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this ordinance.

iv. Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

iii. Rules for Granting of Variances: The following rules shall be applied in the granting of variances.

i. In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variances applies. The breach of any such conditions shall automatically invalidate the permit granted.

ii. Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six months after the granting of the variance.

iii. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

iv. In authorizing any variance, the Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.

v. The Board of Appeals may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the Board may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

SECTION 12.8 LIMITATIONS

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

Article 13 ■*MISCELLANEOUS PROVISIONS*

SECTION 13.1 SAVINGS CLAUSE

This ordinance shall not affect any pending litigation, civil or criminal, founded or growing out of any ordinance or resolution, order or permit, and shall not affect any rights, claims, privileges, immunities or causes of action of the Township, or any other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, permit, order, or policy repealed by this Ordinance.

SECTION 13.2 VALIDITY AND SEVERABILITY

It is the intent of the Township Board in adopting this Ordinance that all provisions shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the Township and other persons affected by this Ordinance. Should any provision of this Ordinance be held to be unconstitutional, invalid, or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance, it being the intent of the Township that such remaining provisions of this Ordinance shall stand and remain in effect notwithstanding the invalidity of any other provisions.

SECTION 13.3 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

SECTION 13.4 ADMINISTRATIVE OFFICIALS

Except as otherwise provided in this Ordinance, the Zoning Administrator shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises, and the issuing of permits.

SECTION 13.5 OCCUPANCY

It shall be unlawful to use or permit the use of any structure or premises hereafter altered or erected, until the Zoning Administrator has inspected the premises and approved the same for occupancy.

SECTION 13.6 VIOLATIONS AND PENALTY

Any building erected, altered, moved, razed, or converted, or any use carried on in violation of any provision of this Ordinance is declared to be a nuisance per se. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this ordinance shall be punished by a fine to be set from time to time by the Tittabawassee Township Board, or up to ninety (90) days in the Saginaw County Jail, or both a fine and imprisonment, in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. If a civil infraction ordinance is in effect in the Township, all violations shall be punishable according to the stipulations of that ordinance.

SECTION 13.7 PEOPLE INVOLVED IN THE ZONING PROCESS.

The provisions of this ordinance shall be carried out by the Tittabawassee 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.

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

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

i. ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS. All applications for Project applications shall be submitted to the Zoning Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Project application for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action (see REVIEW PROCESS Table). The Zoning Administrator shall maintain a record of all applications and related Project applications, including documentation for each.

ii. ISSUE WRITTEN DENIAL. When any application for a Project application is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.

iii. NOTICE OF HEARINGS. Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.

iv. INSPECTIONS. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.

v. RECORD NONCONFORMING USES. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.

vi. RECORD SPECIAL USES. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.

vii. 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. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.

viii. PUBLIC INFORMATION. The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and

familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.

ix. RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.

x. MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

b. PLANNING COMMISSION.

i. MEMBERSHIP. The Planning Commission shall be composed of seven (7) members, appointed by the Township Supervisor with the approval of the Township Board.

ii. TERMS OF OFFICE. The term of service for each member shall be three (3) years. Rotation of membership is encouraged.

iii. 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.

iv. MEETINGS. The Planning Commission shall meet at least four (4) times each year, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.

v. PER DIEM OR EXPENSES. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.

vi. DEVELOPMENT PLAN. The Planning Commissions shall make and adopt a basic plan as a guide for the development of unincorporated areas of the Township. Plan contents, adoption, amendment, approval by the county planning commission, hearing and publication shall be according to The Michigan Zoning Enabling Act, PA 110 of 2006.

vii. ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.

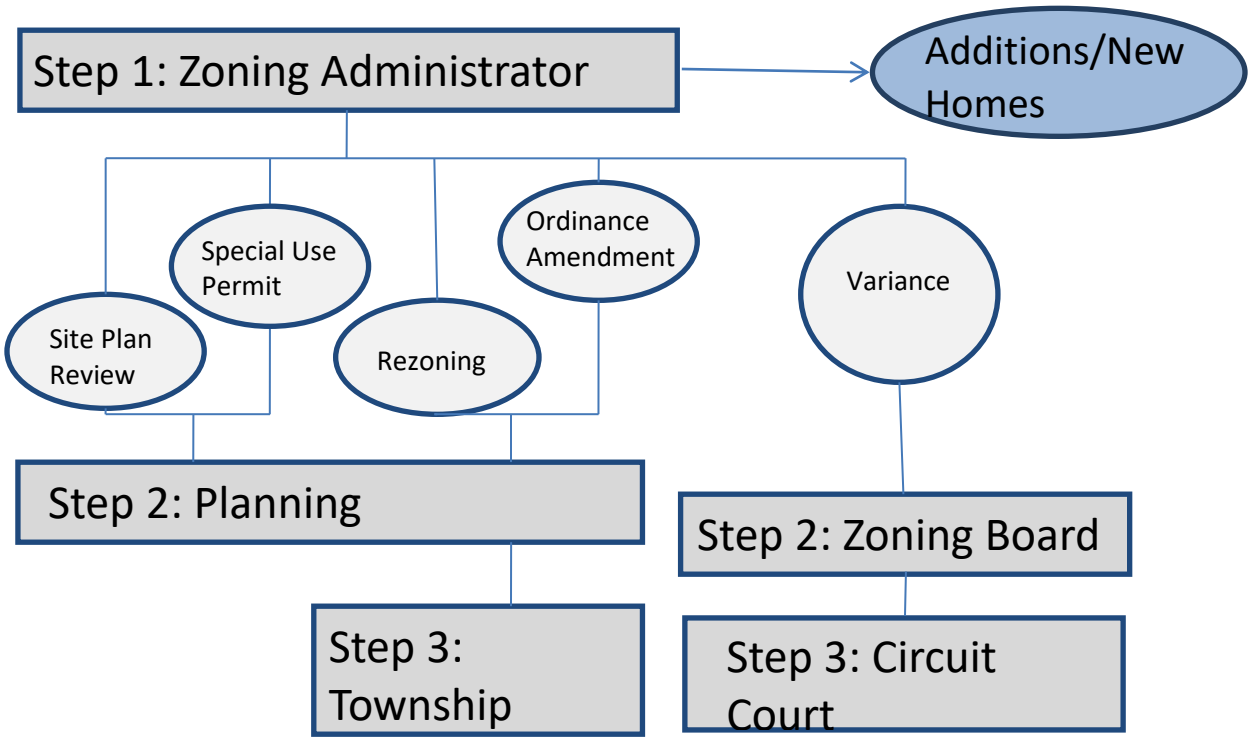
viii. ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:

i. SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same.

ii. SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit.

iii. REZONING OR AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Section 705. 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 13.8 ADMINISTRATIVE PROCESSES.



a. PROJECT APPLICATION REQUIRED. The issuance of a Project application signifies compliance with the requirements of this Ordinance. A Project application must be obtained from the Zoning Administrator before any of the following activities may legally take place.

i. Occupancy and use of vacant land (including parking lot construction).

ii. Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit by the Township Building Inspector. (A Project application must be obtained before a Building Permit may be issued.) When erected at the same time as the principal building, accessory buildings shall not require a separate Project application.

iii. Any use of land or a building that would be identified as a Use by Special Use Permit in the district regulations.

iv. Any change of a nonconforming use or building.

b. APPLICATION FOR PROJECT APPLICATION. Application for a Project application shall be made prior to construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material.

i. APPLICATION FORM. Applicants for a Project application shall submit a Zoning Application Form with all requested information completely filled in.

ii. SUBMISSION WITH BUILDING PERMIT APPLICATION. When a Building Permit is also required, application for a Project application may be made at the same time. If the Township Building Inspector also acts as Zoning Administrator, the Inspector may elect to accept information submitted for a Building Permit without duplicating it on the Zoning Application Form.

iii. PROPERTY INFORMATION. The Zoning Application Form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.

iv. PLOT PLAN. The Zoning Application Form must also be accompanied by a plot plan drawn at size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.

c. APPLICATION REVIEW PROCESS. On submission of an application for a Project application, the Zoning Administrator will review the application material as described by the REVIEW PROCESS Table that accompanies this Section. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Project application. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options, based on the information in the REVIEW PROCESS Table. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Project application.

The review will address each question identified by the REVIEW PROCESS Table in order, moving through each column in the question from left to right.

d. RECORD MAINTAINED. The Zoning Administrator shall keep a record of each project application which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.

e. VALIDITY OF PROJECT APPLICATION. A Project application remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Project application must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced. The validity of a Project application may be extended by the Zoning Administrator not more than one (1) time, for a period not to exceed one (1)

additional year. Said extension must be requested in writing by the permit holder before the expiration of the initial permit period.

f. VOIDING OF PROJECT APPLICATION. If the permit holder fails to initiate the activity authorized by the Project application by the end of the one (1) year extension, the Project application is automatically null and void. Any additional rights associated with the Project application which have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Project application.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Township which were to be covered by the guarantee. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

Reissuance of a Project application which has expired requires a new Zoning Application Form to be filed with the Zoning Administrator and processed without consideration of any previous action.

SECTION 13.9 ENFORCEMENT.

a. RESPONSIBILITY. The Zoning Administrator shall enforce the provisions of this Ordinance.

b. VIOLATIONS AND PENALTIES. Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official or employee, shall be reported to the Zoning Administrator.

i. INSPECTION OF VIOLATION. The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.

ii. CORRECTION PERIOD. All violations shall be corrected within a reasonable time period determined by the Zoning Administrator, but not to exceed thirty (30) days.

iii. ACTION BY TOWNSHIP ATTORNEY. A violation not corrected within this period shall be reported to the Township Attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Township Attorney, any legal action which the Attorney deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.

iv. PENALTIES. Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this Ordinance, shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not less than one hundred ($100.00) dollars and not more than five hundred ($500.00) dollars by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the Court. For each and every day the violation continues beyond the correction, a separate offense shall be

declared. Additionally, the proper court shall have power and authority to issue an injunctive order in connection with any violation of the provisions of this Ordinance.

v. CUMULATIVE RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

c. CONFLICTING REGULATIONS. In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 13.10 AMENDMENT.

a. TOWNSHIP BOARD MAY AMEND. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the applicable enabling legislation of the State.

b. 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.

c. AMENDMENT PROCEDURE.

i. PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.

ii. 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.

iii. PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given as specified by the following section.

iv. NOTICE REQUIREMENTS FOR PUBLIC HEARING. Preparation, publication and distribution of notices for the public hearing shall be the responsibility of the Township Zoning Administrator.

i. CONTENT. Every notice of said hearing shall contain all information required.

ii. DISTRIBUTION.

1) PUBLISHED. Notice shall be given by two (2) publications in a newspaper of general circulation in the community, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing.

2) CERTIFIED MAIL. Not less than twenty (20) days notice shall also be given by certified mail to each public utility company servicing the community, at the mailing address identified by each company for the purpose of receiving such notice, and to each railroad company servicing the community, if they request notification.

3) OTHER MAILED NOTICE. In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change, notice of the proposed amendment shall be mailed to the owner of the property in question and to all persons residing, doing business, or owning property within three hundred (300') feet of the premise in question.

4) AFFIDAVIT OF MAILING. An affidavit of mailing, identifying all parties to whom notice has been sent, shall be prepared and filed with other material relating to the proposed amendment prior to the Planning Commission meeting at which the hearing is to be conducted.

5) SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION. Following the conclusion of the Public Hearing and review by the Township Planning Commission, the proposed amendment and any applicable zoning district map may be submitted to the Saginaw County Metropolitan Planning Commission for their review. The approval of the County Planning Commission shall be presumed, conclusively, unless such Commission notifies the Township Board of its recommendation within thirty (30) days of its receipt of the amendment.

6) AMENDMENT TO CONFORM WITH COURT DECREE. An amendment for the purpose of conforming to the decree of a court of competent jurisdiction may be adopted by the Township Board. The amendment may be made and notice given to the public without referring the amendment to any other board or agency provided for in this Ordinance.

7) TOWNSHIP BOARD ADOPTION. Upon receipt of the Saginaw County Metropolitan Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission.

The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. Said request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be notified of the hearing and encouraged to attend. The hearing may be held at a regular meeting or at a special meeting called for that purpose. Notice shall be published in a newspaper which circulates in the Township not more than fifteen (15) days nor less than five (5) days before the hearing. Mailed notice of said hearing is not required.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it shall refer these changes back to the Planning Commission for a report thereon within thirty (30) days.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

8) RESUBMITTAL. No application for a rezoning which 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 13.11 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

a. CONTENT. Each notice for any public hearing required by this Ordinance shall include the following information.

i. Identification of the applicant, if any.

ii. Identification of the property which is the subject of the request.

iii. Nature of the matter to be considered.

iv. Identification of the public body that will be conducting the public hearing and will decide upon the matter.

v. Date, time and place of the public hearing.

vi. The places and times at which any proposed text and/or map amendment to the Zoning Ordinance may be examined.

Statement of where and when written comments will be received concerning the request.

b. NOTIFICATION OF RESIDENTS, BUSINESSES OR PROPERTY OWNERS WITHIN THREE HUNDRED (300') FEET. Whenever provisions of this Ordinance require mailing of public hearing notices to persons who reside, do business or own property within three hundred (300') feet of a certain parcel, the mailing list shall be compiled from the following sources.

i. The owner(s) of property for which approval is being considered.

ii. All persons to whom real property is assessed where any part of their parcel lies within three hundred (300') feet of the boundary of the property in question.

Occupants of all structures where any part of the structure lies within three hundred (300') feet. Each dwelling unit or rental area within said structures shall receive one (1) notice. However, separate notice need not be sent for accessory structures where the primary structure also lies within the three hundred (300') foot distance. If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct areas, the notice may be mailed to the manager or owner of the

structure who shall be requested to post the notice at the primary entrance of the structure.

TABLE 32 REVIEW PROCESSES

TYPE OF ACTION	PARTIES WHO MAY INITIATE ACTION	BODY MAKING DECISION	PUBLIC HEARING REQUIRED ?	PUBLISHED NOTICE(S) AND MAILED NOTICE TO OWNERS AND OCCUPANTS WITHIN 300'	BODY TO WHICH APPLICANT MAY APPEAL A DENIAL
VARIANCE	Applicant or Administrator	Zoning Board of Appeals	Yes	Once, between 5-15 days before date.	Circuit Court only
INTERPRETATION	Applicant or Administrator	Zoning Board of Appeals	Yes	Once, between 5-15 days before date.	Circuit Court only
APPEAL OF ADMINISTRATIVE DECISION	Any aggrieved party or State, County, Twp. officer, board bureau or dept.	Zoning Board of Appeals	Yes	Once, between 5-15 days before date.	Circuit Court only
SITE PLAN APPROVAL	Applicant or Administrator	Planning Commission	No	Not required.	Planning Comm. after 1 year, or Township Board
SPECIAL USE PERMIT	Applicant or Administrator	Planning Commission	Yes	Once, between 5-15 days before date.	Planning Comm. after 1 year, or Circuit Court
PLANNED UNIT DEVELOPMENT	Applicant or Administrator	Planning Commission	Yes	Once, between 5-15 days before date.	Planning Comm. after 1 year, or Circuit Court.
REZONING	Applicant, Planning Commission or Township Board	Planning Commission recommends to	Yes	Once, between 5-15 days before date.	Planning Commission after 1 year.
		Township Board	If requested by any party	Once, between 5-15 days before date. No notice to residents required.	Circuit Court
ZONING ORDINANCE OR ZONING MAP TEXT CHANGE	Applicant, Planning Commission or Township Board	Planning Commission recommends to	Yes	Once, between 5-15 days before date.	Planning Commission after 1 year.
		Township Board	If requested by any party	Once, between 5-15 days before date. No notice to residents required.	Circuit Court
DEVELOPMENT PLAN OR MAP CHANGE	Applicant, Planning Commission or Township Board	Planning Commission recommends to Twp. Board	Yes	See P.A. 110 of 2006 as amended for requirements. No notice to residents required.	Planning Commission after 1 year or Circuit Court.
FEE WAIVER	Applicant	Township Board	No	Not required	Circuit Court