

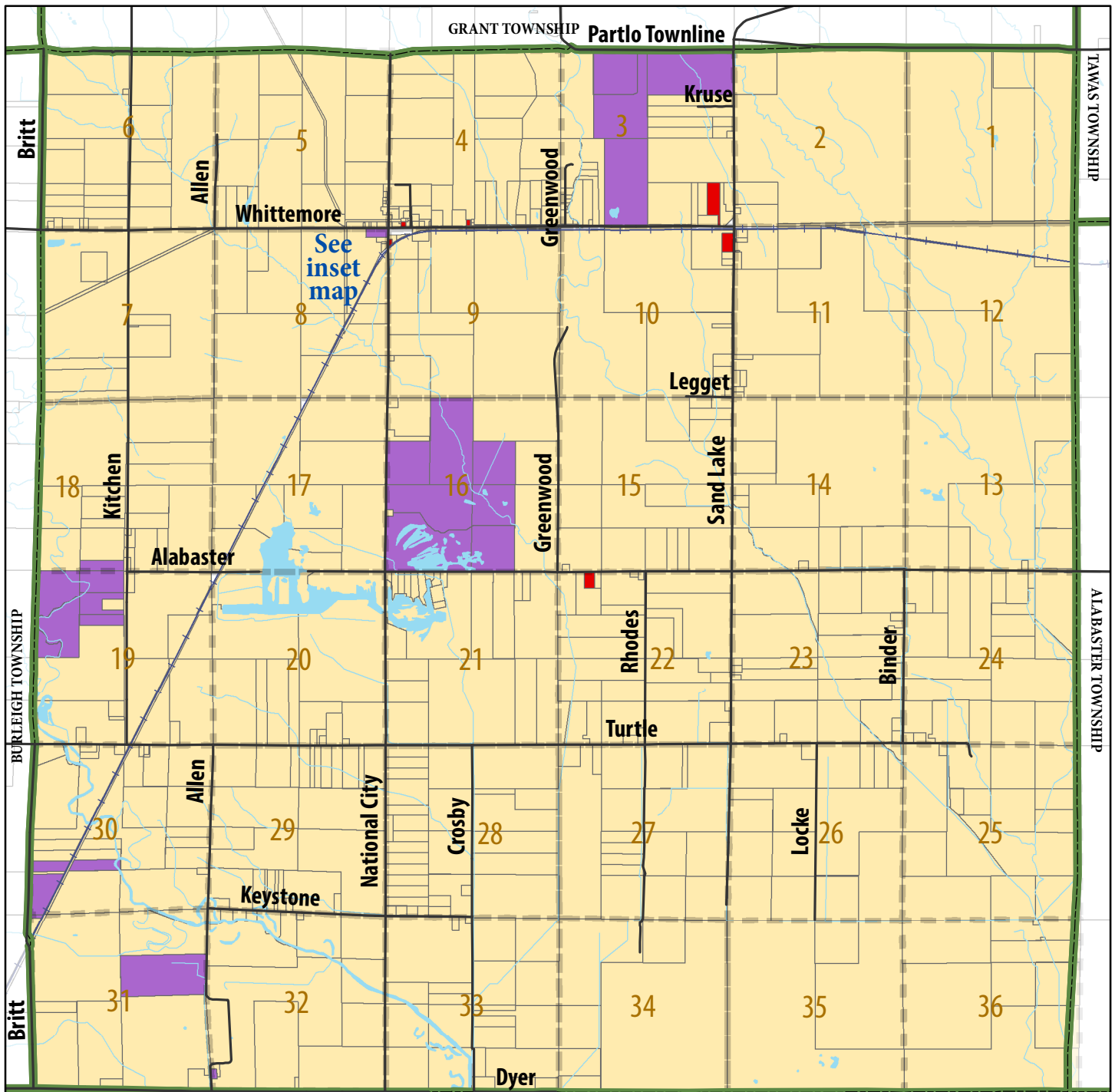
SHERMAN TOWNSHIP ZONING ORDINANCE

ADOPTED 8-4-25



📍 2510 Rhodes Rd, Turner, MI 48765
🌐 shermantwp.org

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Sherman Township Zoning Map

Iosco County, Michigan

Adopted August 4, 2025 Effective August 20, 2025

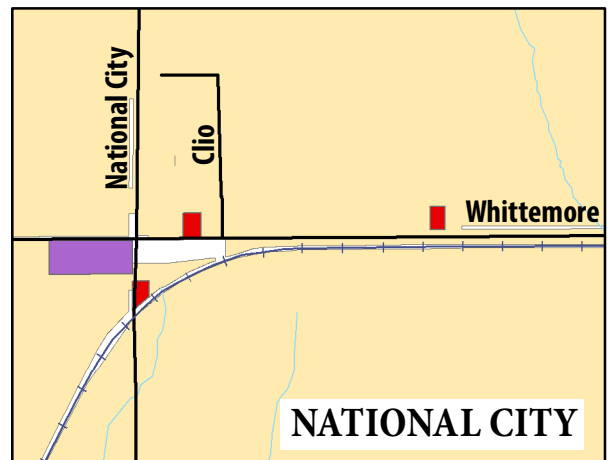


Zoning Districts

- Commercial District
- Industrial District
- Agricultural Residential District

0 0.25 0.5 Miles

- Roads
- Township Boundary
- Railroad
- Sections
- Rivers & Streams
- Water Bodies



Sherman Township ZONING ORDINANCE

Sherman Township
Iosco County
Michigan

Adopted: August 4, 2025

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Article 1

Purpose & Authority

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An ORDINANCE to establish zoning districts and regulations governing the unincorporated portions of Sherman Township, Iosco County, Michigan, including the administration thereof, in accordance with the provisions of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

THE TOWNSHIP BOARD OF SHERMAN, IOSCO COUNTY, MICHIGAN, ORDAINS:

Section 1.1 Title

These regulations shall be known as the Sherman Township Zoning Ordinance hereinafter referred to as "this Ordinance."

Section 1.2 Purpose

The purpose of this Ordinance is to:

- A. Regulate land development and establish one (1) or more districts which regulate the use of land and structures to meet the needs of the citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- B. Ensure that use of the land is situated in appropriate locations and relationships.
- C. Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities.
- D. Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
- E. Provide for land development regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.
- F. Promote public health, safety, and welfare.

Section 1.3 Authority

This Ordinance is ordained and enacted into law pursuant to the provision and in accordance with the State of Michigan, [2006 PA 110, Michigan Zoning Enabling Act](#), as amended.

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Article 2

Definitions

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Section 2.1 Rules Applying to Text

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

- A. Regulations pertaining to specific issues supersede more general regulations.
- B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future.
- D. Words in the singular number shall also denote the plural and the plural shall also denote the singular.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- F. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply in combination.
2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

G. The word "lot" includes the words "plot" or "parcel."

H. "Township" shall refer specifically to Sherman Township.

I. "Commission" shall refer specifically to the Sherman Planning Commission.

J. "Board" shall refer specifically to the Sherman Township Board.

K. "Board of Appeals" shall refer specifically to the Sherman Township Zoning Board of Appeals.

L. "Days" means calendar days unless otherwise stated.

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

Section 2.2 Definitions

A

Abutting. Having property or district lines in common.

Access. A way of approaching or entering a property.

Accessory Building or Structure. Any subordinate building, such as a private garage, located on the same lot as the principal building, or any portions of the principal building, if said portion is occupied or devoted exclusively to an accessory use. When an accessory building is attached to a principal building by a wall or roof, such accessory building shall be considered part of a principal building for the purpose of determining the required setbacks. A carport is considered an accessory building. Fences, walls, and manufactured/mobile homes shall not be considered accessory buildings or structures. Decorative items such as statues, trellises, and other lawn decorations are not considered accessory structures.

Accessory Dwelling Unit. A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit, in a detached building, or as a stand-alone structure. Accessory dwelling units shall be developed in accordance with the standards set forth in [Section 7.3](#) and only in those zoning districts where the use is listed as allowed.

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Accessory Use. Any use customarily incidental to the principal use of the premises.

Adjacent Property. Property that adjoins any sides or corners of a specific lot, including but not limited to those lands separated from the lot by a road right-of-way, easement, or public utility right-of-way.

Adult Day Care Facility. A facility receiving adults for care for periods of less than twenty-four (24) hours in a day for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

Adult Foster Care Facility.

- A. As defined by the Adult Foster Care Facility Licensing Act (**PA 218 of 1979**, as amended), a governmental or nongovernmental establishment, licensed by the State of Michigan, that provides foster care to adults. Adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care. An adult foster care facility provides care to adults twenty-four (24) hours a day, for five (5) or more days a week, for two (2) or more consecutive weeks.
- B. An adult foster care facility **does not** include the following:
 1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
 5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
 6. A child-caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.

- b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
 8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
 9. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.
 10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.
 11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Agriculture. The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry. See also **Farm, Commercial** or **Farm, Domestic (Hobby Farm)**.

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including:

- A. Bakeries selling goods grown primarily on-site.
- B. Educational tours, classes, lectures, and seminars.
- C. Family-oriented animated barns (haunted houses).
- D. Farm stays.
- E. Gift shops for agriculturally-related products and crafts.
- F. Historical agricultural exhibits.
- G. Organized meeting space (weddings, birthdays, corporate picnics) – falls under the definition of a **Commercial Event Facility**.
- H. Petting farms, animal displays, and pony rides.
- I. Picnic areas (including restrooms).
- J. Playgrounds, wagon/sleigh rides, and nature trails.
- K. Restaurants related to the agricultural use of the site.
- L. Seasonal outdoor mazes of agricultural origin.
- M. Small-scale entertainment (concert, car show, art fair).

N. Other agricultural tourism activities which the Planning Commission may designate.

Alterations. Any material change, addition, or modification of or to a structure or its use.

Animal Hospital/Animal Clinic/Veterinary Clinic. A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to medical treatment. Such facilities include only those under the direction of a licensed veterinarian registered in the State of Michigan. Such facilities shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

Animal Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect, or violation of public law or ordinance.

Apartment. The dwelling unit within a multiple-family dwelling.

Apartment Building. See [Dwelling, Multiple-Family](#).

Applicant. Any person who applies for a permit.

Architectural Features. Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Assisted Living Home. A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attached. Fastened to a principal building in a substantial manner by walls or a roof.

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

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

Automobile Repair Garage. A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling, or storage of wrecked or junked vehicles.

Automobile Storage, Damaged. Any storage of inoperable vehicles not incidental to a service garage.

Average. For the purpose of this Ordinance, the term "average" shall be an arithmetic mean.

B

Bar or Tavern. An establishment primarily devoted to the serving of alcoholic beverages for consumption on the premises.

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

Battery Energy Storage System. One (1) or more devices, assembled together, capable of storing energy produced by solar energy facilities and/or wind energy facilities in order to supply electrical energy at a future time, not to include a stand-alone car battery or an electric motor vehicle. A battery energy storage system is used to store energy primarily for off-site use.

Bed and Breakfast/Tourist Home. An owner-occupied single-family dwelling unit, which may be used for the purpose of renting sleeping rooms to transient guests (less than thirty (30) consecutive days) for compensation, provided certain zoning requirements are met.

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

Berm. An earthen mound used for the purpose of landscaping, screening, or enclosure which is compacted and finished with adequate topsoil to support grass or other landscape materials in a neat and well-maintained condition.

Biofuel Production Facilities (on Farms).

- A. **Biofuel.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel-grade ethanol for blending with gasoline.
- C. **Farm.** The land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- D. **Proof Gallon.** That term as defined in 27 CFR 19.907. A gallon of liquid at 60 degrees Fahrenheit which contains fifty (50) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60) degrees Fahrenheit referred to water at sixty (60) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Block. A property surrounded by streets or abutting one (1) side of a street and situated between the two (2) nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

Boarding House/Rooming House. An owner-occupied single-family dwelling containing guest rooms in which lodging is provided with or without meals for compensation and which is open to long-term (for thirty (30) consecutive days or more) guests only (not to the traveling public).

Boathouse. Accessory structure constructed either wholly or partially over a body of water and designed primarily to provide shelter for water craft or for marine-related equipment.

Brewpub. A facility where beer is produced, stored, and sold for consumption on or off the premises which shall meet the requirements of the Michigan Liquor Control Commission.

Breezeway. Any covered passageway between two (2) buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

Buffer Strip. An area established to separate properties of divergent usage by providing a natural screening effect of both sight and sound which might otherwise be objectionable.

Building. Any structure, or part thereof, usable for the shelter of persons, animals, or property. This shall include tents, awnings, or vehicles situated on private property and used for the purposes of a building.

Building Envelope. The space remaining on a lot or lots of record after the minimum setback and open space requirements have been complied with.

Building, Principal. A building which is used for the principal use of the lot on which it is situated.

C

Cabin. A detached building that is used for seasonal occupancy, but not including hotels/motels.

Cabin Court. Grouping of multiple tourist cabins on a site and used for purposes of renting or leasing to transient clientele.

Camper. See [Recreational Vehicle \(RV\)](#).

Campground/RV Park. Any lot or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for recreational units.

Canoe/Boat/Kayak Livery. A place where boats and/or canoes are stored, rented, sold, repaired, docked,

and serviced. Includes the term “boat yard.”

Car Lot. A lot, or portion thereof, to be used only for the display and sale of motor vehicles that are in condition to be driven off the lot. A car lot shall not be used for the storage of wrecked motor vehicles, the dismantling of motor vehicles, or the storage of motor vehicle parts. Classified as **Outdoor Sales/Rental**.

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

Category 4 Site. A lot which is classified by the **Michigan Department of Agriculture and Rural Development (MDARD)** as “Category 4” according to the most current **Generally Accepted Agriculture Management Practices (GAAMPS)**. Category 4 sites are sites which are primarily residential and considered, by MDARD, as not acceptable for new or expanding livestock facilities unless allowed by this Ordinance. Category 4 sites are those which have more than thirteen (13) non-farm residences within one-eighth (1/8) mile of the site or those which have any non-farm residence within two hundred fifty (250) feet of the livestock facility (enclosed fencing). The definition of Category 4 site currently used by MDARD supersedes this definition if a difference in definition exists.

Cemetery. Property, including mausoleums and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings or household pets.

Child Care Facility. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under **1973 PA 116, as amended (Child Care Organizations Act)**, being MCL §§ 722.111 - 722.128), and the associated rules promulgated by the **State Department of Health and Human Services**. Such organizations shall be further defined as follows:

- A. **Child Care Home, Family.** A state-licensed, owner-occupied private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. “Providing babysitting services” means caring for a child on behalf of the child’s parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child’s parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family Child Care Home includes a private home with increased capacity. “Increased capacity” means one (1) additional child added to the total number of minor children received for care and supervision in a family child care home. The definition of Family Child Care Home in **1973 PA 116**, as amended, supersedes this definition if a difference in definition exists.
- B. **Child Care Home, Group.** A state-licensed, owner-occupied private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity. “Increased

capacity” means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in **1973 PA 116**, as amended, supersedes this definition if a difference in definition exists.

- C. **Child Care Center.** A facility other than a private residence receiving one (1) or more preschool or school-age children for periods of less than twenty-four (24) hours a day and where parents or guardians are not immediately available to the child. Care is provided more than two (2) consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
- D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility operated by the State or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

Church. See **Religious Institution**.

Clinic. A building or group of buildings where human patients are admitted for examination and treatment by one (1) or more professionals such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

Club/Lodge/Fraternal Organization. A formal organization of persons for civic, social, or recreational purposes organized under bylaws, rules, or regulations and comprising an elected board and/or officers with a membership qualified by dues or equity shares.

Commercial Event Facility. A location where events are held including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events. Also known as Convention Centers, Conference Centers, Banquet Halls, Wedding Venues, or Wedding Barns.

Commercial Use. The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

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Concentrated Animal Feeding Operations (CAFO). A lot, parcel, or building or combination of contiguous lots, parcels, or buildings where agricultural animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, where manure may accumulate, and where the concentration of animals is such that vegetative cover or post-harvest residues cannot be maintained within the enclosure during the normal growing season. Regulations pertaining to CAFOs are administered by the [Michigan Department of Environment, Great Lakes, and Energy](#). Information on the permitting process is available on www.mi.gov/cafo.

Conditional Rezoning. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

Condominiums.

- A. **Condominium Act.** [1978 PA 59](#), as amended.
- B. **Condominium Documents.** The master deed recorded pursuant to the [Condominium Act](#), and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- D. **General Common Elements.** The common elements other than the limited common elements.
- E. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- F. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the [Condominium Act](#).
- G. **Site Condominium.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. In a site condominium, each condominium unit is considered a separate zoning lot.

Conflict of Interest. A situation where an official with duties under this Ordinance has either close family ties or economic interest with parties whose case is being considered.

Convalescent or Nursing Home. A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm where continuous nursing care and supervision are required.

Convenience Store. A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

Cottage Industry. A Home Occupation which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs two (2) or more individuals who reside off-premises.
- E. Has the potential to rapidly increase in size and intensity.

Country Club. A private social and recreation facility providing one (1) or more of the following activities: golf, riding, swimming, indoor and outdoor recreation, and clubhouse for members, their families, and invited guests.

D

Deck. An uncovered outdoor platform, either attached to or detached from the principal building, constructed on or above the ground surface and used as a residential accessory structure for domestic or recreational purposes.

Density. The number of dwelling units on, or to be developed upon, a net acre of land.

District. A portion of the Township in which certain buildings and activities are permitted and in which certain regulations, in accordance with the Ordinance, are applicable.

Drive-Through Business. Any restaurant, bank, or business with an auto service window.

Driveway. That portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot.

Dwelling. Any building or portion thereof usable exclusively for residence purposes.

Dwelling, Multiple-Family. Any building usable for residence purposes by three (3) or more families.

Dwelling, Single-Family. Any building usable for residence purposes by one (1) family.

Dwelling, Two-Family. Any building usable for residence purposes for two (2) families.

Dwelling Unit. A building or portion thereof providing complete housekeeping facilities for one (1) family.

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In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a recreational vehicle, truck, bus, motor home, tent, or other such portable structure be considered a dwelling unit unless approved as a temporary dwelling unit.

E

Easement. The right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Electric Vehicle Charging Station. A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Charging Facility. A public or private parking lot that contains multiple electric vehicle charging stations and which has a principal purpose of providing charging stations. This facility may also contain amenities such as a building for patrons to wait for their vehicles to charge, food service, restrooms, and similar amenities.

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

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 or distribution systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith, but not including buildings and similar structures, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. Essential service buildings require site plan review. Wireless facilities, utility-scale solar panels, battery energy storage systems, and wind turbines are not included within this definition.

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.

Extraction, Mineral/Resource. The removal, extraction, or mining of sand, gravel, or similar material for commercial gain.

F

Family. An individual or two (2) or more persons occupying the premises and living as a single non-profit housekeeping unit whose relationship is of a continuing non-transient domestic character. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes and foster family group homes as defined by [1973 PA 116](#) shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

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

Farm, Domestic (Hobby Farm). A lot used or intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes keeping farm animals as pets and raising animals for educational experience. Dogs, cats, and other typical household pets are not regulated as a Domestic Farm.

Farm Buildings. Any detached accessory building or portion of a principal building used for the storage or housing of farm implements, produce, or farm animals.

Farm Market/Roadside Stand. A year-round or seasonal location where the sale of agricultural products or value-added agricultural products, directly to the consumer takes place on property controlled by the affiliated farm. At least fifty (50) percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season or fifty (50) percent of the average gross sales for up to the previous five (5) years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least fifty (50) percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

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

Farm Stay. A hosted accommodation on a working farm or ranch with guests paying for the privilege of staying overnight. Farm stay facilities may allow guests to help with farming activities or operations. Also called Vacation Farm or Guest Ranch. Farm stay accommodations may be offered in a variety of formats including but not limited to guest rooms in the principal dwelling, guest rooms in accessory buildings,

campsites where guests bring their own accommodations, or sites where permanent freestanding recreational structures are in place (cabins, yurts, permanent tents, and the like). Farm Stays are classified as an ***Agricultural Tourism Business***.

Feedlot. See ***Concentrated Animal Feeding Operations (CAFO)***.

Fence. Any permanent or temporary means, partition, structure, or gate erected as a dividing structure or barrier for the purpose of enclosing property and not part of a structure requiring a building permit. Walls used in this manner shall be considered a fence. A single strand of wire shall not be considered a fence.

Fence Height. The vertical distance from the lowest part of the fence structure to the highest part of the fence structure. When all or part of a fence is installed on wooden, concrete, asphalt, earthen, or masonry walls, berms, paving, driveway, or fill materials that are used for the purpose of enclosure or as a base or support for an enclosure, the height of such items shall be included in the measurement of fence height when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected).

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

Floor Area, Usable. That area of a 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 utilities or for the storage or processing of merchandise, which may include cellars, basements, attics, hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. The usable floor area listed above shall be measured from the interior faces of the exterior walls.

Food Truck. Any structure, vehicle, or trailer designed as a complete and transportable unit and used as a mobile business to sell prepared food or drink for human consumption from a stationary location during serving hours. Food trucks exclude structures which are installed with a permanent foundation as well as tent-walled structures. This definition does not include mobile food trucks which distribute food and drink as they are driving throughout the community (i.e., mobile ice cream truck).

G

Game Preserve/Hunting Preserve. A farm or other rural property with captive game, licensed by the DNR, and used as a "hunt-for-fee" or similar commercial hunting operations in which animals are hunted and taken by clients or customers, who pay for the opportunity to hunt and take game species. Game farms may also be used to buy, breed, observe, and/or sell captive game species, as permitted by the Michigan DNR.

Garage, Private. A detached accessory building or portion of a building used for the storage of passenger vehicles and not more than one (1) truck of a rated capacity of two (2) tons or less.

Garage, Service. See [Automobile Repair Garage](#).

Gasoline Service Stations. Any building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including the use of space or facilities for the refinishing of motor vehicles or for the dismantling, for purposes of reuse or resale, of motor vehicles or parts thereof, or for the outdoor storage or repair of motor vehicles or parts thereof.

Grade. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. For purposes of this Ordinance, the grade shall be the level of the ground adjacent to the wall at the front of the building if the finished grade is level. In the case of lots with a sloping terrain, the grade shall be the average elevation of each face of the building.

Guest House. See [Accessory Dwelling Unit](#).

H

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

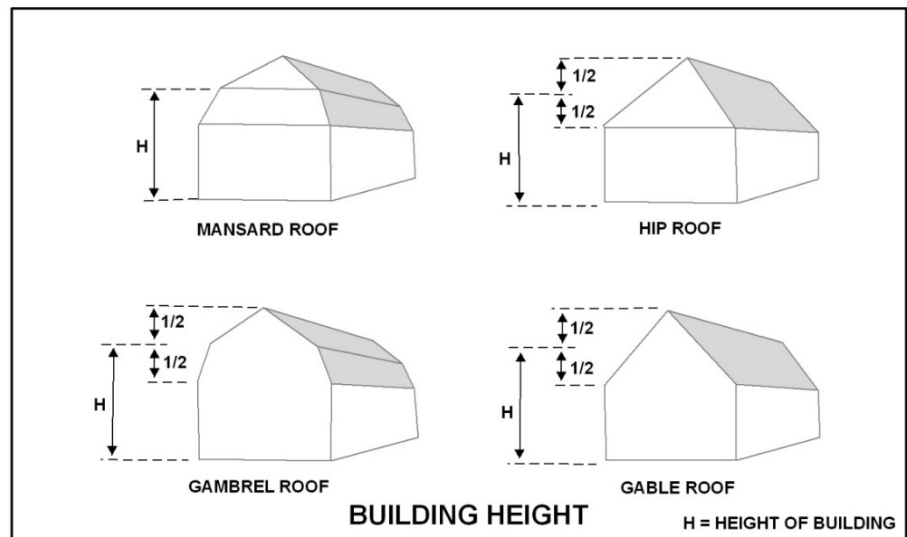
Height of Building. The vertical distance measured from the adjoining established ground level:

A. To the highest point of the ceiling of the top story if a flat roof.

B. To the deck of mansard roofs.

C. To the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

Provided that, however, where buildings are set back from the street line, the height of the buildings may be measured from the average elevation of the finished lot grade at the front of the building.



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Home Occupation. An occupation, profession, activity, or use that is clearly an incidental and/or secondary use of a residential dwelling unit and/or buildings accessory to a residential dwelling unit.

Homeless Shelter. See [Residential Human Care Facility](#).

Hotel/Motel. A commercial building or part of a commercial building used for transient occupancy which may include any of the following services: housekeeping, front desk service, continental breakfast, bellhop service, restaurant, drinking establishment, meeting rooms, banquet halls, or similar services. The term "hotel" or "motel" shall include motor courts, motor lodges, and similar facilities within this definition, but it shall not include resorts, bed and breakfast establishments, rooming/boarding houses, short term rentals, or multiple-family dwellings.

I

Impervious Surface. Any material which prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils including building, asphalt, concrete, gravel, and other surfaces. For the purpose of calculating stormwater runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives, and parking lots.

Inn. A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short-term basis (less than thirty (30) consecutive days) and which offers meals to the public for compensation.

J

Junk. All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, or discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Junk Yard. Any open area trading in or handling waste, discarded, used, or salvaged materials or articles.

K

Kennel. Any building or land used for the sale, boarding, or breeding of dogs, cats, or other household pets for commercial purposes.

L

Landscaping. Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces, and garden structures.

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Livestock. Those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, camelids, goats, bison, privately owned cervids (ex: deer), ratites (ex: ostrich), swine, equine, poultry, and rabbits. For the purpose of this Ordinance, livestock does not include dogs and cats.

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

Lot. The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures but not including any area within any abutting right-of-way. The boundaries of the lot shall be determined by its lot lines. See also [Zoning Lot](#).

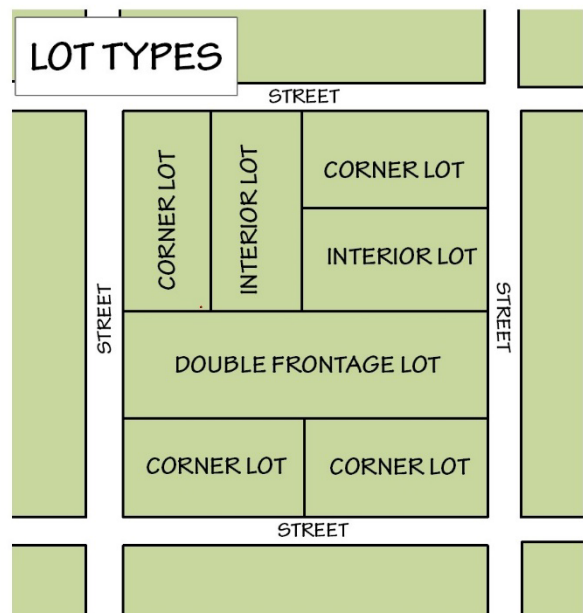
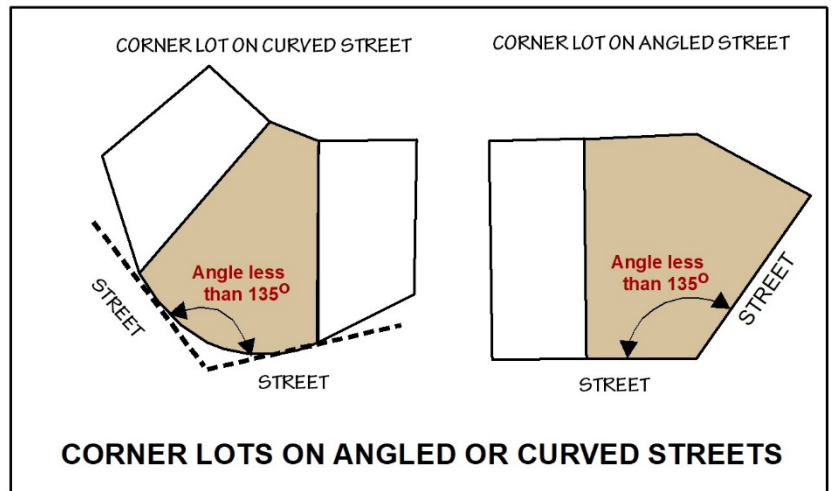
Lot, Corner. Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its point 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 one hundred thirty-five (135) degrees.

Lot, Double Frontage. A lot other than a corner lot having frontage on two (2) more or less parallel roads. The required front setback shall be met on both streets.

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

Lot Area. The total horizontal area within the lot lines of the lot.

Lot Line. Any line bounding a lot.



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- A. **Lot Line, Front.** The line separating the lot from the street. In the case of a corner lot, the line separating the lot from the narrowest side of the lot from the street. In the case where both streets are of equal frontage, then the front lot line shall be that side on which an address is assigned. In the case of a waterfront lot, the front lot line shall be that which abuts the ordinary high water mark.
- B. **Lot Line, Rear.** The line opposite to and most distant from the front lot line. In irregularly-shaped lots, it shall be the straight line entirely within the lot, ten (10) feet long parallel to and most distant from the front lot line.
- C. **Lot Line, Side.** Any line other than the front or rear lot line.
- D. **Lot Line, Street or Alley.** Any line separating a lot from a street or alley.

Lot of Record. A parcel of land defined by a legal description and recorded in the office of the County Register of Deeds, or site condominium unit established and recorded by Master deed in the County Register of Deeds on or before the effective date of this Ordinance.

Lot Width. The distance between side lot lines as measured at the front setback line.

M

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. This definition does not include a recreational vehicle. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974](#), as amended. Also called a mobile home.

Manufactured Home Site. A plot of ground within a manufactured housing community designed for the accommodation of one (1) manufactured home.

Manufactured Housing Community. A lot which has been planned and improved for the placement of three (3) or more manufactured homes for residential dwelling use and is licensed by the State of Michigan.

Manufacturing, Heavy. The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

Manufacturing, Light. The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include

but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

Marihuana.

- A. ***Department.*** The Department of Licensing and Regulatory Affairs or any successor agency.
- B. ***Marihuana.*** That term as defined in Section 7106 of the [Public Health Code, 1978 PA 368](#), MCL 333.7106.
- C. ***Adult-Use Marihuana Establishment.*** An enterprise at a specific location at which a licensee is licensed to operate under [Initiated Law 1 of 2018, Michigan Regulation and Taxation of Marihuana Act](#), MCL 333.27951 et seq.; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility herein referred to as “marihuana facility” or “marihuana facilities.”
 1. ***Marihuana Grower.*** A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments/facilities.
 - a. ***Class A Grower*** – maximum of one hundred (100) marihuana plants as defined in the MRTMA.
 - b. ***Class B Grower*** – maximum of five hundred (500) marihuana plants as defined in the MRTMA.
 - c. ***Class C Grower*** – maximum of two thousand (2,000) marihuana plants as defined in the MRTMA.
 2. ***Marihuana Microbusiness.*** A person licensed to cultivate not more than one hundred fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
 3. ***Marihuana Processor.*** A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
 4. ***Marihuana Retailer.*** A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.
 5. ***Marihuana Secure Transporter.*** A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
 6. ***Marihuana Safety Compliance Facility.*** A person licensed to test marihuana, including certification for potency and the presence of contaminants.

- D. **Medical Marihuana Facility.** An enterprise at a specific location at which a licensee is licensed to operate under [2016 PA 281, Medical Marihuana Facilities Licensing Act](#), MCL 333.27101 et seq.; including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility herein referred to as “marihuana facility” or “marihuana facilities.” The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the [Michigan Medical Marihuana Act](#), MCL 333.26421 et seq.
1. **Marihuana Grower.** A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a marihuana establishment/facility.
 - a. **Class A Grower** – maximum of five hundred (500) marihuana plants as defined in the MMFLA.
 - b. **Class B Grower** – maximum of one thousand (1,000) marihuana plants as defined in the MMFLA.
 - c. **Class C Grower** – maximum of fifteen hundred (1,500) marihuana plants as defined in the MMFLA.
 2. **Marihuana Processor.** A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
 3. **Marihuana Provisioning Center.** A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this act.
 4. **Marihuana Safety Compliance Facility.** A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
 5. **Marihuana Secure Transporter.** A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- E. **MMFLA.** The [Medical Marihuana Facilities Licensing Act](#), MCL 333.2701 et seq. as amended.
- F. **MMMA.** The [Michigan Medical Marihuana Act](#), MCL 333.26421 et seq. as amended.

G. **MRTMA.** The [Michigan Regulation and Taxation of Marihuana Act](#), MCL 333.27951 et seq., as amended.

H. **MTA.** The [Marihuana Tracking Act](#), MCL 333.27901 et seq., as amended.

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

Mini-Storage. Groups of buildings that contain individual compartmentalized and controlled access stalls or lockers (sometimes in varying sizes) for dead storage of customer's goods or wares.

Mixed Use Development. More than one (1) type of development on a single lot (for example: residential and commercial on one (1) lot).

Motel. See [Hotel/Motel](#).

N

Nonconforming Lot of Record. A lot of record that legally existed on or before the effective date of this Ordinance or any amendment to this Ordinance which does not meet the dimensional requirements of this Ordinance or amendment.

Nonconforming Sign. A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one (1) or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Structure. A building or structure lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the zoning district in which such building or structure is located.

Nonconforming Use. A use lawfully occupying a building or land on the effective date of this Ordinance, or amendment thereto, that does not conform to the use regulations of the zoning district in which it is located.

Non-Participating Lot. One (1) or more lots for which there is not a signed lease or easement for the development of a solar facility, wind energy facility, battery energy storage facility, or wireless facility associated with the applicant project.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing, act, or practice; a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the lot line of another so as to cause harm or discomfort to the owner or resident of that property. Examples of nuisances include but are not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people particularly at night,

vehicular traffic, burned-out structures, and condemned structures.

Nursing Home. See [Convalescent or Nursing Home](#).

O

Ordinary High Water Mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water are so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten (10) year flood limit line.

Outdoor Commercial Recreational Facility. A commercial business that provides amusement facilities, such as, but not limited to, miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions, and open to the general public.

Outdoor Furnace. Any equipment, device, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or heating of water.

Outdoor Sales/Rental Facility. Includes uses operated for profit, substantially in the open air, including sales and rental of the following (new or used): bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured/mobile homes, snowmobiles, farm implements, swimming pools, contractor's equipment, lawn equipment, and similar items. Repair of such items may be an accessory use.

P

Parcel. See [Lot](#).

Parking Lot, Off-Street. A facility providing a means of temporarily storing a motor vehicle in a defined space and including adequate aisles and drives for maneuvering such motor vehicle, including access for entrance and exit so as to accommodate two (2) or more vehicles.

Parking Space, Motor Vehicle. Any accessible area of not less than one hundred eighty (180) square feet exclusive of access drives and aisles and which is not located on a public street or alley right-of-way and has a shape satisfactory for such use.

Participating Lot. One (1) or more lots under a signed lease or easement for development of a solar facility, wind energy facility, battery energy storage facility, or wireless facility associated with the applicant project.

Patio. A paved open space, used for outdoor living purposes, and constructed of any materials providing a

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hard, durable surface, placed directly on the ground.

Performance Guarantee. A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the Township.

Permitted Use. A use by right which is specifically authorized in a particular zoning district.

Person. An individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

Pet, Domestic. Only such animals as may commonly be housed within domestic living quarters and are not considered Exotic Pets.

Pet, Exotic. Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, venomous, and can be potentially dangerous if they escape. Exotic animals could include but are not limited to nonhuman primates; venomous cold-blooded reptiles or other animals; constrictor snakes three (3) feet or longer; wild or exotic cats including bobcats, cheetahs, lions, panthers, and tigers; non-domesticated carnivores like bears and wolves; sharks; venomous spiders and insects; elephants; camels; wild animals like skunks, raccoons, deer, and badgers; gamecocks and other fighting birds or fowl, and any animal that is predominately wolf or coyote. See [Section 3.27](#).

Petroleum Bulk Plant. An establishment for the storage of petroleum products, in bulk and in packages, for distribution by tank car, tank vehicle, or motor truck.

Planned Unit Development (PUD). A use which allows a development to be planned and built as a unit and which permits upon review and approval, variation in many of the traditional controls related to density, land use, open space, and other design elements, and the timing and sequencing of the development.

Planning Commission. The body appointed by the Township Board under the provisions of the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended, MCL 125.3801 et. seq. For the purpose of this Ordinance, the term Planning Commission is deemed to mean the Sherman Township Planning Commission.

Plat. A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of the [Land Division Act, 1967 PA 288](#), as amended.

Plot Plan. The drawings and documents depicting and explaining all salient features of a proposed development which requires zoning approval, but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

Porch, Enclosed. A covered entrance to a building or structure which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. Enclosed porches are considered part of the principal building.

Porch, Open. A covered or uncovered entrance to a building or structure which is unenclosed except for columns supporting a porch roof, projects out from the main wall of said building or structure, and has a separate roof or integral roof with the principal building or structure to which it is attached. Open porches are considered part of the principal building.

Principal Use. The main use to which the premises are devoted and the primary purpose for which the premises exists.

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

Public Utility. Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing the following under federal, state, or municipal regulations to the public: electricity, gas, steam, communications, transportation, water, or sewage disposal.

R

Recreational Facilities, Indoor Commercial. Recreational facilities where activities are limited to the inside of the structure including theaters, skating rinks, bowling alleys, curling rinks, and other indoor sports and entertainment facilities.

Recreational Facilities, Outdoor Commercial. A commercial business that provides amusement facilities, such as, but not limited to, miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions open to the general public.

Recreational Vehicle (RV). A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters, and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers. This term does not include manufactured or mobile homes.

Recycling Facility. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

Religious Institutions. A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose. In determining the definition of an organized religious body, the Township will refer to the characteristics, generally attributed to religious institutions/churches, that are used by the Internal Revenue Service to define a religious institution/church.

Residential Human Care Facility. A facility (not within a private residence) providing any of the following:

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- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

Resort. A recreational lodge, camp, or facility operated for gain, and which provides overnight lodging and one (1) or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting, fishing, and related or similar uses normally associated with recreational resorts. A resort may or may not contain a small commercial facility such as a sporting goods store and/or a restaurant. Commercial facilities may be open to non-guests in addition to resort guests.

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

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

Road. Any public or private right-of-way not less than twenty-four (24) feet in width affording a principal means of vehicular access to abutting property.

Road, Private. Any road which is privately constructed and has not been accepted for maintenance by the County Road Commission, State of Michigan, or the federal government.

Road, Public. Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan, or federal government.

Road Right-of-Way. A street, alley, or other thoroughfare or easement permanently established for the passage of persons or vehicles.

S

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, 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.

School. A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Scrap Yard. An establishment where scrap metals are collected, processed, stored, and/or sold.

Seasonal Use. Any use or activity that cannot be conducted or should not be conducted each month of the year.

Seasonal Use/Transient Sales. Sales establishments which exist on a temporary basis such as Christmas tree sales, seasonal produce, and fireworks.

Setback. The minimum required horizontal distance from the applicable front lot line, rear lot line, and side lot line of a lot within which no buildings or structures may be placed. Setbacks are measured from the foundation of the building to the lot line. See [Section 4.3](#) for regulations on measuring setbacks.

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following: (A) adult arcade; (B) adult bookstore or adult video store; (C) adult cabaret; (D) adult motel; (E) adult motion picture theater; (F) adult theater; (G) escort agency; (H) nude model studio; and (I) similar establishments.

- A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one (1) or more of the following:
 1. Books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it

occupies twenty-five (25) percent or more of the floor area or visible inventory within the establishment.

- C. **Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
1. Persons who appear in a state of nudity;
 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 3. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. **Adult Motel.** A hotel, motel, or similar commercial establishment that:
1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

- H. **Escort Agency.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- I. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic devices (resembling human), both physical and digital.
- J. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- K. **Nudity or a State of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals, or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in Section 2 of **Obscene Material, 1984 PA 343**, as amended. MCL 752.362.
 3. Sexually explicit visual material as defined in Section 3 of **Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors, 1978 PA 33**, as amended, MCL 722.673.
- L. **Specified Anatomical Areas.** Means and includes any of the following:
1. Less than completely and opaquely covered:
 - a. Human genitals.
 - b. Pubic region.
 - c. Buttocks.
 - d. Female breast below a point immediately above the top of the areola.
 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- M. **Specified Sexual Activities.** Means and includes any of the following:
1. Human genitals in a state of sexual arousal;
 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus; or
 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
 4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Shipping Container. A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship. Shipping containers include cargo containers, storage units, or other portable structures that are used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials, and merchandise.

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

Short Term Rental. A dwelling which is unoccupied by the owner and which furnishes transient accommodations for compensation for periods of less than thirty (30) days.

Sign. The use of any words, numerals, figures, devices, or designs by which anything is made known, such as to show a message, and is visible to the general public.

A. **Abandoned Sign.** A sign to which any of the following applies:

1. The sign has remained blank over a period of one (1) year.
2. The sign's message becomes illegible in whole or substantial part.
3. A sign which has fallen into disrepair.

B. **Accessory Sign.** A permanent sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the primary sign. Accessory signs provide ancillary information to support the principal use of the premises.

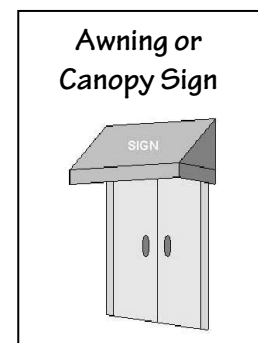
C. **A-Frame Sign.** Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called "sandwich board."

D. **Animated or Moving Sign.** A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

E. **Attention-Getting Device.**

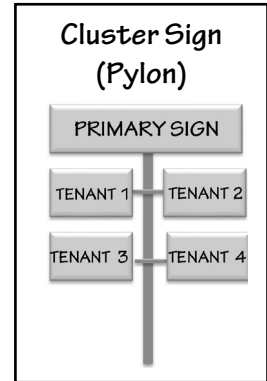
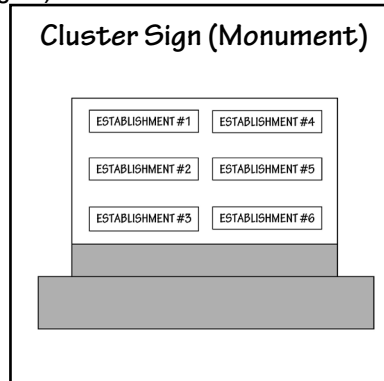
1. **Air Dancers.** A tall inflatable model, usually of a person or an animal, that appears to move around due to air being blown into it.
2. **Feather Banner or Sail Sign.** A temporary banner made of flexible material and typically shaped like a sail or feather that is usually placed in an upright position.

F. **Awning Sign.** A sign painted on, printed on, or attached flat against the surface of an awning. The awning of a building may be made of flexible or rigid material.



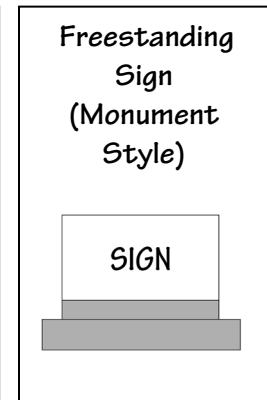
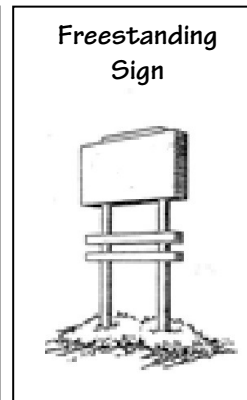
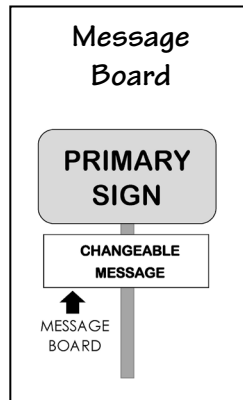
Rigid awnings may be covered in a traditional building treatment (such as siding) or may be covered in traditional roofing materials (such as shingles).

- G. **Cluster Sign.** An on-premises sign which is used for a complex of establishments on one (1) lot and contains multiple signs on one (1) structure and may include one (1) for each establishment and one (1) for the complex as a whole.



- H. **Freestanding Sign.** A sign supported by permanent uprights or braces in the ground. Freestanding signs include monument-style signs.

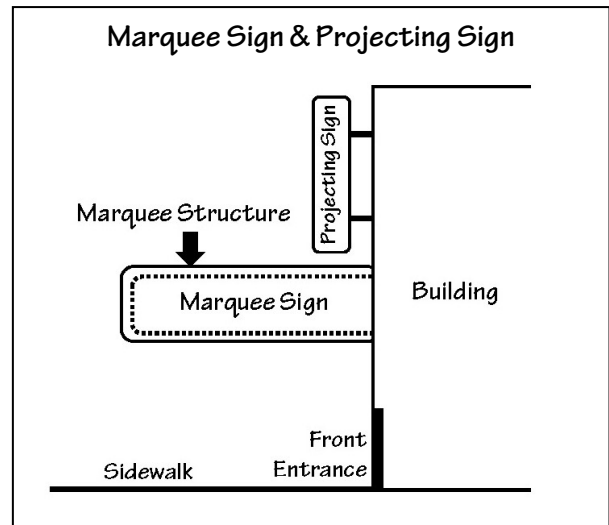
- I. **Marquee Sign.** Any sign attached to or supported by a marquee structure.



- J. **Message Board, Electronic.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

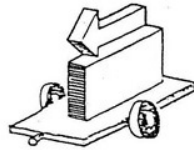
- K. **Message Board, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

- L. **Off-Premise Advertising Sign (Billboard).** Any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign which does not pertain to the premises or to the use of the premises on which the sign is located or to goods sold or services rendered or activities conducted on such premises.



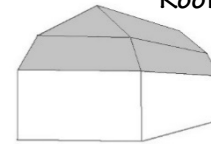
- M. **Portable Changeable Copy Message Board.** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.

Portable
Changeable
Copy Message
Board

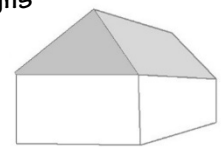


- N. **Projecting Sign.** A sign, other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

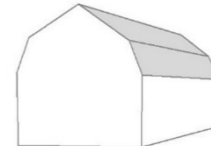
Roof Signs



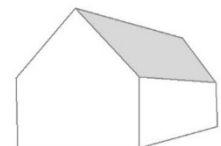
MANSARD ROOF



HIP ROOF



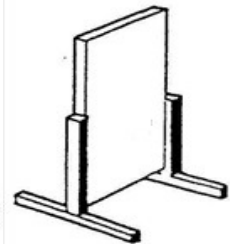
GAMBREL ROOF



GABLE ROOF

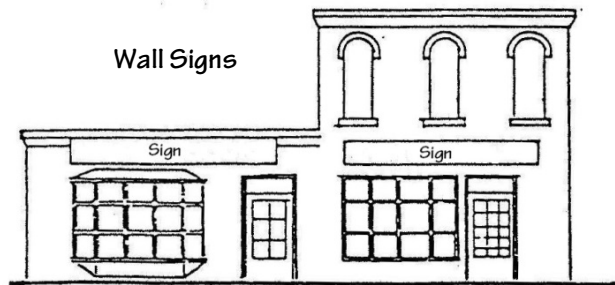
- O. **Roof Sign.** A display sign which is attached to the roof of the building. The roof is the gray area shown in the roof sign figure. Signs which are attached to the building wall and which project above a flat roof are not considered roof signs.

Temporary Signs



- P. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.

Wall Signs



- Q. **Wall Sign.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

Sign Area. The entire area within a circle, triangle, parallelogram, or any other shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together

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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, excluding only the structure necessary to support the sign.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) 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.

Figure A

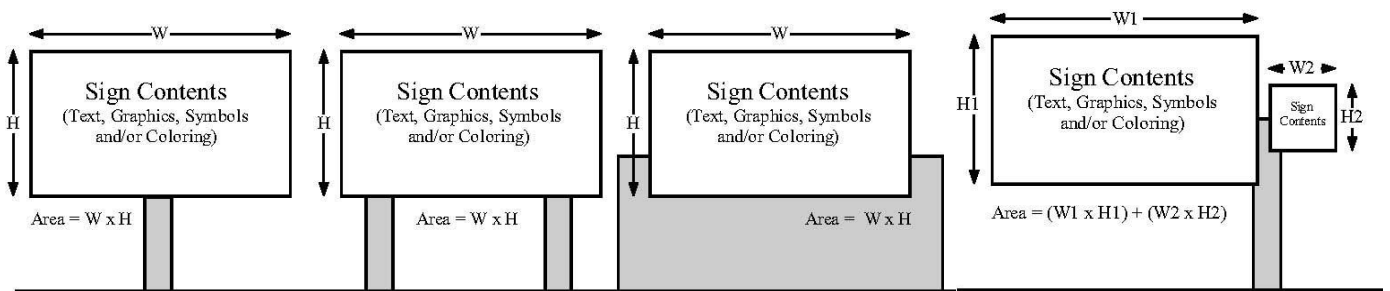
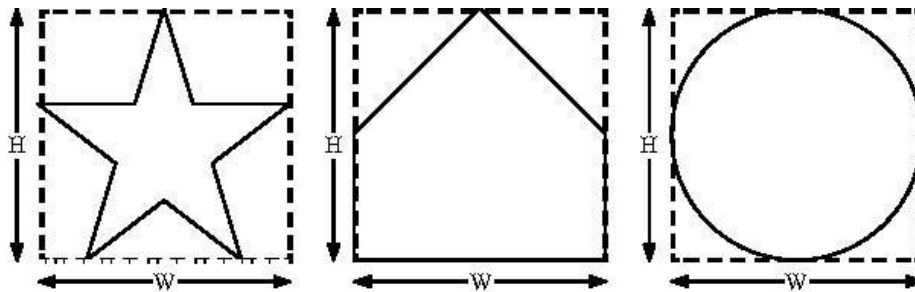


Figure B



Sign Height. The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

Sign Surface. That portion of a sign excluding its base, foundation, and erection supports on which is displayed information.

Site Plan. The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance to determine if the proposed development meets the requirements of this Zoning Ordinance.

Small-Scale Craft Making. Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles, and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

Solar Energy Definitions:

- A. **Solar Energy Facility (Utility Scale).** A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy collection facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
- B. **Solar Energy Panels (Accessory).** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
 1. **Building-Integrated Accessory Solar Energy Panels.** Accessory solar energy panels that are 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.
 2. **Building-Mounted Accessory Solar Energy Panels:** A solar energy system mounted on racking that is attached to or ballasted on the roof or wall of a building or structure.
 3. **Ground-Mounted Accessory Solar Energy Panels.** Accessory solar energy panels mounted on support posts, like a rack or pole that are attached to or rest on the ground.
- C. **Dual Use.** A solar energy system that employs one (1) or more of the following land management and conservation practices throughout the project site:
 1. **Pollinator Habitat.** Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
 2. **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).
 3. **Forage.** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

4. **Agrivoltaics.** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- D. **Maximum Tilt.** The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- E. **Minimum Tilt.** The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- F. **Non-Participating Lot(s).** One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility associated with the applicant project.
- G. **Participating Lot(s).** One (1) or more lots under a signed lease or easement for development of a solar energy facility associated with the applicant project.
- H. **Repowering.** Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.
- I. **Wildlife-Friendly Fencing.** A fencing system with openings that allow wildlife to traverse over or through a fenced area.

Special Use. A use, permitted within certain Zoning Districts, that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special Uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect other properties in the Township.

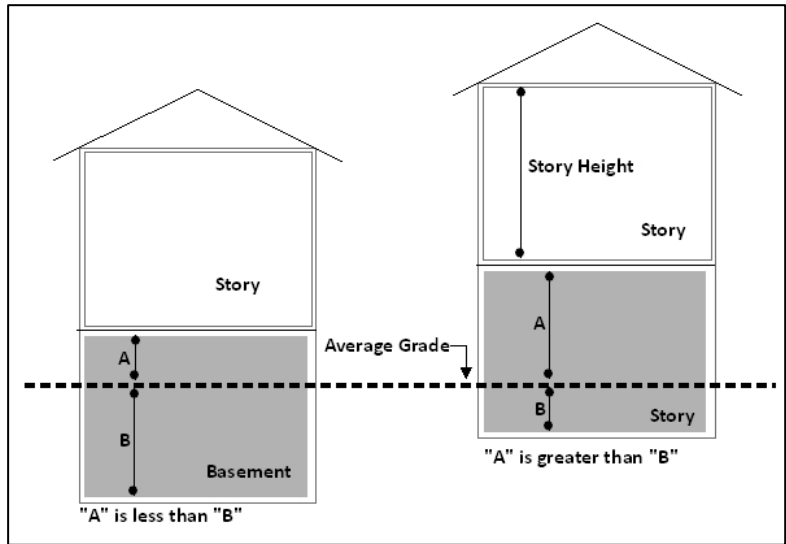
Stable, Private. Any building for shelter of horses not kept for remuneration, hire, or sale.

State-Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the state under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, or the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.

Storage. To leave or deposit in a place for preservation or disposal in one (1) or more of the following ways:

- A. **Storage, Accessory.** Storage which is accessory to the principal use of the premises.
- B. **Mini-Storage.** Groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for dead storage of customers' goods or wares.
- C. **Storage Facility.** A building or property on which storage is carried out as the principal use of the property.

Story. That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more. A basement shall be considered a full story only if fifty (50) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.



Story, Half. 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 (7) feet. For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet of clear height between the floor and ceiling

Street. See [Road](#).

Structure. Anything constructed or erected, the use of which required location on the ground or attached to something having location on the ground.

T

Temporary Event. An event, open to the public, which lasts less than ten (10) days and does not fall under the definition of a [Commercial Event Facility](#).

Tourist Home. See [Bed and Breakfast/Tourist Home](#).

Townhouse. See [Dwelling, Multiple-Family](#).

Tower. See [Wireless Communications](#).

Township. Sherman Township.

Trailer. Any vehicle designed to be drawn by an automotive vehicle.

Travel Trailer. See [Recreational Vehicle \(RV\)](#).

U

Use. The purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

Use, Accessory. See [Accessory Use](#).

Use, Principal. See [Principal Use](#).

V

Variance. A modification of the literal provisions of the Zoning Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of the Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which variance is sought.

W

Warehouse. A property where goods are stored by contract and/or for a valuable consideration, which goods are not intended for sale on those premises.

Wetlands. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh

Wind Turbine Definitions.

- A. **Wind Turbine.** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

- B. **Wind Turbine, Utility-Scale.** A wind turbine designed and used primarily to generate electricity by or for sale to utility companies.
- C. **Wind Turbine, On-Site.** A wind turbine designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
- D. **Wind Turbine Height.** The distance between the ground and the highest point of the wind turbine, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine.
- E. **Ambient.** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
- F. **Anemometer.** A device used to measure wind speed.
- G. **dB(A).** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- H. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- I. **Horizontal Axis Wind Turbine.** A wind turbine in which the rotor(s) rotate around a horizontal shaft.
- J. **Participating Lot.** One (1) or more lots under a signed lease or easement for development of a wind energy facility associated with the applicant project.
- K. **Non-Participating Lot.** One (1) or more lots for which there is not a signed lease or easement for development of a wind energy facility associated with the applicant project.
- L. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- M. **Vertical Axis Wind Turbine.** A wind turbine in which the rotor rotates around a vertical shaft.

Wireless Communications.

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Antenna Array.** One (1) or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

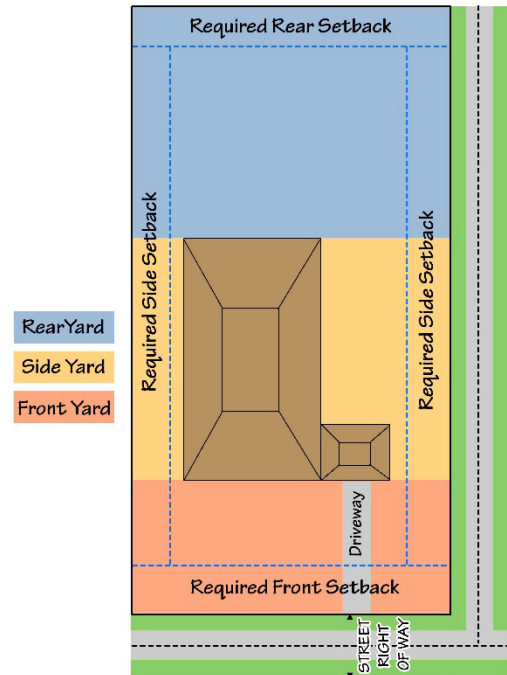
- C. **Co-Location.** The placement or installation of multiple sets of wireless communication equipment on a common support structure, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- D. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility including the Antenna Array.
- E. **FAA. Federal Aviation Administration.**
- F. **Setback.** The required distance from the lot line of the lot on which the Wireless Communication Facility is located to the base of the Support Structure.
- G. **Small Cell Wireless Facility.** A wireless facility that meets both of the following requirements:
 - 1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 - 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- H. **Wireless Communications.** Any FCC-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.
- I. **Wireless Communications Equipment.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- J. **Wireless Communication Facility.** Any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, Wireless Communications Equipment, and sometimes a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.
- K. **Wireless Communication Facility (Ground-Mounted) – also called “Earth Station or Ground Station.”**
A wireless communication facility in which the antenna array is mounted to the ground or other surface and which does not use a Wireless Communications Support Structure (tower).

- L. **Wireless Communications Support Structure (also known as “Tower”).** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Y

Yards. A space open to the sky between a building and the lot lines upon which no structure may be placed except as otherwise provided by this Ordinance.

- A. **Front Yard.** The open space extending the full width of the lot between the principal building and front lot line. For waterfront properties, the front yard is the waterfront yard.
- B. **Rear Yard.** The open space extending the full width of the lot between the principal building and rear lot line.
- C. **Side Yard.** The open space extending from the front yard to the rear yard between the principal building and the side lot line.



Z

Zoning Administrator. The person retained by the Township to administer this Zoning Ordinance.

Zoning Board of Appeals. The Township Zoning Board of Appeals, whose duties and powers are detailed in [Article 8](#).

Zoning District. A portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Enforcement Officer. The person retained by the Township to enforce this Zoning Ordinance.

Zoning Lot. When a lot or lots are used for a single purpose, the lots together are considered one (1) lot for zoning purposes.

Zoning Permit. A zoning permit is written authority issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration, or use of a building or structure in conformity with the provisions of this Ordinance.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Article 3

General Provisions

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Section 3.1 Application of Zoning

A. Purpose.

It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted and Special Uses.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

B. Conformance to Ordinance Required.

1. Except as hereinafter provided, no building, structure, or land shall be used and no building or part thereof or other structure shall be erected, demolished, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations in this Ordinance and a zoning permit has been obtained, where a permit is required. Deer blinds and other similar structures shall not require a zoning permit.
2. No building or other structure shall hereafter be altered:
 - a. To accommodate or house a greater number of persons or families than permitted by the Zoning District or to provide less space per dwelling unit than is specified for the Zoning District in which such building is located.
 - b. To have narrower or smaller rear setbacks, front setbacks, or other side setbacks, other than permitted.
 - c. To exceed the height limitations or to occupy a greater percentage of lot area than is specified for the Zoning District in which such building is located.
3. If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building, or structure shall be deemed a violation of this Ordinance and shall subject to the owner or occupant of the lot to the enforcement provisions of this Ordinance.
4. Zoning affects every structure and use and extends vertically from the ground up.

C. Uses, Activities, and Construction Already Begun.

Any lawful use, activity, building, or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, shall be considered a legal nonconformity and be allowed to remain as such, including completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building, or structure shall be determined by the Township Planning Commission. The Planning Commission may grant an extension beyond the initial one (1) year to complete construction.

C. Nonconformities.

In the event that any lawful use, activity, building, or structure exists at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building, or structure shall be considered a legal nonconformity and shall be allowed to remain

as such and is regulated by [Section 3.15](#) (Nonconformities).

D. Moving of Buildings.

The moving of a building to a different location shall be considered the same as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

E. Demolition of Buildings.

The removal/demolition of a building shall require a zoning permit.

F. New Lots.

All newly created lots shall conform to the minimum lot size standards in [Article 4](#) for the district in which it is located.

G. Required Area or Space.

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

H. Subdivision of Land.

1. All plats submitted to the Township Board pursuant to the [Land Division Act, 1967, PA 288](#) as amended shall be given to the Planning Commission for review with instructions that it shall return the plat to the Township Board with a recommendation whether the lots of said plat are consistent with the minimum lot requirements and other applicable requirements of this Ordinance.
2. Lots in common ownership legally platted under the [Land Division Act, 1967 PA 288](#), as amended, may be sold separately even if such lots do not meet the area requirements specified herein.
3. The division of lots outside of a recorded plat shall conform to this Ordinance. The approval of lot splits outside of a recorded plat shall be the duty of the Township Assessor.

I. Continued Conformance with Requirements.

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

J. Zoning Lots.

When multiple lots are used for a single purpose, the lots together are considered one (1) lot for zoning purposes.

Section 3.2 Principal Uses Per Lot

- A. No lot may contain more than one (1) principal residence.
- B. Lots may contain multiple buildings containing multiple-family dwellings, offices, retail business buildings, or other groups of buildings the Planning Commission considers to be principal structures or uses.

Section 3.3 Restoration of Unsafe Buildings

When any building or part thereof is declared unsafe by the Zoning Administrator, Building Official, or Public Health Inspector, nothing in this Ordinance shall prevent compliance with lawful requirements or the strengthening or restoring to a safe condition.

Section 3.4 Barrier-Free Modification

Nothing in this Ordinance shall prevent the modification of a building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#). A variance may be required for modification as stated herein. The need for such a variance shall be determined by the Zoning Administrator.

Section 3.5 Illegal Dwellings

Garages or accessory buildings shall not be occupied for dwelling purposes except for Accessory Dwelling Units pursuant to [Section 7.3](#). No structure without adequate sanitary facilities or otherwise structurally incomplete shall be used for dwelling purposes.

The use of any portion of a partially completed structure for permanent dwelling purposes shall not be permitted unless a temporary zoning permit has been issued. Garages, accessory buildings, recreational vehicles, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes except as otherwise allowed in this Ordinance.

Section 3.6 Water Supply & Sewage Disposal Facilities

There shall be provided for every building or structure erected, altered, or moved upon any premises and used in whole or in part for human habitation or congregation, including dwellings, business, recreational, commercial, industrial, or other purposes, a safe and sanitary means of collection and disposal of sewage and industrial waste and a safe and sanitary water supply system in accordance with the provisions of the

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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District Health Department.

Section 3.7 Access

A. Access to Public Road Required.

Any lot of record created after the effective date of this Ordinance shall have access to a public road, easement which provides access to a public road, or with access to an approved private road, except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable provisions of the Ordinance.

B. Access through Yards.

Access drives may be placed in the required front, side, or rear setbacks so as to provide access to the lot and/or buildings. Further, at-grade driveway and walkway materials such as pavement, concrete, crushed stone, gravel, and similar materials shall not be considered structures and shall be allowed in any setback.

Section 3.8 Essential Services

- A. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.
- B. Buildings and facilities designed to house essential services are considered Special Uses and shall meet the setback and dimensional requirements of the respective districts.
- C. Wireless communications facilities, small cell wireless facilities, alternative tower structures, antennas, wind turbines, anemometer towers, battery energy storage facilities, and solar energy facilities shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

Section 3.9 Accessory Buildings & Structures

Except as otherwise permitted in this Ordinance, residential and non-residential accessory buildings and structures shall be subject to the following regulations:

A. Permit Required.

All accessory buildings require a zoning permit.

B. Attached Accessory Building.

Authorized accessory buildings may be erected as part of the principal building or may be connected to the principal building by a roofed porch, patio, breezeway, or similar structure or may be completely detached from the principal building. Where any accessory building is attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining required setbacks.

C. Number Allowed.

There is no limit to the number of accessory buildings that may be erected on a lot.

D. Dimensional Standards.

1. **Setbacks.** A detached accessory building shall be located no closer to a front, side, or rear lot line than the permitted distance for the principal structure on the same lot.
2. **Height.** No accessory building situated shall exceed the height limitations of the district where located. These requirements shall not apply to farm buildings.

E. Nontraditional Storage Facilities.

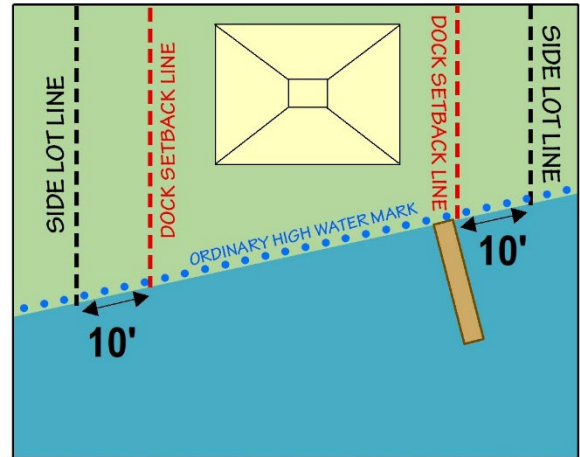
1. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear or side yard only.
2. **Shipping Containers.**
 - a. Shipping containers shall be allowed to be used as accessory buildings for storage purposes only.
 - b. Shipping containers shall meet the setbacks of an accessory building.
 - c. Shipping containers which are visible from a neighboring property or from the road shall be either painted to blend in with the natural landscape or covered in a siding material that would typically be utilized for a principal building.
 - d. Shipping Containers shall be placed on a foundation or gravel surface with adequate drainage pursuant to [Section 3.13](#).
 - e. A shipping container shall not be used as an Accessory Dwelling Unit.
 - f. **Residential Lots.** One (1) shipping container shall be allowed on each zoning lot that is at least one (1) acre in size. A second shipping container shall be permitted for a maximum period of ninety (90) days in a calendar year.

F. Accessory Building as a Dwelling.

An accessory building may be occupied as an accessory dwelling unit upon issuance of a Special Use permit pursuant to the standards in [Section 6.3](#) and [Section 7.3](#). Such accessory dwelling unit shall comply with all provisions of this Ordinance relating to buildings for residential purposes unless superseded by [Section 7.3](#).

G. Docks and Boathouses.

1. Docks and boathouses shall maintain a ten (10) foot setback from the side lot lines and shall not be subject to a setback from the water.
2. Permanent docks and boathouses require a zoning permit. Seasonal structures do not require a zoning permit.



H. Accessory Structures.

1. **Electric/Vehicle Charging Stations.** Electric vehicle charging stations shall be considered an accessory structure. Electric vehicle charging stations shall be allowed in any yard and shall be setback at least ten (10) feet from the front lot line. Electric vehicle charging stations shall adhere to the side and rear setbacks listed in [subsection D](#) above.
2. **Private Swimming Pools.** Swimming pools may be located in any yard.
3. **Accessory Solar Panels.** See [Section 7.21](#).
4. **On-Site Wind Turbines.** See [Section 7.19](#).
5. **Outdoor Furnaces.** Outdoor furnaces shall comply with this Section and shall meet applicable state and/or county requirements.

Section 3.10 Recreational Vehicles

This Section applies to recreational vehicles outside of a licensed campground or RV Park.

A. General.

1. A recreational vehicle is not to be considered a residential dwelling unit.

2. Recreational vehicles shall not become permanent structures on a lot. The wheels and/or towing mechanism shall not be removed from a recreational vehicle. No foundation or anchoring shall be added to a recreational vehicle.
3. No permanent structures (such as decks or additions) shall be attached to a recreational vehicle.
4. No recreational vehicle shall be placed on a lot and rented out as temporary or permanent living quarters for compensation.
5. Recreational vehicles (vacant or occupied) shall comply with the district setback as a principal building.

B. Occupancy of Recreational Vehicles.

1. No more than three (3) occupied recreational vehicles shall be located on a vacant or developed zoning lot at any one time. No vacant or developed lot shall contain an occupied recreational vehicle for more than ninety (90) days per calendar year. The Zoning Administrator may allow more than three (3) recreational vehicles on a zoning lot in the case of a special event lasting no longer than one (1) week. A zoning permit is required to be issued prior to the start of the special event.
2. Occupied recreational vehicles shall be equipped with holding tanks and freshwater or located upon premises having running water and sewage facilities.
3. A zoning permit is required for an occupied recreational vehicle.
4. Seasonal workers are exempt from subsection B.1 and B.3.
5. Waste shall be disposed of properly.

C. Open Storage of Recreational Vehicles. The following applies to recreational vehicles which are not being stored at a commercial recreational vehicle sales, repair, and storage facility. Recreational vehicles which are stored on a lot shall have valid license plates and shall be in a usable condition.

1. **Open Storage on a Vacant Zoning Lot.** An annual zoning permit is required. Zoning permits for open storage on a vacant lot shall expire at the end of the calendar year.
 - a. **Lots One (1) Acre or Less in Size.** No more than one (1) recreational vehicle shall be stored on a vacant zoning lot at any one time (unless inside a building).
 - b. **Lots Greater Than One (1) Acre in Size.** No more than two (2) recreational vehicles shall be stored on a vacant zoning lot at any one time (unless inside a building).
2. **Open Storage on a Developed Zoning Lot.**

- a. **Lots One (1) Acre or Less in Size.** No more than one (1) recreational vehicle shall be stored on a developed zoning lot at any one time (unless inside a building).
- b. **Lots Greater Than One (1) Acre in Size.** No more than two (2) recreational vehicles shall be stored on a developed zoning lot at any one time (unless inside a building).

Section 3.11 Temporary Dwellings During Construction

Temporary dwellings shall be permitted during the construction of a permanent dwelling and shall conform to the following:

- A. The location of the temporary dwelling shall conform to the provisions governing setback requirements of standard dwellings in the district where located. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not possible or would cause practical difficulties.
- B. A zoning permit shall be required.
- C. The use of the temporary dwelling shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection and completion but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator when he or she finds there is good cause for the extension and upon sufficient showing that the house construction could not be completed within said one (1) year but has substantially progressed during said period. The Zoning Administrator may require a performance bond conditioned upon the removal of the temporary dwelling from the premises within the time limited in an amount satisfactory to said board.
- D. The temporary dwelling shall be removed within thirty (30) days of completion of construction of a dwelling complying with the requirements of this Ordinance with the exception of recreational vehicles which are being kept on the property pursuant to [Section 3.10](#).
- E. Installation of a septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by [District Health Department #2](#) and shall precede occupancy of the temporary dwelling.
- F. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose and on the copy retained for filing by the township that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- G. No annexes or additions shall be added to temporary dwellings.

Section 3.12 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator when he or she finds there is good cause for the extension.

Section 3.13 Stormwater Retention & Drainage

- A. Drainage in excess of natural conditions shall be retained on site. This provision may require stormwater retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing stormwater ditch, stormwater pipe, or through other stormwater facilities that will be developed at the same time as the proposed new use. Written approval from the **Michigan Department of Transportation (MDOT)** shall be required for an additional site run-off directed into a state trunkline ditch.
- B. The use of swales, rain gardens, and vegetated buffer strips is encouraged in cases where the Planning Commission deems it to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants. Such systems shall be permitted within required setbacks.
- C. Rainwater collection systems on roofs may be utilized to fulfill some stormwater management requirements.
- D. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage on abutting premises in excess of natural conditions or in an unnatural, concentrated manner that will cause damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

Section 3.14 Dwelling Standards for Manufactured Homes on Individual Lots

Manufactured homes shall meet the standards for minimum lot size, setbacks, minimum floor area, and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission/State of Michigan **Administrative Code** requirements.
- B. Manufactured homes shall be installed according to the manufacturer's setup requirements, and the United States Department of Housing and Urban Development (HUD) regulations entitled "**Manufactured Home Installation Standards**" and the construction of the unit shall comply with the

National Mobile Home Construction and Safety Standards Act of 1974. Proof of compliance with HUD code shall be required.

- C. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- D. Manufactured homes shall not be used as accessory buildings.
- E. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.
- F. No unoccupied manufactured home shall be stored on any lot in the Township.
- G. Manufactured homes shall comply with all other applicable codes.

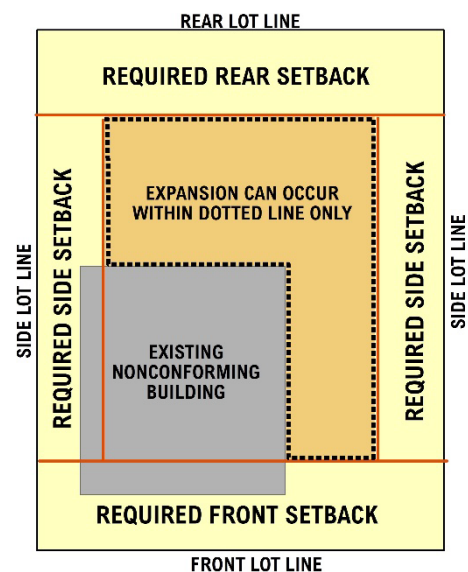
Section 3.15 Nonconformities

The purpose of this Section is to provide regulations governing lots, buildings, structures, and uses which were legal before this Ordinance was adopted or amended but which are now prohibited, regulated, or restricted. It is the intent of this Section to permit these lots, buildings, structures, and uses referred to as nonconformities, to remain until they are discontinued or removed. These nonconformities are declared by this Ordinance to be incompatible with the lots, buildings, structures, and uses permitted by this Ordinance in certain districts. The regulations contained in this Section are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between themselves and the districts in which they are located.

A. Nonconforming Buildings/Structures.

- 1. **Alteration.** A nonconforming building/structure may be enlarged or altered in a way that does not increase its nonconformity.
- 2. **Damage.** A nonconforming building/structure damaged or completely or partially removed by purposeful removal, fire, explosion, the public enemy, or Act of God may be rebuilt to its original configuration if the existing foundation is found, by the Building Inspector, to be reusable. If the foundation is not reusable, then the building shall conform to the standards in this Ordinance.

Alteration of Nonconforming Building



3. **Repair.** Nothing in this Ordinance shall prevent reasonably necessary repairs to a nonconforming building/structure.
4. **Re-Location of a Nonconforming Structure.** Should a nonconforming building/structure, which is nonconforming due to insufficient setbacks, be moved for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

B. Nonconforming Uses.

1. **Change of Use.** A nonconforming use shall not be changed to other than a conforming use, nor shall any nonconforming use be reverted to a former nonconforming use after use has been changed to a conforming use.
2. **Expansion or Enlargement.** No nonconforming use shall be enlarged or expanded nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance except as provided below:
 - a. **Expansion or Enlargement.** Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming use of land, the Planning Commission, by following the Special Use Permit notice provisions of this Ordinance, may allow an expansion or enlargement, provided that it is conclusively shown that such expansion or enlargement:
 - (1) Will not reduce the value or otherwise limit the lawful use of adjacent premises.
 - (2) Will essentially retain the character and environment of abutting premises.
 - (3) Will not cause, perpetuate, or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion, or land overcrowding).

The Special Use review standards in [Section 6.3](#) do not apply.

- b. **Expansion Throughout a Building.** Any nonconforming use may be carried on or expanded throughout any parts of a *building* which were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Ordinance.
3. **Damage.** In the event that fire, explosion, the public enemy, Act of God, or purposeful removal destroys, damages, or removes an existing structure devoted to a nonconforming use, the structure may be reconstructed but shall not exceed the floor area prior to damage to the building. The renovation or replacement of a damaged structure devoted to a nonconforming use shall require approval using the Special Use process.
4. **Abandonment.** If a property owner has an intent to abandon a nonconforming use and in fact abandons this nonconforming use for a period of one (1) year or more, then any subsequent use

shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:

- a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- b. Whether the property, buildings, and grounds have fallen into disrepair.
- c. Whether signs or other indications of the existence of the nonconforming use have been removed.
- d. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
- e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

C. Nonconforming Lots.

In any district, principal structures/buildings and customary accessory buildings may be erected on any nonconforming lot which was a lot of record at the time of adoption of this Ordinance, provided a permit for construction of a well and septic system is granted by the [District Health Department #2](#) and that setback variances are obtained through approval of the Zoning Board of Appeals, if necessary.

D. Compliance with Building Code, ADA, and Sanitary Code.

Nothing in this Section shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the [Americans with Disabilities Act](#). Nothing in this Section shall prevent any alteration, improvement, or repair as required by the Health Department as necessary to protect the public health, safety, and welfare.

E. Change in Tenancy or Ownership.

There may be a change of tenancy, ownership, or management of any existing nonconforming use, nonconforming building/structure, or nonconforming lot which does not alter its nonconforming status.

F. Elimination of Nonconformities.

The existence of nonconforming uses and structures is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the Township as expressed in this Ordinance to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses and structures which constitute a nuisance or are detrimental to the public health and general welfare, the

Township, pursuant to Section 208 (3) and (4) of **2006 PA 110**, as amended (Michigan Zoning Enabling Act, being MCL 125.3208) may acquire, by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures provided, however, that such property shall not be used for public housing. The Township Board may, at its discretion, provide that the cost and expense of acquiring such private property be paid from general funds or the cost and expense or any portion thereof be assessed to a special district.

Section 3.16 Groundwater Protection

These provisions apply to uses that use, generate, or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month:

- A. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- E. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five-year intervals.

Section 3.17 Dumping of Materials

- A. **Storage and/or Dumping of Waste or Junk Outside of an Approved Junkyard, Scrap Yard, or Salvage Yard.**
 1. The use of land or water resources for the storage, collection, or accumulation of used construction materials or for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, ash (except for those properly sealed or adequately concealed materials discharged in the process of industrial manufacturing or in the performance of normal household or farming activities on the same lot on which the premises are located) shall not be permitted, except in such cases where a temporary permit is obtained from the Zoning Administrator, upon approval of the Township Board,

after a public hearing. Such permit shall not exceed one (1) year from the date of issuance and may be renewed on an annual basis only after a public hearing is held and approval granted by the Township Board.

2. An appropriate bond and agreement shall be required of the applicant to ensure compliance with the directives set forth by the Township Board. Such dumping or disposal shall not negatively affect the water table nor cause pollution of stagnant or running water in any area of the Township so as to create health or safety problems to the natural environment and the inhabitants of the Township. The natural terrain shall not be altered in any fashion to create safety or health hazards at the expiration date of the permit or substantially alter the character of the land so as to make it unusable for the uses for which it was originally zoned.

B. Hazardous Substances.

1. Dumping of materials and/or nuclear wastes shall not be allowed within the Township except as permitted by [1978 PA 113](#), State of Michigan.
2. All toxic wastes or hazardous substances shall be disposed of in accordance with all state or federal laws, rules, and regulations governing the disposal of specific toxic substances.
3. Dumping of sewage is not permitted.

Section 3.18 Performance Standards

A. Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Township. During times of stockpiling or removal, excavation or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

B. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in state and/or federal regulatory agency air/water quality permit(s). As part of the Zoning Permit review, the applicant shall demonstrate that

all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.

2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by state and/or federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors and to comply with any new standards required as part of renewed or new state and/or federal regulatory agency environmental permits.

C. Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

D. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

E. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

F. Noise.

Noise shall conform to the Sherman Township Noise Ordinance.

G. Vibration.

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

Section 3.19 Fences

A. Zoning Permit.

1. A zoning permit is required for perimeter fences which are which are located in the required setback of the principal building.
 - a. A zoning permit with a fee is required for fences which are greater than four (4) feet in height.
 - b. A no fee zoning permit is required for fences which are four (4) feet or less in height.
2. Hedges used to enclose a property or to separate a property from an abutting property do not require a zoning permit but shall meet the standards of this Section.

B. Agricultural Fences.

Fences used for agricultural purposes shall not be subject to the provisions of this Section and do not require a zoning permit.

C. Lot Line Determination.

In the installation of any fence, the property owner is responsible for the location of lot lines and should obtain a professional survey if necessary to determine accurate lot lines. The township may require a professional survey prior to issuing a zoning permit for a fence. The Township shall not be held responsible for any lot line or fence disputes between adjacent property owners.

D. Materials.

1. Fence materials shall only include materials specifically designed for fence construction.
2. In the Commercial District and Industrial District, barbed wire shall not be used at a height less than six (6) feet.

E. Finished Side of Fence.

The “finished” side of the fence shall be the side facing a street right-of-way or facing property other than the property of the fence owner. The fence posts and horizontal/vertical supports shall face the side of the fence owner.

F. Fence Location and Height.

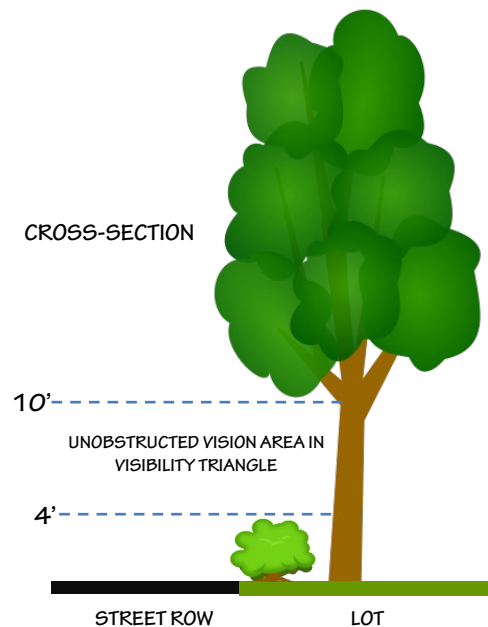
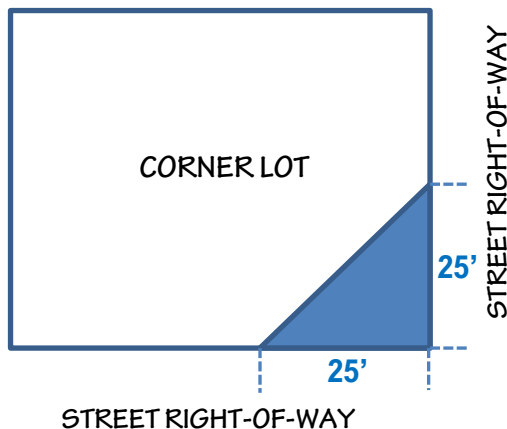
Fences (including walls or hedges) may be permitted on any property in any District, and shall be subject to

the following:

1. **Height.**
 - a. **Fences on Residential Lots.** Fences shall not exceed a height of six (6) feet.
 - b. **Fences on Non-Residential Lots.** Fences shall not exceed a height of six (6) feet. The Planning Commission has the authority to permit fences higher than six (6) feet.
2. **Setback.** Setbacks shall be measured from the lot line/right-of-way. While no specific setback is required, all portions of the fence shall be on the fence owner's property.

Section 3.20 Corner Visibility

To maintain traffic visibility, no building, structure, trees, bushes, or other obstructions exceeding four (4) feet in height, except open fences through which there shall be clear vision shall be erected, shall be planted or maintained in the triangular area formed by the right-of-way lines of two (2) intersecting streets and a line connecting them twenty-five (25) feet from the point of intersection. A clear area shall be kept in this unobstructed corner between the heights of four (4) feet and ten (10) feet.



Section 3.21 Buffering

A. Screening/Buffer Strip.

Whenever a nonresidential use abuts a residential district or use, there shall be provided and maintained, on each side lot line and the rear lot line of the property, an obscuring fence, wall, vegetative buffer, or a combination thereof which shall be no less than six (6) feet in height. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.

1. **Screening Fences and Walls.** Solid fences, walls, chain-link, or other wire fences utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.
2. **Vegetative Buffer Strip.** The Township may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence or wall or berm to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.
 - a. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect, of such height and width as is determined adequate by the Planning Commission, for proper screening between land uses.
 - b. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
3. **Berms.** The Planning Commission may approve an earth berm to achieve a portion or all of the buffering requirement. When such a berm is provided, it shall be landscaped and maintained in a clean and orderly growing condition and shall meet the following design standards:
 - a. The berm shall be natural in appearance. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. The side slopes shall be protected from erosion by sodding or seeding. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) feet run ratio.
 - b. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.
 - c. Berms shall be constructed in a way that does not alter drainage patterns on-site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.

- d. Trees shall be allowed to be placed on berms.
- e. No buildings or any structures shall be permitted upon or within any berm.
- f. The Planning Commission shall review the effectiveness of an earth berm against other screening devices set forth in this Ordinance and determine if the berm is an acceptable alternative. The Commission, in making its review, shall consider the type of objects to be screened, the type of land use that the objects are to be screened from, topographic conditions in the area, and general appearances.

B. Installation and Maintenance.

- a. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.
- b. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

C. Screening/Buffering Plans.

The plans for required protective screening shall be submitted to the Zoning Administrator for recommendations as to the suitability and arrangement of planting material. Any limbs, shrubs, or bushes which extend into the property of an abutting residential property owner may be trimmed back by the residential property owner.

D. Waiver.

The Planning Commission may waive or modify any requirements in this Section where cause can be shown that no good purpose would be served with conformance to this Section and that:

- 1. Granting the modification or waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
- 2. Granting the modification or waiver will not otherwise impair the public health, safety, and general welfare of the residents.
- 3. Granting the modification or waiver will uphold the spirit and intent of this Ordinance.

Section 3.22 Landscaping

A. General.

Landscaping is required for all new buildings and additions which require site plan review by the Planning Commission (see [Table 5.1](#)). Said landscaping shall be completed within one (1) year from the date of occupancy of the building.

B. Design.

1. **Clear Vision.** No landscaping shall interfere with or obstruct the vision of traffic pursuant to [Section 3.20](#).
2. **Front Yards.** Front setbacks shall be completely landscaped, except for those areas occupied by access driveways, walls, and structures.
3. **Roadside Side Yards.** All flanking roadside setbacks shall be completely landscaped, except for those areas occupied by utilities, access driveways, paved walks, walls, and structures.
4. **Existing Plant Material.** Existing plant material, which complies with the standards and intent of this Ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
5. **Maintenance.** All live landscaping required by this Ordinance shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodded areas mowed, on a regular basis. All landscaping elements shall be maintained so as to not interfere with or obstruct traffic vision or create any hazard. The Zoning Administrator may extend the period to replace unhealthy and dead material to within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Section 3.23 Outdoor Lighting

A. Intent and Purpose.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance:

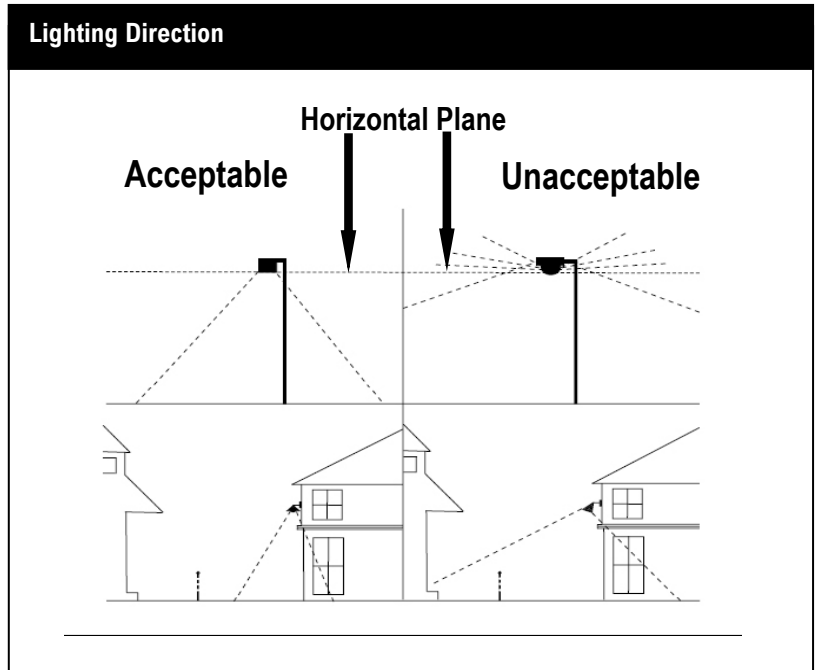
B. General Standards.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
 - a. Residential decorative lighting such as porch or entry lights, ground-level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
 - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
 - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
 - e. Lighting required by the **Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations**, or other applicable federal or state agencies.
 - f. Lighting for school recreational facilities.
2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:
 - a. Private parking lot lighting and site lighting for commercial, industrial, and institutional developments when parking spaces total more than five (5).
 - b. Multiple-family development parking lot lighting and site lighting.
 - c. Privately-owned street lighting.
 - d. Building facade lighting.
 - e. Security lighting, spotlights, and floodlights.
 - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity, and/or glare to the foregoing.
 - g. Standards related to the lighting of signs are contained in **Section 3.26**.
3. **Standards.** Lighting shall be designed and constructed as per the following requirements:
 - a. **Design.** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious with the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.

- b. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
- c. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in [subsection d](#) below, all outdoor lighting in all districts shall be directed

toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the lot line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.



- d. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
- e. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and searchlights are not permitted.
- f. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.
- g. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.

Section 3.24 Voting Place

Nothing in this Ordinance shall be so construed as to interfere with the temporary use of any dwelling or property as a voting place in an authorized public election.

Section 3.25 Parking

A. Purpose.

Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection or alteration of any principal building that is adequate for parking, loading, and unloading of vehicles according to the requirements listed below and including at least the minimum number of spaces required by [Table 3.25.A](#).

B. When Compliance is Required.

Off-street parking and loading provisions of this Section shall apply to the following:

1. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Ordinance.
2. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
3. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use. The occupancy of a building or any part of a building shall not change from one use to a use in another classification unless the minimum parking requirements for the new use are provided.
4. **Parking Area Construction and Expansion.** Normal maintenance, such as re-grading of gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete, or other paved parking surface or the outright removal or substantial modification of the paved surface in preparation for paving, shall, for the purposes of this Section, be considered a new parking area.
5. **Existing Parking.** Regulations pertaining to off-street parking shall not apply to non-residential buildings in existence at the time of adoption of this Ordinance unless subsections 1 through 4 (above) occur. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this Ordinance.

C. Application.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. Any person desiring to establish or change a parking area shall submit plans to the Zoning Administrator showing the location, size, shape, design, 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 Zoning Administrator.
2. The Zoning Administrator may require a performance guarantee pursuant to [Section 9.5](#).
3. A permit issued for a parking area under the provisions of this Ordinance shall be revokable, provided the requirements and conditions in this Section are not complied with.

D. Parking Lot and Space Standards.

1. Non-Residential Uses in All Districts.

- a. **Arrangement.** Off-street parking lots shall be arranged and marked with adequate drives and aisles for safe and convenient maneuvering, giving access to parking spaces, and in no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk.
- b. **Ingress/Egress.** Any construction or rearrangement of existing drives which involve the ingress and/or egress of vehicular traffic to or from a public street shall be arranged so as to ensure the maximum safety and the least interference of traffic upon said streets.
- c. **Surfacing.** Off-street parking and loading areas shall be surfaced with asphalt, bituminous, concrete, pavement, gravel, crushed stone, or other granular materials to provide a durable and reasonably dustless surface, and shall be graded to dispose of all surface water.
- d. **Curbs.** There shall be a curb or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk or right-of-way so designed to prevent any portion of a vehicle from encroaching upon said sidewalk or right-of-way.
- e. **Illumination.** Any lighting used to illuminate any off-street parking and loading area shall be so arranged so as to direct light away from adjacent premises. Lighting shall be directed downward pursuant to [Section 3.23.B.3.c](#).
- f. **Parking Space Dimensions.** No parking space shall be less than one hundred eighty (180) square feet in area, not including access drive and aisles.
- g. **Snow Storage.** Adequate area must be provided for snow piling.
- h. **Handicap Parking.** Handicap parking must be provided as required by state and federal regulations.

- i. **Designation.** Designation of the parking area must be clearly identifiable for use by the public.

2. **Parking Location**

- a. **Single-Family and Two-Family Residential Uses.** Residential off-street parking space shall consist of a parking strip, driveway, garage, or any combination located on the premises they are intended to serve.
- b. **Multi-Family Residential Uses.** Required parking areas shall be provided on the same lot with the building or a lot immediately abutting the lot with the building.
- c. **Non-Residential Uses.** Required parking areas shall be provided on the same lot with the building intended to be served or on a lot immediately adjacent to or across the street from the lot with the building intended to be served.
- d. **Setback for Non-Residential and Multi-Family Uses.** Front and side setbacks for parking areas shall be the same as for principal buildings.
- e. **Screening.** See [Section 3.21 \(Buffering\)](#).
- f. **Ingress/Egress.** Entrance and exit drives in the Commercial and Industrial District shall be at least twenty (20) feet distant from any abutting lot line in the Agricultural/Residential District.

E. **Number of Parking Spaces Required.**

1. **Joint Use.**

- a. **Joint Use with Overlapping Hours.** Nothing in this Section shall be construed to prevent the collective provision of off-street parking facilities for two (2) or more buildings or uses. Provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with [Table 3.25.A](#).
- b. **Joint Use without Overlapping Hours.** Joint use of the same parking area may be permitted for two (2) or more uses located on the same, adjacent, or nearby lots provided that the developer or owner demonstrates to the satisfaction of the Township that the uses will not overlap in hours of operation or in demand for shared spaces. Shared parking shall contain enough parking spaces to satisfy the parking requirements for the use requiring the largest number of spaces. The owners of all lots used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(ies) and shall be recorded with the [Register of Deeds](#). Shared parking areas shall be located not more than five hundred (500) feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.

2. **Uses Not Specified.** For uses which are not specified in [Table 3.25.A](#) below, the Zoning Administrator shall determine a comparable use in [Table 3.25.A](#).
3. **Fractions.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) full parking space.
4. **Double Count.** Loading spaces or access drives, as required in this Ordinance, shall not be construed as part of the minimum required parking spaces for any facility.
5. **Floor Area Calculation.** Required parking area for a building shall be calculated based on the entire floor area of the first floor; parking required for additional stories, including the basement, shall be added to the total of the required area for the first floor. Storage areas on other than the first floor shall not be included in the total floor area.

Table 3.25 (A) Parking Spaces Required

Residential Uses	
Use	Parking Spaces Required
Bed & breakfast facilities/tourist homes/rooming houses	One and one-half (1 ½) parking spaces for each bedroom, guest room, cabin, or trailer parking place.
Group child care homes	Two (2) for each home in addition to the two (2) required for the residence
Home Occupations & Cottage Industries	Two (2) spaces for dwelling use; plus one (1) for each employee; plus additional spaces for Cottage Industry as determined by Planning Commission to accommodate customers or clients
Multiple-family dwellings	Two (2) for each dwelling unit
Single-family and two-family dwellings	Two (2) for each dwelling unit
Institutional Uses	
Use	Parking Spaces Required
Adult foster care homes; convalescent homes	Two (2) for each bed
Child Day Care Centers	One (1) per four hundred (400) square feet of usable floor area, plus one (1) per employee
Churches or similar places of worship; theaters, auditoriums, and assembly buildings	One (1) for each four (4) seats or six (6) lineal feet of seating; plus one (1) for each two (2) employees. Dance halls, roller rinks, and assembly halls without fixed seats – five hundred (500) percent of the floor area used

for dancing or assembly.

Colleges and universities	One (1) for each teacher, employee, or administrator, and one (1) for each ten (10) students
Community center, library, museum, or art center	One (1) space for each two hundred (200) square feet of floor area
Elementary, middle, and junior high schools; trade schools	One (1) for each ten (10) seats in main assembly room, or one (1) for each employee plus two (2) for each classroom, whichever is greater
Government offices	One (1) for every one thousand (1,000) square feet of usable floor area
High schools	One (1) for each six (6) seats in main auditorium or one (1) for each employee; plus one (1) for each four (4) students, whichever is greater
Hospitals	Two (2) for each bed
Library; museum	One (1) per one thousand (1,000) square feet of gross floor area
Post office	One (1) per four hundred (400) square feet of usable floor area, plus one (1) per employee
Private club, fraternity, or dormitory	One (1) per three (3) members or lodgers allowed within the maximum occupancy load as established by local, county or state fire, health, or building codes

Business Uses

Use	Parking Spaces Required
Animal hospital; kennel	One (1) per four hundred (400) square feet of usable floor area, plus one (1) for each two (2) employees
Automobile repair garage	One (1) parking space for each five hundred (500) square feet of floor area.
Bank	One (1) for each one hundred (100) square feet of floor area, but in no case less than five (5) spaces
Beauty parlor or barber shop	Three (3) for each chair or booth
Convenience store, with or without gas station	Four (4) spaces for every one thousand (1,000) square feet of usable floor area, plus spaces required for gas station
Furniture and appliance, household equipment repair shop, hardware store, and similar stores	One (1) per one thousand (1,000) square feet of usable floor area, plus one (1) per two (2) employees

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Gas station	One (1) parking space for each two (2) employees plus one (1) for owner or manager
Hotels and motels	One and one-half (1 ½) parking spaces for each bedroom, guest room, cabin, or trailer parking place. 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 such other uses in accordance with the regulations of this Section for such uses
Laundromats	One (1) for each washer unit
Lumber and supply yards	Two (2) for each employee
Manufacturing or industrial establishments, warehouse similar establishments	Two (2) for each one (1) employee on the largest shift
Mortuary establishment/funeral home	One (1) per twenty-five (25) square feet of floor area of assembly rooms
Motor vehicle wash establishment (self-service)	Three (3) per wash stall
Motor vehicle wash establishment (other than self-service)	Four (4) per maximum capacity as computed by dividing the linear dimension of the mechanical wash/dry operation by twenty (20) feet, plus one (1) per employee
Outdoor sales including automobile sales	One (1) per each five hundred (500) square feet of floor area
Plumbing, printing, and similar service shops and businesses	One (1) for each employee; plus one (1) for each three hundred (300) square feet of floor area
Offices	One (1) for each one hundred (100) square feet of floor area, but in no case less than five (5) spaces
Professional offices of doctors, dentists, or similar professions	One (1) for each one hundred (100) square feet of floor area or a minimum of four (4) spaces, whichever is greater
Restaurants, bars, and similar establishments	Three (3) for each four (4) seats; plus stacking space for drive-through, if applicable
Retail stores and personal services	One hundred fifty (150) percent of the floor area. For grocery stores, three hundred (300) percent of the floor area
Veterinary clinics or hospitals	Four (4) for every one thousand (1,000) square feet of usable floor area
Warehouses, storage buildings, or wholesale sales	Two (2) for each employee. For self-storage, one (1) per ten (10) storage units

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Recreational Uses

Use	Parking Spaces Required
Bowling alleys	Seven (7) spaces for each bowling lane
Campground or RV park	One (1) for every campsite plus one (1) for each employee per shift
Commercial Amusement (not otherwise classified)	Twenty-five (25) percent of the lot area but in no case less than ten (10) parking spaces
Private tennis club, swim club, or similar use	One (1) per two (2) member club, golf families or individual members, plus the amount required for accessory uses
Public recreation centers	Five (5) for every one thousand (1,000) square feet of usable floor area
Golf course	Four (4) per hole plus one (1) per employee, plus the amount required for accessory use
Miniature or Par 3 golf course	One (1) per hole plus one (1) per employee
Studios specializing in the instruction of musical arts, dance, health, and fitness; and exercise centers	One (1) for each two hundred (200) square feet of useable floor area, plus spaces required for any pools, tennis courts, etc.

F. Loading/Unloading Space.

Loading and unloading facilities shall be provided in the Commercial and Industrial Districts, in connection with all industrial and commercial uses. Such facility shall be provided, except in cases where adequate space, as determined by the Zoning Administrator is or can be provided on adjacent public property.

G. Flexibility in Parking Requirements.

The Township recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to accommodate the specific parking needs of a particular use, prevent traffic congestion, prevent unauthorized parking on adjacent streets or a neighboring site, prevent excessive paving and stormwater runoff, and prevent the misuse of space which could otherwise be left as open space. For the purposes of this subsection, the approving authority is the Planning Commission for those uses which require Planning Commission approval and is the Zoning Administrator for those uses which require Zoning Administrator approval.

1. The approving authority for a specific use may permit deviations from the requirements of this Section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. The applicant may be required to provide documentation justifying the requested deviation.

2. The approving authority may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the approving authority may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed. No structure shall be permitted within the reserved area.
3. A deviation from this Section may only be granted upon the following findings:
 - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - b. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.
4. If the approving authority declines to allow the requested deviation, the applicant may appeal the decision to the Zoning Board of Appeals.

Section 3.26 Signs

A. Purpose.

The purpose of the provisions of this Section is to regulate outdoor signs designed to be visible to the public in a manner which does not restrict the content while recognizing the mass communications needs of businesses and other parties. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this Section are intended to apply the minimum amount of regulation in order to protect property values, preserve the desirable character and personality of the Township, create a more attractive business environment, and promote pedestrian and traffic safety.

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

B. General Provisions for All Zoning Districts.

1. **Zoning Permit.** The erection, construction, or alteration of all signs shall require a zoning permit except those listed in [subsection C](#).
2. **Construction and Maintenance.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.
3. **Prohibited Signs.** The following signs are prohibited:

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- a. Signs that are in need of repair, other than normal maintenance.
 - b. Signs not securely affixed to a substantial structure.
 - c. Abandoned signs.
 - d. Signs which are affixed to trees, rocks, or other natural features.
 - e. Signs erected in such a manner that the position, size, movement, shape, or color may interfere with the view of, or be confused with, any public traffic sign or device.
 - f. Signs which obstruct official signs.
 - g. Flashing, rotating, animated, intermittent, glaring, and oscillating signs.
 - h. Signs which are hazardous to traffic.
4. **Signs in the Right-of-Way.** No sign, except those placed and maintained by the township, county, or state shall be located in, overhang, or encroach upon any public right-of- way.
 5. **Signs Erected by Governmental Agencies.** Signs when erected by the township, county, or state shall be permitted in all districts.
 6. **Obstructions to Doors, Windows, and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
 7. **Illumination and Moving Parts.** No sign shall be illuminated by other than continuous indirect white light, nor shall contain any visible moving parts. Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises.
 8. **Height and Projection Limit on Signs Attached to Building.** Signs attached to a building shall project not more than ten (10) feet from the wall of the building, nor exceed the height limitation of buildings in that district.
 9. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
 10. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

C. Signs Not Requiring a Permit.

1. On nonresidential property, permanent, freestanding accessory signs that do not exceed six (6) square feet each.
2. On nonresidential property, accessory signs on structures such as gas pumps or storage sheds.
3. Signs erected by any organization, firm, or corporation which is charged with warning the public of dangerous conditions and unusual hazards including but not limited to road hazards, high voltage, fire danger, explosives, severe visibility, etc.
4. Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.
5. Signs erected by an official governmental body, public utility, or historic agency.
6. Flags.
7. Signs when located on or below a canopy, awning, or marquee.
8. Signs in windows.
9. Temporary signs or attention-getting devices.
10. Bulletin boards erected by public, charitable, or religious institutions when they are located on the premises of such institutions.
11. Signs not visible by motorists or pedestrians on any road, alley, water body, public lands, or adjacent lots.
12. Signs required by law.

D. Sign Standards.

The use of signs shall be limited to the following, subject to all other requirements of this Section. The existence of a particular sign type does not preclude the existence of other sign types on the same zoning lot.

Sign Standards

Sign Type	Residential Uses	Non-Residential Uses & Multiple-Family Uses
Primary Sign, Freestanding (<i>permanent</i>)	Size: 16 sq ft (max.) Number Allowed: 1 Height: 5 ft	Size: 32 sq ft (max.) Number Allowed: 1 per road frontage Height: 10 ft (max.) Setback: Same as required front and side setback for buildings
Wall Signs (Primary) (<i>permanent</i>)	Size: No limit Number Allowed: No limit	Size: No limit Number Allowed: No limit
Temporary Signs (<i>no permit needed</i>)	Size: 2 ft X 2 ft (max.) Number Allowed: 3	Size: No limit Number Allowed: No limit
Portable Changeable Copy Message Boards	Size: 32 sq ft (max.) Number Allowed: 1	
Digital or Static Message Center (<i>permanent</i>) (see subsection E below)	Not allowed	The size of message center counts as part of the allowable primary sign size.
Cluster Signs (<i>permanent</i>)	Not allowed	Approved by the Planning Commission on a case-by-case basis. No specific size limits or height.
Projecting Signs (<i>permanent</i>)	Not allowed	Size: 16 sq ft (max.) Number Allowed: 1 Height: 8 ft (min.)
Off-Premise Signs	Size: 16 sq ft (max.) Number Allowed: 1 per lot See subsection F	

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E. Digital Message Centers.

1. A digital message center shall be allowed to have changing messages, scrolling messages, and animation, but shall not be allowed to contain flashing elements.
2. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect the safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.
3. A digital message center shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
4. A digital message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
5. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered a digital message center and shall be subject to all provisions of this Ordinance.

F. Off-Premise Signs.

Off-premise signs shall be allowed on private property.

1. Off-premise signs may be located on vacant or occupied lots. Off-premise signs on occupied lots shall NOT count toward that zoning lot's sign size limitations.
2. Signs shall not be located in the road right-of-way.
3. Off-premise signs shall be no greater than sixteen (16) square feet.
4. One (1) off-premise sign shall be allowed on each zoning lot. Up to two (2) small off-site signs shall be allowed on lots which are located at intersections.
5. The height of an off-premise sign shall not exceed six (6) feet from grade. However, variations in height may be granted by the Planning Commission to ensure its visibility to motorists.

G. Nonconforming Signs.

Nonconforming signs are signs that do not comply with the regulations in this Ordinance including the size regulations of the zoning district in which located.

1. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.

2. No person shall increase the extent of nonconformity of a nonconforming sign nor may illumination be added to any nonconforming sign.
3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.
4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within sixty (60) days. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
5. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

H. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:
 - a. The sign is located on a property on which the use has been abandoned.
 - b. The sign has remained blank over a period of one (1) year.
 - c. The sign's message becomes illegible in whole or substantial part.
 - d. The sign which has fallen into disrepair.
2. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign is not removed within thirty (30) days after the second notice, the Township may begin zoning ordinance violation procedures.

I. Removal of Unsafe or Damaged Signs.

In the event that any sign becomes insecure, in danger of falling, unsafe, or damaged, the owner or lessee shall, within ten (10) days of receipt of a written notice from the Zoning Administrator that the sign is in violation of this Ordinance, make such sign conform to the provisions of this Ordinance or shall cause it to

be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists.

J. Signs in Violation of this Section.

1. Signs erected or maintained in violation of this Ordinance shall be removed by the sign owner, property owner, or occupant of the premises within thirty (30) days following mailing of an order to such owner by the Zoning Administrator (ten (10) days for Unsafe/Damaged Signs). There shall be a rebuttable evidentiary presumption that, unless a sign states the name of the owner of the sign on its structure, the sign is owned by the owner of the real property where the sign is located.
2. In the event a court of competent jurisdiction finds that a sign is being maintained in violation of this Ordinance, the court may authorize the Zoning Administrator to cause the removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay the costs so assessed.

Section 3.27 Exotic Pets

Exotic pets are permitted according to the following:

A. Exotic Pets Permitted without a Zoning Permit.

1. Exotic pets that are kept within a glass enclosure.
2. Exotic pets that are five (5) pounds or below at their full grown weight.

B. Exotic Pets that Require Planning Commission Approval and a Zoning Permit.

1. Exotic Pets that are over five (5) pounds at their full grown weight
2. **Standards for Approval of Exotic Pets in subsection B.1.** The Planning Commission may approve exotic pets pursuant to subsection B.1 upon finding that the proposed pet will not pose a danger to nearby residences due to:
 - a. The size of the lot and distance to the nearest residences.
 - b. The quality of the planned enclosure for the proposed pet.

Article 4

District Regulations

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Section 4.1 Zoning Districts

For the purpose of this Ordinance, Sherman Township, Iosco County, Michigan, is hereby divided into the following Districts:

A-R	Agricultural Residential District
C	Commercial District
I	Industrial District

Section 4.2 District Boundaries

The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Sherman Township, Iosco County, Michigan", and any subsequent amendments thereto which are on display in the Sherman Township Hall.

- A. Except where specifically designated on said map, the district boundary lines are intended to follow:
1. Lot lines.
 2. Center lines of creeks, streams, or rivers.
 3. Center lines of streets or alleys.
 4. Section lines including one-quarter (1/4) section lines and one-eighth (1/8) section lines.

5. Township boundary lines.

- B. Where a district boundary line does not coincide with lot lines, said boundary shall be dimensioned on the Zoning Map.
- C. Where the application of the aforementioned rules leaves a reasonable doubt as to the exact location of a district boundary, then the exact location shall be determined by the Zoning Board of Appeals.

D. Zoning of Vacated Areas.

Whenever any street, road, or public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line, and the lands on either side of said center line shall become attached to their respective adjoining properties.

E. Zoning of Filled Areas.

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the State of Michigan.

F. Zoning of Annexed Areas.

Whenever any area is annexed to Sherman Township, land that is zoned previously to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board.

Section 4.3 Application of District Regulations

A. General.

- 1. Lot area, lot width, setbacks, floor area, and height limitations for principal buildings, erected, altered, removed, or enlarged after the effective date of this Ordinance must conform to the standards shown in [Section 4.8 \(Schedule of Regulations\)](#) and the individual district regulations tables found within this Article.

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6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

2. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
3. Each lot shall contain no more than one (1) principal dwelling. However, the Planning Commission may issue a Special Use Permit to allow an accessory dwelling under the terms and conditions of [Section 7.3](#) of this Ordinance.

B. Application of Use Regulations.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the specific zoning district table or [Table 4.7](#) or are similar to such listed uses, as determined by the Planning Commission. Permitted uses are listed as a “P” in the tables.
2. **Special Uses.** Special Uses are permitted after review and approval by the Planning Commission only if specifically listed as a Special Use in the specific zoning district or [Table 4.7](#) or are similar to such listed uses, as determined by the Planning Commission. Special uses are listed as a “S” in the tables.
3. **Unlisted Uses.** The Township Planning Commission shall have the power on written request of a property owner in a zoning district to classify a use not listed with a comparable permitted use or Special Use in the district. Petition for such classification shall be made through the office of the Township Zoning Administrator. If it is determined, by the Planning Commission, that there is no comparable use, then the use shall be allowed only by amendment of this Ordinance.

C. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every new lot shall meet the minimum lot width requirements set forth in this Article and shall have frontage on and/or access to a public road.
3. **Lot Width Measurement.** Lot width is the horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line.

D. Application of Setback Regulations.

1. **Official Setback Lines.** Setback shall be measured from the foundation of the building or from the line of the deck or patio, if existing, to the lot line. In the case of lots abutting a private road easement, the setback is measured from the edge of the easement closest to the lot.

2. **Corner Lots.** In the case of a corner lot, the front lot line shall be the line separating the lot from the narrowest side of the lot from the street. If the streetside lot lines are equal in length, then the front lot line shall be the side on which an address is assigned.
3. **Double Frontage Lots.** Where lots have doubled frontage, running through from one street to another, the required front setback shall be provided on both streets.
4. **Water Frontage Lots.** On all lots abutting lakes or streams, the front lot line shall be the line separating the lot from the ordinary high water mark and the lot line opposite the front lot line shall be the rear lot line.

E. Application of Height Regulations.

1. Building height is measured from the finished grade.
2. Height regulations shall apply to any area that could be used as living or commercial space but shall not apply to areas that could not be used for living or commercial space. Height restrictions do not apply to rooftop equipment, flag poles, church spires, light poles, agricultural accessory structures, silos, conveyors, wind turbines, anemometer towers, wireless towers, and related facilities. The Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted by Special Use in [Article 4](#) of this Ordinance or as established in [Article 7](#).

Section 4.4 Agricultural Residential District**A. Intent.****A-R**

This district is intended to preserve and provide for large tracts of land for farming and other rural activities in addition to rural residential areas. The specific intent of this district is to encourage the proper use of lands by preventing the intrusion of activities which may create incompatibility and conflict.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.7: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-R
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Boarding Houses/Rooming Houses (Up to 3 tenants is a Permitted Use, more than 3 tenants is a Special Use)	PS
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) <i>§7.9</i>	S
Employee Housing	S
Food Trucks <i>§7.10</i>	S
Food Truck Parks <i>§7.10</i>	S
Resorts, Vacation Lodges, Farm Stays, Cabin Courts & Inns	S
Short Term Rental Homes <i>§7.11</i>	S
Wineries/Cider Mills with Retail Sales/Tasting Rooms (with growing & production occurring on the property)	S
Agriculture, Animal Services & Forest Products	
Agricultural Products Processing & Storage (excluding slaughterhouses)	P
Agricultural Sales & Service (retail or wholesale, bulk seed & fertilizer outlet, agricultural distribution center, sales & repair of agricultural equipment, & similar businesses)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-R
Agriculture, Animal Services & Forest Products (cont.)	
Animal Sales Yards/Auctions for Livestock	S
Animal Shelter/Animal Rescue Facility	S
Agricultural Tourism Businesses on Farms	S
Biofuel Production Facilities on Farms <i>§7.8</i>	PS
Composting Facility (large-scale facility – compost material brought in & deposited)	S
Farm Market/Roadside Stands (product grown on property under the same control)	P
Farm Product Sales (Fruit/Vegetable Market) (product <u>not</u> grown on property under the same control)	P
Farming, Commercial (including U-Pick & Stables)	P
Farming, Domestic (Hobby Farm)	P
Firewood Sales - Commercial (does not include small bundles of firewood)	P
Forest Products Processing - Saw Mills, Veneer Mills, Planing Mills & related operation (when completely enclosed & when located in the interior of the district so that no lot line shall form the exterior boundary of the district)	P
Game Preserves/Hunting Preserves	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-R
Agriculture, Animal Services & Forest Products (cont.)	
Greenhouse; Nursery; Landscaping Establishment	P
Kennels, Commercial (including dog clubs and dog daycare)	S
Veterinary Clinic/Animal Hospital	S
Arts, Entertainment & Recreation	
Arenas for Recreation & Sports	S
Art Galleries & Art Studios (1 acre and 50' setback from all lot lines required)	P
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”); Camps, Private Outdoor Recreational Camps (i.e., Summer Camps) <i>§7.4</i>	S
Canoe/Boat/Kayak Liveries (1 acre required)	S
Equipment Rental, Motorized (ORV, Snowmobile) or Non-Motorized (Outfitter)	S
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club, skating rinks, tennis courts) - all buildings 100' setback from all lot lines required)	P
Golf Courses; Golf Driving Ranges; Country Clubs (all buildings 100' setback from all lot lines)	P
Museums & Historic Sites (open to the public) (1 acre & 50' setback from all lot lines)	P
Outdoor Performance Facility (classified as Commercial Events Facility) <i>§7.9</i>	S
Parks & Recreation Areas, Nature Areas, Conservation Areas (all buildings 100' setback from all lot lines required)	P
Private Clubs; Lodges; Fraternal Organizations (all buildings 100' setback from all lot lines required)	P
Race Tracks (Motorized or Non-Motorized)	S
Recreational Facility, Indoor – Commercial (i.e., arcades, billiards, bowling)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-R
Arts, Entertainment & Recreation (cont.)	
Recreational Facility, Outdoor – Commercial (i.e., go-karts; miniature golf; disc golf; cross-country ski)	S
Sportsmen’s Association/Firearms Ranges/Archery Ranges	S
Theaters/Performing Arts Facilities/Assembly Halls (completed enclosed bldg.)	S
Tours (Commercial Operations)	S
Wildlife Preserves, Zoos (including Petting Zoos) & Animal Tours/Attractions	S
Commercial, Services & Retail	
Construction/Special Trade Contractors Offices & Showrooms – WITH OR WITHOUT outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc.)	P
Locksmiths	P
Marihuana Growers <i>§7.13</i>	S
Marihuana Processors <i>§7.13</i>	S
Marihuana Safety Compliance Facilities <i>§7.13</i>	S
Marihuana Secure Transporters <i>§7.13</i>	S
Small-Scale Craft Making	P
Taxidermy Shops	P
Educational Services & Religion	
Business Schools, Trade Schools, Vocational Schools, & Other Institutions of Specialized Learning	P
Colleges/Universities (1 acre and 50' setback from all lot lines required)	P
Religious institutions & Customary Accessory Uses (1 acre and 50' setback from all lot lines required)	P
Schools (Public, charter or private; elementary through high school) (1 acre and 50' setback from all lot lines required)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-R
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	S
Adult Foster Care/Assisted Living/Nursing Home/Convalescent Home (6 or less adults)	P
Child Care Home, Family	P
Child Care Home, Group	S
Child Care Center/Nursery School (not in home)	S
State-Licensed Residential Facilities (6 or less)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.9	P
Cemeteries including Columbaria & Mausoleums	P
Medical Marijuana Primary Caregiver Operations (no permit required) §7.12	P
Planned Unit Developments §7.15	S
Site Condominium Development §7.16	S
Temporary Buildings & Structures (used during construction) §3.11	P
Public Facilities	
Community Centers/Auditoriums	P
Fire Stations (50' setback from all lot lines required)	P
Government Administrative Facilities (50' setback from all lot lines required)	P
Libraries (1 acre and 50' setback from all lot lines required)	P
Police Stations	P
Post Offices	P
Water Towers/Tanks (50' setback from all lot lines required)	S
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.3	S
Cottage Industries §7.2	S
Dwelling Units in conjunction with a Non-Residential Establishment	S

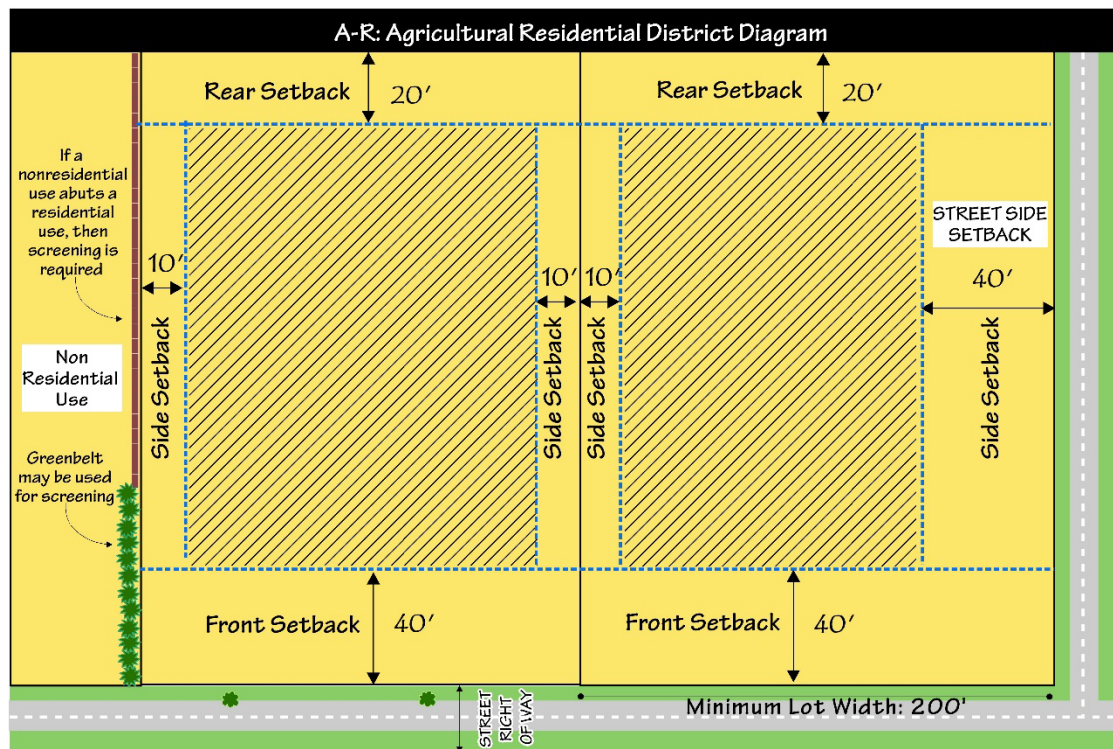
TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-R
Residential Uses (cont.)	
Home Occupations §7.2	P
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) §7.7	S
Multiple-Family Dwelling Units	S
Single-Family Dwelling	P
Two-Family Dwelling (duplex)	S
Transportation, Storage & Wholesale	
Airports, Aviation Support Services, Heliports & Landing Fields	S
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	S
Distribution Centers/Freight Terminals/Trucking Facilities	S
Drone (Unmanned Aerial) Centers	S
Self-Storage Facilities/Mini-Storage	S
Truck Repair & Maintenance	S
Truck Washes	S
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities (offices or storage yards)	S
Solar Energy Facility (Utility-Scale) §7.22	S
Solar Energy Panels (Accessory) §7.21	P
Wind Energy Systems & Anemometer Towers (Utility-Scale) §7.20	S
Wind Turbines (On-Site) §7.19	P
Wireless: §7.18	
Antenna Co-Location	P
Small Cell Wireless Facilities	S
Television/Radio Broadcasting Stations	S
Wireless Communications Facilities with Support Structures (i.e., cell towers)	S
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed	S

C. Development Standards for A-R District.

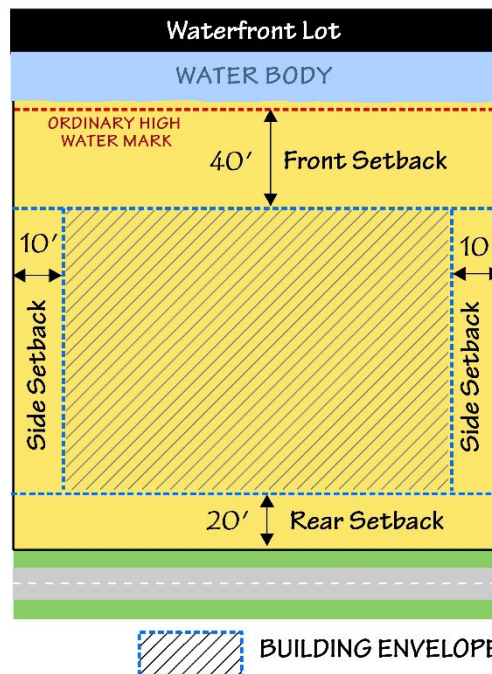
A-R

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	1 acre Lots less than 1 acre are nonconforming lots – See §3.15 .
b. Lot Width (min.)	200 ft
c. Building Height (max.)	35 ft
d. Dwelling Standards	Minimum Floor Area: 750 sq ft. Does not include garages, open porches, or storage areas. Minimum dwelling width: 14 ft (Does not apply to hotels/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.)
2. Setbacks	
a. Front (min.)	40 ft
b. Side (min.)	Single-Family Dwelling: (1) 10 ft side setback on each side. (2) 40 ft side setback along a street.
	(1) Two-Family Dwelling and Non-Residential: 25 ft on each side (2) 40 ft side setback along a street
c. Rear (min.)	20 ft
d. Railroad Tracks	All structures shall be set back a minimum of 100 ft from the center of each railroad track.
e. Farm Buildings	10 ft setback from all lot lines
3. Additional Development Standards	
a. Accessory Buildings	See §3.9 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.21 . A vegetative buffer strip may be used per §3.21 .
c. Fences	See §3.19 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.26 .
f. Parking	See §3.25 .



 **BUILDING ENVELOPE**



 **BUILDING ENVELOPE**

- | | | | | |
|------------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------------|
| 1 Purpose & Authority | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Plot Plan & Site Plan Review |
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Section 4.5 Commercial District

A. Intent.



This district is intended to provide for the construction or continued use of land for general community-wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the Township. Such uses shall not be objectionable by reason of emission of odors, soot, dust, noise, gas, fumes, or vibrations, or are not otherwise obnoxious or offensive.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.7: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>\$7.x indicates supplemental regulations apply</i>	C
Accommodation & Food/Event Services	
Bakeries, Coffee Shops, Confectioneries & Ice Cream Shops	P
Bars/Taverns	S
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) \$7.9	S
Employee Housing	S
Food Trucks \$7.10	S
Food Truck Parks \$7.10	S
Hotels & Motels (attached or detached units)	P
Microbreweries & Distilleries (serving directly to the public); Winery Tasting Rooms	S
Night Clubs	S
Restaurants	P
Agriculture, Animal Services & Forest Products	
Dog Grooming Establishments	P
Farm Product Sales (Fruit/Vegetable Market) (product <u>not</u> grown on property under the same control)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>\$7.x indicates supplemental regulations apply</i>	C
Agriculture, Animal Services & Forest Products (cont.)	
Firewood Sales - Commercial (does not include small bundles of firewood)	P
Kennels, Commercial (including dog clubs and dog day care)	S
Veterinary Clinic/Animal Hospital	S
Arts, Entertainment & Recreation	
Art Galleries & Art Studios (1 acre and 50' setback from all lot lines required)	P
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”); Camps, Private Outdoor Recreational Camps (i.e., Summer Camps) \$7.4	S
Canoe/Boat/Kayak Liveries (1 acre required)	S
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club, skating rinks, tennis courts) - all buildings 100' setback from all lot lines required)	P
Museums & Historic Sites (open to the public) (1 acre & 50' setback from all lot lines)	P
Outdoor Performance Facility (classified as Commercial Events Facility) \$7.9	S

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	C
Arts, Entertainment & Recreation	
Race Tracks (Motorized or Non-Motorized)	S
Recreational Facility, Outdoor – Commercial (i.e., go karts; miniature golf; disc golf; cross-country ski)	P
Recreational Facility, Indoor – Commercial (i.e., arcades, billiards, bowling)	S
Sportsmen's Association/Firearms Ranges/Archery Ranges	S
Theaters/Performing Arts Facilities/Assembly Halls (completed enclosed bldg.)	P
Theaters (Drive-In) <i>§7.6</i>	S
Tours (Commercial Operations)	P
Commercial, Services & Retail	
Agricultural Equipment, Building & Garden Equipment & Supplies Dealers (including service)	P
Automobile Repair Garage; Auto Body/Paint/Interior & Glass; Oil Change; Tire Sales & Installation; Towing Services	S
Banks/Financial Institutions	P
Boat/RV/Recreational Equipment Repair & Storage	P
Business Incubator	P
Business Services	P
Cabinet Shops	P
Car Washes	P
Cash Advance Stores	P
Cleaning Services	P
Construction/Special Trade Contractors Offices & Showrooms – WITH OR WITHOUT outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc.)	P
Drive-Through/Drive-In Businesses	P
Extermination & Pest Control Services	P
Film Production Facilities & Recording Studios including sound stages & other related activities	P
Flea Market	P
Funeral Homes & Mortuaries	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	C
Commercial, Services & Retail (cont.)	
Furniture Refinishing/Upholstery Shop	P
Gas Stations & Electric Vehicle Charging Facilities <i>§7.24</i>	S
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Laundromat & Dry Cleaning Services	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply	P
Offices, Professional	P
Outdoor Sales/Rental Facilities (Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Contractor's Equipment, Recreational Equipment, Trailers, & Similar) (Farm equipment falls under "Agricultural Sales & Service" under the Agricultural Table)	P
Pawn Shops	P
Personal Services (beauty shops, tailoring, massage therapy, tanning, health spa)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material; Blueprinting	P
Rental Centers (equipment; home furnishings, rent-to-own, etc.)	P
Repair Shops (not automotive-related)	P
Retail Sales	P
Retail Sales combined with Wholesale	P
Seasonal/Transient Sales	P
Sexually Oriented Businesses (cannot fall into any other category) <i>§7.14</i>	S
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise, Music, Karate & Similar Uses	P
Tattoo & Body Piercing Studios	P
Taxidermy Shops	P

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|------------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------------|
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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	C
Educational Services & Religion	
Business Schools, Trade Schools, Vocational Schools, & Other Institutions of Specialized Learning	P
Human Care & Social Assistance	
Adult Day Care Facility - not in private home	P
Adult Foster Care/Assisted Living/Nursing Home/Convalescent Home (more than 6 adults)	S
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	P
Child Care Center/Nursery School (not in home)	P
Child Caring Institution	S
Health Care/Dental/Optical Clinics	P
Hospitals	S
Rehabilitation Institutions	P
Residential Human Care & Treatment Facility (not in a residence)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses <i>§3.9</i>	P
Medical Marijuana Primary Caregiver Operations (no permit required) <i>§7.12</i>	P
Planned Unit Developments <i>§7.15</i>	S
Temporary Buildings & Structures (used during construction) <i>§3.11</i>	P
Public Facilities	
Community Centers/Auditoriums	P
Fire Stations (50' setback from all lot lines required)	P
Government Administrative Facilities 50' setback from all lot lines required)	P
Libraries (1 acre and 50' setback from all lot lines required)	P
Police Stations	P
Post Offices	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>§7.x indicates supplemental regulations apply</i>	C
Residential Uses	
Dwelling Units in conjunction with a Non-Residential Establishment	S
Transportation, Storage & Wholesale	
Airports, Aviation Support Services, Heliports & Landing Fields	S
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Distribution Centers/Freight Terminals/Trucking Facilities	S
Drone (Unmanned Aerial) Centers	S
Self-Storage Facilities/Mini-Storage	S
Railyards	P
Transit Facilities (including bus garages/stations); Scenic & Sightseeing Transportation/Ground Passenger Transportation	P
Truck Rental Facilities	P
Truck Repair & Maintenance	P
Truck Washes	S
Warehousing & Storage as Primary Use	P
Wholesale Businesses	P
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities (offices or storage yards)	P
Solar Energy Panels (Accessory) <i>§7.21</i>	P
Wind Turbines (On-Site) <i>§7.19</i>	P

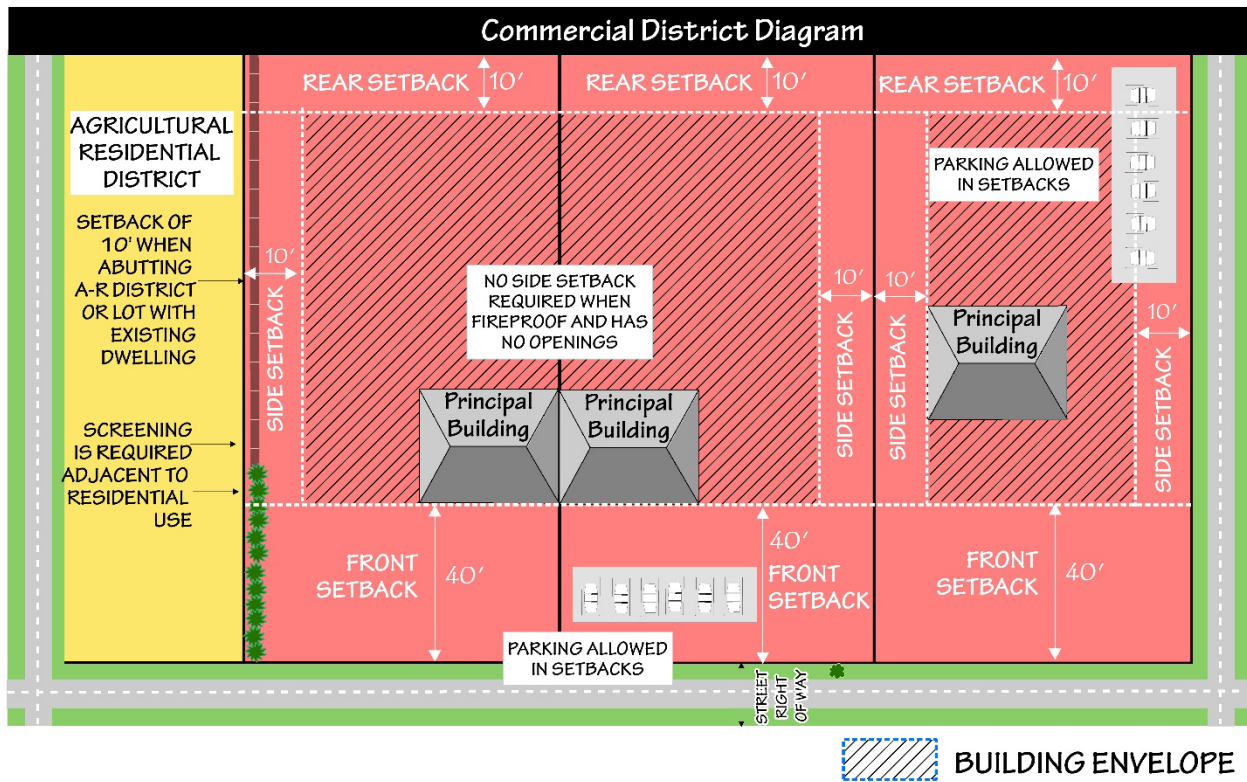
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|------------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------------|
| 1 Purpose & Authority | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Plot Plan & Site Plan Review |
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C. Development Standards for C District.



Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	None
b. Lot Width (min.)	None
c. Building Height (max.)	None
d. Floor Area (min.)	None
2. Setbacks	
a. Front (min.)	40 ft
b. Side (min.)	Side setbacks shall not be required along interior side lot lines if all buildings or structures abutting or facing such lot lines are of fireproof masonry construction and wholly without windows or other openings.
	Side setbacks of not less than 10 ft in width shall be provided when any wall facing such side lines contains windows or other openings.
	Side setbacks of not less than 10 ft shall be provided on any lot or premises abutting the Agricultural/Residential District or any premises occupied by an existing dwelling.
c. Rear (min.)	10 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.9 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.21 . A vegetative buffer strip may be used per §3.21 .
c. Fences	See §3.19 .
d. Decks & Patios	Decks and patios shall meet the setbacks required for the principal building.
e. Signs	See §3.26 .
f. Parking	See §3.25 .



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.6 Industrial District**A. Intent.****I**

The Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding districts.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.7: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>\$7.x indicates supplemental regulations apply</i>	I
Accommodation & Food/Event Services	
Employee Housing	S
Agriculture, Animal Services & Forest Products	
Agricultural Products Processing & Storage (excluding slaughterhouses)	P
Agricultural Sales & Service (retail or wholesale, bulk seed and fertilizer outlet, agricultural distribution center, sales and repair of agricultural equipment, and similar businesses)	P
Animal Sales Yards/Auctions for Livestock	S
Biofuel Production Facilities not on Farms	S
Firewood Sales - Commercial (does not include small bundles of firewood)	P
Forest Products Processing - Saw Mills, Veneer Mills, Planing Mills & related operation (when completely enclosed & when located in the interior of the district so that no lot line shall form the exterior boundary of the I district)	P
Grain Elevators	P
Slaughterhouses	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit <i>\$7.x indicates supplemental regulations apply</i>	I
Commercial, Services & Retail	
Marihuana Growers <i>\$7.13</i>	S
Marihuana Processors <i>\$7.13</i>	S
Marihuana Safety Compliance Facilities <i>\$7.13</i>	S
Marihuana Secure Transporters <i>\$7.13</i>	S
Manufacturing, Industrial, & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Heavy Manufacturing are industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	S

1 Purpose & Authority**2** Definitions**3** General Provisions**4** District Regulations**5** Plot Plan & Site Plan Review**6** Special Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit §7.x indicates supplemental regulations apply	I
Manufacturing, Industrial, & Waste Management (cont.)	
Accessory Uses, Incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	P
Bulk Storage &/or Distribution of Flammable or Hazardous Materials	P
Central Dry-Cleaning Plants & Laundries (not dealing directly with customers)	P
Cold Storage Plants	P
Commercial Cleaning Plants	P
Crematoriums	P
Food Hub Facility/Food Incubator Facility	P
Gas & Oil Processing Facilities/Refinery	S
Incinerator Plant (non-pyrolysis or pyrolysis type/Gasification)	S
Industrial Parks (planned)	S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards/Sanitary Landfills §7.17	S
Machine Shops/ Metal Plating/Buffing/Polishing/Cutting/Slitting/Shearing	P
Mineral Processing Facilities & Operations	S
Mining/Resource Extraction (incl. sand, gravel, rock & mineral extraction) §7.5	S
Printing, Lithographic & Blueprinting	P
Research/Design/Experimental Product Development & Testing Facilities & Laboratories	S
Sign Shops	P
Smelting Industries	S
Tin Shops or Plumbing Supply Shops	P
Tool & Die, Gauge, Metal Plating/Polishing/Cutting/Buffing & Machine Shops	P
Waste Facilities – Collection Facilities, Recycling Facilities, Resource Recovery Facilities & Transfer Stations	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Land Use Permit §7.x indicates supplemental regulations apply	I
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.9	P
Medical Marihuana Primary Caregiver Operations (no permit required) §7.12	P
Planned Unit Developments §7.15	S
Temporary Buildings & Structures (used during construction) §3.11	P
Public Facilities	
Public Works Facilities	P
Transportation, Storage & Wholesale	
Airports, Aviation Support Services, Heliports & Landing Fields	S
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Distribution Centers/Freight Terminals/Trucking Facilities	P
Drone (Unmanned Aerial) Centers	P
Railyards	P
Warehousing & Storage as Primary Use	P
Wholesale Businesses	P
Utility, Energy & Communications	
Battery Energy Storage Systems §7.23	S
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Heating & Electric Power Generating Plants	S
Public Utility Facilities (offices or storage yards)	P
Solar Energy Panels (Accessory) §7.21	P
Wind Turbines (On-Site) §7.19	P

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|------------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------------|
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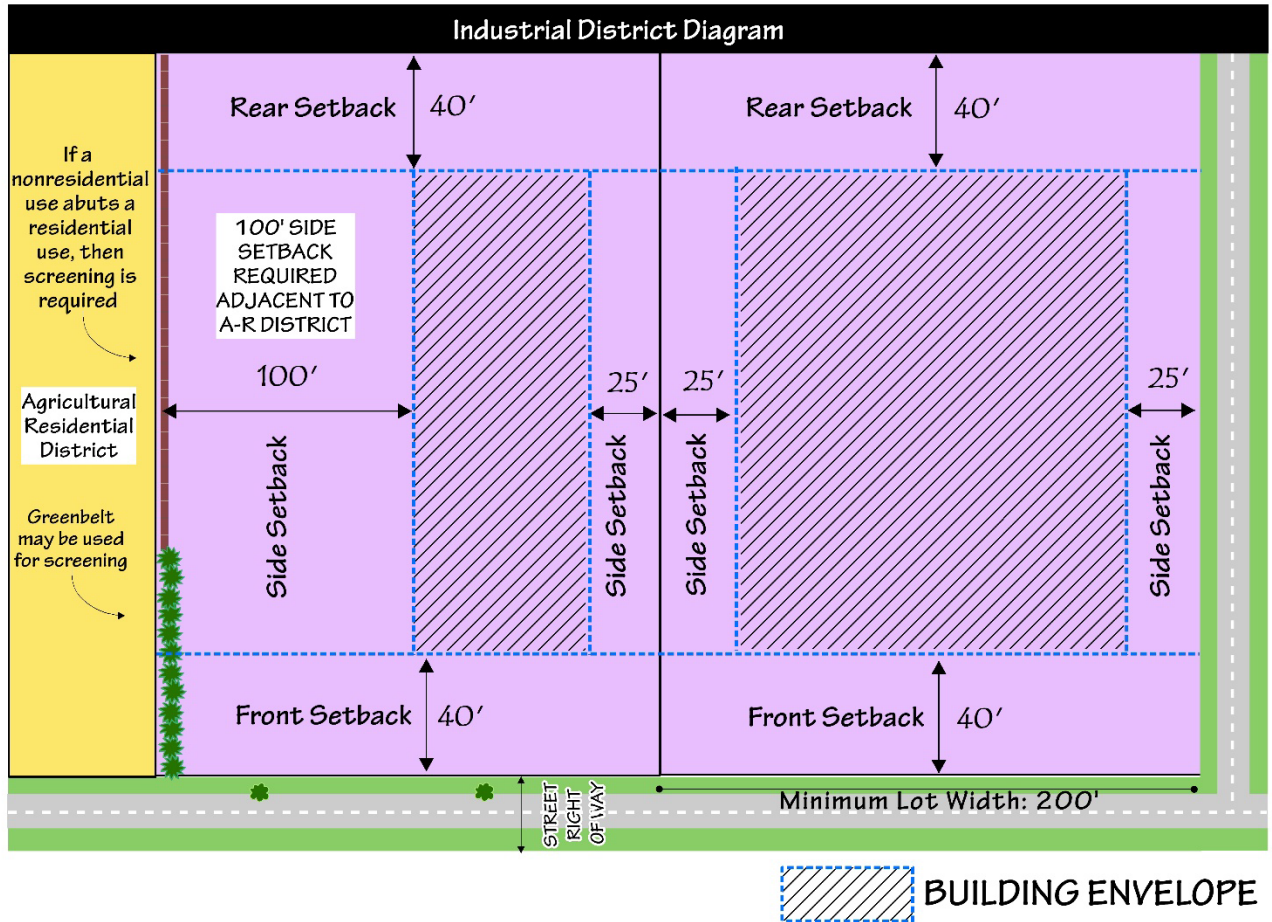
C. Development Standards for I District.**I**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	80,000 sq ft
b. Lot Width (min.)	200 ft
c. Building Height (max.)	75 ft
d. Floor Area (min.)	None
2. Setbacks	
a. Front (min.)	40 ft
b. Side (min.)	25 ft 100 ft when side yard abuts a boundary line of the Agricultural-Residential District or lot with a dwelling.
c. Rear (min.)	40 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.9 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.21 . A vegetative buffer strip may be used per §3.21 .
c. Fences	See §3.19 .
d. Signs	See §3.26 .
e. Parking	See §3.25 .
f. Performance Standards	<p>(1) Smoke. No individual or individuals shall cause, suffer, or allow to be discharged into the atmosphere, from any source, smoke the shade, appearance, content or any other characteristic of which in any way is in violation of the regulations of state and/or federal anti-pollution laws.</p> <p>(2) Odors. The emission of obnoxious odors of any kind which are deleterious to the public health, safety and general welfare shall not be permitted.</p> <p>(3) Gases. No gas shall be emitted which is deleterious to the public health, safety, and general welfare.</p> <p>(4) Glare and Heat. Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be shielded or guarded in such a manner so as not to be seen or felt beyond the boundaries of the property.</p>

1 Purpose & Authority**2** Definitions**3** General Provisions**4** District Regulations**5** Plot Plan & Site Plan Review**6** Special Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments

- (5) **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with State of Michigan rules and regulations.



Section 4.7 Full Table of Permitted & Special Uses

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to [Section 4.3.B](#). In event of a conflict between the regulations in this Section and the regulations contained in [Section 4.4](#) through [4.6](#), then [Section 4.4](#) through [4.6](#) shall control.

Sherman Township Zoning Districts	
A-R	Agricultural Residential District
C	Commercial District
I	Industrial District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-20
Agriculture, Animal Services & Forest Products	4-21
Arts, Entertainment & Recreation	4-22
Commercial, Services & Retail	4-22
Educational Services & Religion	4-24
Human Care & Social Assistance	4-24
Manufacturing, Industrial, & Waste Management	4-25
Miscellaneous	4-26
Public Facilities	4-26
Residential Uses	4-26
Transportation, Storage & Wholesale	4-27
Utility, Energy & Communications	4-27

Table 4.7: Full Table of Permitted Uses & Special Uses

P = Permitted S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	A-R	C	I
Accommodation & Food/Event Services			
Bakeries, Coffee Shops, Confectioneries & Ice Cream Shops		P	
Bars/Taverns		S	
Bed & Breakfasts & Tourist Homes	S		
Boarding Houses/Rooming Houses (Up to 3 tenants is a Permitted Use, more than 3 tenants is a Special Use)	PS		
Caterers/Food Service Contractors		P	
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.9	S	S	
Employee Housing	S	S	S
Food Trucks §7.10	S	S	
Food Truck Parks §7.10	S	S	
Hotels & Motels (attached or detached units)		P	
Microbreweries & Distilleries (serving directly to the public); Winery Tasting Rooms		S	
Night Clubs		S	
Resorts, Vacation Lodges, Farm Stays, Cabin Courts & Inns	S		
Restaurants		P	
Short Term Rental Homes §7.11	S		
Wineries/Cider Mills with Retail Sales/Tasting Rooms (with growing & production occurring on the property)	S		

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Table 4.7: Full Table of Permitted Uses & Special Uses

P = Permitted S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	A-R	C	I
Agriculture, Animal Services & Forest Products			
Agricultural Products Processing & Storage (excluding slaughterhouses)	P		P
Agricultural Sales & Service (retail or wholesale, bulk seed and fertilizer outlet, agricultural distribution center, sales and repair of agricultural equipment, and similar businesses)	P		P
Animal Sales Yards/Auctions for Livestock	S		S
Animal Shelter/Animal Rescue Facility	S		
Agricultural Tourism Businesses on Farms	S		
Biofuel Production Facilities on Farms §7.8	PS		
Biofuel Production Facilities not on Farms			S
Composting Facility (large scale facility – compost material brought in & deposited)	S		
Dog Grooming Establishments		P	
Farm Market/Roadside Stands (product grown on property under the same control)	P		
Farm Product Sales (Fruit/Vegetable Market) (product <u>not</u> grown on property under the same control)	P	P	
Farming, Commercial (including U-Pick and Stables)	P		
Farming, Domestic (Hobby Farm)	P		
Firewood Sales - Commercial (does not include small bundles of firewood)	P	P	P
Forest Products Processing - Saw Mills, Veneer Mills, Planing Mills & related operation (when completely enclosed & when located in the interior of the district so that no lot line shall form the exterior boundary of the district)	P		P
Game Preserves/Hunting Preserves	P		
Grain Elevators			P
Greenhouse; Nursery; Landscaping Establishment	P		
Kennels, Commercial (including dog clubs and dog day care)	S	S	
Slaughterhouses			S
Veterinary Clinic/Animal Hospital	S	S	

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Table 4.7: Full Table of Permitted Uses & Special Uses

<p>P = Permitted S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply</p>	A-R	C	I
Arts, Entertainment & Recreation			
Arenas for Recreation & Sports	S		
Art Galleries & Art Studios (1 acre and 50' setback from all lot lines required)	P	P	
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”); Camps, Private Outdoor Recreational Camps (i.e., Summer Camps) §7.4	S	S	
Canoe/Boat/Kayak Liveries (1 acre required)	S	S	
Equipment Rental, Motorized (ORV, Snowmobile) or Non-Motorized (Outfitter)	S		
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club, skating rinks, tennis courts) - all buildings 100' setback from all lot lines required)	P	P	
Golf Courses; Golf Driving Ranges; Country Clubs (all buildings 100' setback from all lot lines)	P		
Museums & Historic Sites (open to the public) (1 acre & 50' setback from all lot lines)	P	P	
Outdoor Performance Facility (classified as Commercial Events Facility) §7.9	S	S	
Parks & Recreation Areas, Nature Areas, Conservation Areas (all buildings 100' setback from all lot lines required)	P		
Private Clubs; Lodges; Fraternal Organizations (all buildings 100' setback from all lot lines required)	P		
Race Tracks (Motorized or Non-Motorized)	S	S	
Recreational Facility, Indoor – Commercial (i.e., arcades, billiards, bowling)	S	S	
Recreational Facility, Outdoor – Commercial (i.e., go karts; miniature golf; disc golf; cross-country ski)	S	P	
Sportsmen's Association/Firearms Ranges/Archery Ranges	S	S	
Theaters/Performing Arts Facilities/Assembly Halls (completed enclosed bldg.)	S	P	
Theaters (Drive-In) §7.6		S	
Tours (Commercial Operations)	S	P	
Wildlife Preserves, Zoos (including Petting Zoos) & Animal Tours/Attractions	S		
Commercial, Services & Retail			
Agricultural Equipment, Building & Garden Equipment & Supplies Dealers (including service)		P	
Automobile Repair Garage; Auto Body/Paint/Interior & Glass; Oil Change; Tire Sales & Installation; Towing Services		S	
Banks/Financial Institutions		P	
Boat/RV/Recreational Equipment Repair & Storage		P	
Business Incubator		P	
Business Services		P	
Cabinet Shops		P	
Car Washes		P	
Cash Advance Stores		P	
Cleaning Services		P	

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Table 4.7: Full Table of Permitted Uses & Special Uses

P = Permitted S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply		A-R	C	I
Commercial, Services & Retail (cont.)				
Construction/Special Trade Contractors Offices & Showrooms – WITH OR WITHOUT outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc.)	P	P		
Drive-Through/Drive-In Businesses		P		
Extermination & Pest Control Services		P		
Film Production Facilities & Recording Studios including sound stages & other related activities		P		
Flea Market		P		
Funeral Homes & Mortuaries		P		
Furniture Refinishing/Upholstery Shop		P		
Gas Stations & Electric Vehicle Charging Facilities §7.24		S		
Interior Designers/Showrooms		P		
Laboratories, Medical/Dental		P		
Laundromat & Dry Cleaning Services		P		
Locksmiths	P	P		
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply		P		
Marihuana Growers §7.13	S			S
Marihuana Processors §7.13	S			S
Marihuana Safety Compliance Facilities §7.13	S			S
Marihuana Secure Transporters §7.13	S			S
Offices, Professional		P		
Outdoor Sales/Rental Facilities (Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Contractor's Equipment, Recreational Equipment, Trailers, & Similar) (Farm equipment falls under "Agricultural Sales & Service" under the Agricultural Table)		P		
Pawn Shops		P		
Personal Services (beauty shops, tailoring, massage therapy, tanning, health spa)		P		
Photofinishing/Photographers		P		
Printing/Binding/Publishing of Print Material; Blueprinting		P		
Rental Centers (equipment; home furnishings, rent-to-own, etc.)		P		
Repair Shops (not automotive-related)		P		
Retail Sales		P		
Retail Sales combined with Wholesale		P		
Seasonal/Transient Sales		P		
Sexually Oriented Businesses (cannot fall into any other category) §7.14		S		
Small-Scale Craft Making	P	P		
Studios for Dance, Physical Exercise, Music, Karate & Similar Uses		P		
Tattoo & Body Piercing Studios		P		
Taxidermy Shops	P	P		

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Table 4.7: Full Table of Permitted Uses & Special Uses

P = Permitted S = Permitted with a Special Use Permit \$7.x indicates supplemental regulations apply	A-R	C	I
Educational Services & Religion			
Business Schools, Trade Schools, Vocational Schools, & Other Institutions of Specialized Learning	P	P	
Colleges/Universities (1 acre and 50' setback from all lot lines required)	P		
Religious Institutions & Customary Accessory Uses (1 acre and 50' setback from all lot lines required)	P		
Schools (Public, Charter or Private; Elementary Through High School) (1 acre and 50' setback from all lot lines required)	P		
Human Care & Social Assistance			
Adult Day Care Facility (6 or less adults) – in private home	P		
Adult Day Care Facility (greater than 6 adults) – in private home	S		
Adult Day Care Facility - NOT IN PRIVATE HOME		P	
Adult Foster Care/Assisted Living/Nursing Home/Convalescent Home (6 or less adults)	P		
Adult Foster Care/Assisted Living/Nursing Home/Convalescent Home (more than 6 adults)		S	
Charitable Institution (ex: soup kitchen); Non-Profit Organizations		P	
Child Care Home, Family	P		
Child Care Home, Group	S		
Child Care Center/Nursery School (not in home)	S	P	
Child Caring Institution		S	
Health Care/Dental/Optical Clinics		P	
Hospitals		S	
Rehabilitation Institutions		P	
Residential Human Care & Treatment Facility (not in a residence)		S	
State-Licensed Residential Facilities (6 or less)	P		

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Table 4.7: Full Table of Permitted Uses & Special Uses

P = Permitted S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply		A-R	C	I
Manufacturing, Industrial, & Waste Management				
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.				P
Manufacturing, Heavy – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Heavy Manufacturing are industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.				S
Accessory Uses, Incidental to Manufacturing (offices, foods services, caretaker buildings)				P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill				P
Bulk Storage &/or Distribution of Flammable or Hazardous Materials				P
Central Dry-Cleaning Plants & Laundries (not dealing directly with customers)				P
Cold Storage Plants				P
Commercial Cleaning Plants				P
Crematoriums				P
Food Hub Facility/Food Incubator Facility				P
Gas & Oil Processing Facilities/Refinery				S
Incinerator Plant (non-pyrolysis or pyrolysis type/Gasification)				S
Industrial Parks (planned)				S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards/Sanitary Landfills §7.17				S
Machine Shops/Metal Plating/Buffing/Polishing/Cutting/Slitting/Shearing				P
Mineral Processing Facilities & Operations				S
Mining/Resource Extraction (incl. sand, gravel, rock & mineral extraction) §7.5				S
Printing, Lithographic & Blueprinting				P
Research/Design/Experimental Product Development & Testing Facilities & Laboratories				S
Sign Shops				P
Smelting Industries				S
Tin Shops or Plumbing Supply Shops				P
Tool & Die, Gauge, Metal Plating/Polishing/Cutting/Buffing & Machine Shops				P
Waste Facilities – Collection Facilities, Recycling Facilities, Resource Recovery Facilities & Transfer Stations				S

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Table 4.8: Full Table of Permitted Uses & Special Uses

P = Permitted S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	A-R	C	I
Miscellaneous			
Accessory Buildings & Uses Incidental to Principal Uses §3.9	P	P	P
Cemeteries including Columbaria & Mausoleums	P		
Medical Marijuana Primary Caregiver Operations (no permit required) §7.12	P	P	P
Planned Unit Developments §7.15	S	S	S
Site Condominium Development §7.16	S		
Temporary Buildings & Structures (used during construction) §3.11	P	P	P
Public Facilities			
Community Centers/Auditoriums	P	P	
Fire Stations (50' setback from all lot lines required)	P	P	
Government Administrative Facilities (50' setback from all lot lines required)	P	P	
Libraries (1 acre and 50' setback from all lot lines required)	P	P	
Police Stations	P	P	
Post Offices	P	P	
Public Works Facilities			P
Water Towers/Tanks (50' setback from all lot lines required)	S		
Residential Uses			
Accessory Dwelling Units/Guest Houses §7.3	S		
Cottage Industries §7.2	S		
Dwelling Units in conjunction with a Non-Residential Establishment	S	S	
Home Occupations §7.2	P		
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) §7.7	S		
Multiple-Family Dwelling Units	S		
Single-Family Dwelling	P		
Two-Family Dwelling (duplex)	S		

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P = Permitted S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	A-R	C	I
Transportation, Storage & Wholesale			
Airports, Aviation Support Services, Heliports & Landing Fields	S	S	S
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	S	P	P
Distribution Centers/Freight Terminals/Trucking Facilities	S	S	P
Drone (Unmanned Aerial) Centers	S	S	P
Railyards		P	P
Self-Storage Facilities/Mini-Storage	S	S	
Transit Facilities (including bus garages/stations); Scenic & Sightseeing Transportation/Ground Passenger Transportation		P	
Truck Rental Facilities		P	
Truck Repair & Maintenance	S	P	
Truck Washes	S	S	
Warehousing & Storage as Primary Use		P	P
Wholesale Businesses		P	P
Utility, Energy & Communications			
Battery Energy Storage Systems §7.23			S
Essential Services	P	P	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S	S	S
Heating & Electric Power Generating Plants			S
Public Utility Facilities (offices or storage yards)	S	P	P
Solar Energy Facility (Utility-Scale) §7.22	S		
Solar Energy Panels (Accessory) §7.21	P	P	P
Wind Energy Systems & Anemometer Towers (Utility-Scale) §7.20	S		
Wind Turbines (On-Site) §7.19	P	P	P
Wireless: §7.18			
Antenna Co-Location	P		
Small Cell Wireless Facilities	S		
Television/Radio Broadcasting Stations	S		
Wireless Communications Facilities with Support Structures (i.e., cell towers)	S		
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed	S		

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Section 4.8 Schedule of Regulations

Principal buildings shall adhere to the following district regulations. These regulations also appear in the individual district sections in this Article. In event of a conflict between the regulations in this Section and the regulations contained in [Section 4.4 through 4.6](#), then [Section 4.4 through 4.6](#) shall control.

Table 4.8 Schedule of Regulations							
Districts	Minimum Size of Lot		Maximum Height of Structure	Minimum Setback (per lot in feet)			Min. Floor Area in Sq. Ft. (per dwelling unit)
				Front	Side	Rear	
	Area	Width					
A-R: Agricultural-Residential District	1 acre	200 ft	35 ft	40 ft (b)	Sides 10 ft (25 ft for two-family dwellings and non-residential uses) (a) (b) (c)	20 ft (b)	750 sq ft for single-family dwellings
C: Commercial District	NONE	NONE	NONE	40 ft	(d)	10 ft	NONE
I: Industrial District (f)	80,000 sq ft	200 ft	75 ft	40 ft	25 ft (e)	40 ft	NONE

FOOTNOTES:

- (a) Side setback in the A-R District shall be forty (40) feet along a street.
- (b) Setbacks shall be one hundred (100) feet from the centerline of each railroad track in the A-R District.
- (c) Setbacks shall be ten (10) feet from all lots lines for farm buildings in the A-R District.
- (d) In the Commercial District:
 1. Side setbacks shall not be required along interior side lot lines if all buildings or structures abutting or facing such lot lines are of fireproof masonry construction and wholly without windows or other openings.

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2. Side setbacks of not less than ten (10) feet in width shall be provided when any wall facing such side lines contains windows or other openings.
 3. Side setbacks of not less than ten (10) feet shall be provided on any lot or premises abutting the Agricultural/Residential District or any premises occupied by an existing dwelling.
- (e) In the Industrial District, the side setback shall be one hundred (100) feet when abutting boundary lines of the Agricultural-Residential District.
- (f) In the Industrial District, the following performance standards shall apply:
1. **Smoke.** No individual or individuals shall cause, suffer, or allow to be discharged into the atmosphere, from any source, smoke the shade, appearance, content or any other characteristic of which in any way is in violation of the regulations of state and/or federal anti-pollution laws.
 2. **Odors.** The emission of obnoxious odors of any kind which are deleterious to the public health, safety and general welfare shall not be permitted.
 3. **Gases.** No gas shall be emitted which is deleterious to the public health, safety, and general welfare.
 4. **Glare and Heat.** Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be shielded or guarded in such a manner so as not to be seen or felt beyond the boundaries of the property.
 5. **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with State of Michigan rules and regulations.

Article 5

Plot Plan & Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
5.1	Purpose & Approval Summary	5-1	5.6	Conformance with Approved Plan	5-10
5.2	Plot Plan Submittal & Approval Process	5-2	5.7	Amendment to an Approved Plan	5-10
5.3	Site Plan Review Procedure	5-3	5.8	Revocation of Site Plan Approval	5-12
5.4	Site Plan Data Required	5-6	5.9	Expiration of Site Plan Approval	5-13
5.5	Site Plan Review Standards	5-8			

Section 5.1 Purpose & Approval Table

The purpose of this Article is to specify the documents required for plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance and that development actually occurs as was promised by the developer. Furthermore, its purpose is to ensure that development taking place within the Township is orderly, properly designed, safe, efficient, environmentally sound, and designed in such a manner as to protect adjacent properties from substantial adverse impacts.

Table 5.1: Required Plan & Approving Authority Table

Type of Use	Required	Approving Body*
1. Single-Family Dwellings, Two-Family Dwellings	Plot Plan	Zoning Administrator
2. Residential Special Uses (Cottage Industries, Bed & Breakfasts/Tourist Homes & Group Day Care Homes)	Plot Plan	Planning Commission
3. Accessory Dwelling Units	Plot Plan	Planning Commission
4. Dwelling Units in conjunction with Commercial Establishments	Site Plan	Planning Commission
5. Multiple-Family Dwelling Units; Manufactured Housing Communities	Site Plan	Planning Commission
6. Child Care Home – Family	Plot Plan	Zoning Administrator
7. Child Care Home – Group	Plot Plan	Planning Commission
8. Adult Day Care Home; Adult Foster Care; Nursing/Convalescent Homes; Assisted Living Facility – 6 or less adults	Plot Plan	Zoning Administrator
9. Adult Day Care Home; Adult Foster Care; Nursing/Convalescent Homes; Assisted Living Facility – more than 6 adults	Site Plan	Planning Commission
10. Special Uses (except Residential Special Uses)	Site Plan	Planning Commission

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11. Parking Lots (which is not part of a site plan per #12/13 below)	Site Plan	Zoning Administrator
12. Accessory Buildings/Structures for Single-Family & Two-Family Dwellings	Plot Plan	Zoning Administrator
13. Accessory Buildings/Structures for all other Buildings	Site Plan	Zoning Administrator
14. Fences	Plot Plan	Zoning Administrator
15. Signs	Application	Zoning Administrator
16. New Commercial, Industrial, Utility & Institutional Structures/Uses	Site Plan	Planning Commission
17. Expansion of an existing use, other than single-family & two-family dwellings, which increases the existing floor area by more than 25%	Site Plan	Planning Commission
18. Planned Unit Developments & Site Condominium Projects	Site Plan	Planning Commission
19. Food Trucks	Plot Plan	Zoning Administrator
20. Change of Use (for existing structure other than single- or two-family)	Application	Zoning Administrator
21. Seasonal Uses	Application	Zoning Administrator
22. Temporary Dwellings	Plot Plan	Zoning Administrator
23. Wind Turbine (On-Site)	Plot Plan	Zoning Administrator
24. Accessory Solar Panels	Plot Plan	Zoning Administrator
25. Temporary Events	No permit required	
*The Zoning Administrator has the option to send any plan/application to the Planning Commission for approval. Any use not specified shall fall under the jurisdiction of the Planning Commission for approval.		

Section 5.2 Plot Plan Submittal & Approval Process

A. Plot Plan Submittal Requirements.

The Zoning Administrator shall require that all applications for zoning approval shall be accompanied by plans and specifications including two (2) copies of a plot plan, drawn to scale, showing the information listed below and containing the signature of the property owner. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing plans and specifications, provided the same are clear and legible and that the information listed below is provided.

Table 5.2: Plot Plan Requirements

1. Address/Contact	Address or legal or tax description of the property where the proposed use will occur. Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties including evidence of ownership.
2. Lot Lines	The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
3. Setbacks	Location of required setbacks of the zoning district.
4. Structures	The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot, drawn to scale.
5. Access	The location and configuration of the lot access and driveway, drawn to scale. The names and widths of abutting pavements and rights-of-way.
6. Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
7. Natural Features	Natural features such as forests, water bodies, wetlands, high-risk erosion areas, slopes over 10%, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.
8. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

B. Plot Plan Administrative Procedure.

1. Plot plans are reviewed and approved according to the approval chart in [Table 5.1](#) after an application has been submitted and applicable fees have been paid. The Zoning Administrator or Planning Commission will issue zoning approval pursuant to [Section 9.11](#) after determining that the application and proposed activity are in compliance with all applicable sections of this Ordinance.
2. After approval, copies of the application, plot plan, and zoning permit submitted shall be signed and dated. One (1) copy shall be filed with the Township and one (1) returned to the applicant with a written statement, if applicable, specifying the terms of the zoning permit.

Section 5.3 Site Plan Review Procedure**A. Site Plan Pre-Application Meeting.**

The Zoning Administrator, alone or in conjunction with the Planning Commission Chair and/or members of the Planning Commission, shall have the authority to conduct a pre-application meeting with the

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applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments, this conference is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application meeting should be held several months in advance of the desired start of construction. Such an advance meeting will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

B. Number of Copies and Timing.

Six (6) copies of the proposed site plan containing the data listed in [Section 5.4](#), including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. A digital copy of the site plan shall be required.

C. Fees.

Application fees pursuant to the currently adopted fee schedule and [Section 9.4](#) shall be paid when the site plan is submitted.

D. Review for Completeness by the Zoning Administrator.

The Zoning Administrator shall review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. Once the submitted materials are deemed by the Zoning Administrator to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. If the site plan is being submitted as part of a Special Use, notice of said meeting shall be in conformance with [Section 9.6](#) and the procedures of [Article 6](#) shall be followed.

E. Coordination with Other Agencies/Departments.

The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

1. The [Iosco County Building Department](#)
2. The Iosco County Soil Erosion and Sedimentation Control Officer
3. The [Iosco County Drain Commissioner](#)
4. The [Iosco County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#)
5. [District Health Department](#)

6. Local police, fire, and ambulance service providers
7. Planning consultant
8. Other agencies or consultants as deemed appropriate

F. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

G. Attendance at Meeting.

If the applicant fails to attend the Planning Commission meeting at which the site plan will be reviewed, either in person or by an authorized representative, the review may be postponed until the next scheduled Planning Commission meeting. If the applicant or an authorized representative fails to attend a second Planning Commission meeting at which the site plan will be reviewed, the application will be voided. The fee is non-refundable.

H. Planning Commission Action.

1. **Decision.** The Planning Commission, after review of the site plan, shall have the responsibility and authorization to:
 - a. Approve the site plan; or
 - b. Approve the site plan with conditions; or
 - c. Disapprove the site plan. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.
2. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
3. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to [Section 9.8](#) of this Ordinance. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
4. **Zoning Permit.** Approval of a final site plan authorizes the issuance of a zoning permit.

5. **Signed Copies.** After approval, two (2) copies of the site plan submitted shall be signed and dated. One (1) copy shall be filed with the Township and one (1) returned to the applicant with a zoning permit and a written statement, if applicable, specifying the terms of the zoning permit.
6. **Performance Guarantee.** The applicant may be required to post performance guarantees to ensure the completion of improvements associated with the project as per [Section 9.5](#).
7. **Appeal.** Request for appeal shall be made within thirty (30) days of the date of the Planning Commission decision.
8. **Rehearing.** A rehearing may be granted pursuant to [Section 9.10](#).

Section 5.4 Site Plan Data Required

Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Zoning Administrator or Planning Commission upon a finding that the information being waived is not necessary for the proposed development under consideration.

Table 5.4: Site Plan Requirements

A. General Information

1. Name and address of property owner and developer (including contact information).
2. Name and address of firm preparing the site plan (including contact information).
3. The existing zoning district in which the site is located and the zoning of adjacent lots. In the case of a request for a zoning change, the classification of the proposed new district.
4. A location sketch of the proposed use or structures.
5. Gross acreage of development and total usable floor area.
6. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
7. The following may be required (at the discretion of the Zoning Administrator or Planning Commission): A survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.

B. Map Information

1. Date and north arrow.
2. Scale at least 1" = 50' for property less than 3 acres and at least 1" = 100' for property 3 or more acres.

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3. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties, and their uses.

C. Lot Lines & Right of Way

1. Existing and proposed boundary lines of the property to include all dimensions and legal description.
2. The location and width of all abutting rights-of-way.

D. Development Features

1. **Existing and Proposed Features.** The location of all existing and proposed structures on the site, including common use areas and recreational areas and facilities. Include the intended use, dimension, and height of each building.
2. **Nearby Structures.** The location and identification of all existing structures within a two hundred (200) foot radius of the site.
3. **Setbacks.** The required setbacks of the district and the proposed setbacks of all structures.
4. **Vehicular and Pedestrian Circulation.** The proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
5. **Parking.** The location, size, and number of parking spaces in the off-street parking area, and the identification of service lanes.
6. **Loading and Unloading Areas.** The proposed location and size of all loading and unloading areas.
7. **Landscaping.** The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
8. **Waste.** The location of all storage and disposal facilities including the location of dumpsters.
9. **Lighting and Signs.** The location of all proposed exterior lighting and signs, including size and type.
10. **Hazardous Materials.** Information on the storage and use of hazardous materials and the disposal of hazardous waste.
11. **Storage.** Outdoor storage areas and snow storage areas.
12. **Utilities.** The type, location, and size of all existing and proposed utilities including well and septic system.
13. **Drainage.** The location, size, and slope of all surface and subsurface drainage facilities.

E. Natural Features

1. The location of existing environmental features, such as streams, wetlands, shorelands, mature specimen trees, wooded areas, or any other unusual environmental features.
2. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten (10) percent or greater, contours shall be shown at intervals of two (2) feet or less.

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F. Cross-Sections/Floor Plans/Density

A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:

1. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
2. The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
3. Typical elevation drawings of the front and rear of each building

G. Other

Other information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.

Section 5.5 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact based on evidence presented on each standard.

A. Topography and Natural Features.

1. All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings.
2. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

B. Surrounding Property.

1. The location, use, and nature of the operation shall not be in conflict with the permitted uses of the District or neighborhood.
2. The use shall not be objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, fire hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.

3. The use shall not discourage or hinder the appropriate development and use of adjacent premises and neighborhood.

C. Drainage.

On-site drainage shall be required. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect neighboring properties. The use of detention/retention ponds may be required.

D. Privacy.

The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

E. Access and Circulation.

1. Every structure or dwelling unit shall have access to a public road either directly or via a private road or easement.
2. The traffic and pedestrian circulation features within the site and the location of parking areas shall be safe and efficient.
3. Circulation systems shall be designed to promote safe and efficient traffic operations within the site, at ingress/egress points, and at intersections.
4. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods shall be assured.
5. Vehicular and pedestrian circulation shall be well-defined.
6. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
7. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

F. Lighting.

Exterior lighting shall be arranged as required by [Section 3.23 \(Outdoor Lighting\)](#).

G. Landscaping.

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Landscaping, including grass, trees, shrubs, and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.

H. Outside Storage.

Outside storage areas, including areas for storage of trash which face or are visible from residential districts or use or the public right-of-way, shall be screened.

I. Other.

1. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the use is granted.
2. All site plans shall comply with the terms of the Iosco County Soil Erosion and Sedimentation Control Ordinance and Stormwater Ordinance. It shall be the applicant's responsibility to provide documentation of compliance with these county ordinances.

Section 5.6 Conformance with Approved Site Plan

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to construct site improvements which conform to the approved site plan shall be considered a violation of this Ordinance.

Section 5.7 Amendment to Approved Site Plan

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any requested changes prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing(s) be submitted showing such minor changes, for purposes of record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance.

A. Determination of Minor Changes to a Site Plan.

The Zoning Administrator shall consider the following to be a minor change:

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1. Changes in floor plans that do not exceed twenty-five (25) percent of the total floor area or five hundred (500) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25) percent.
3. Movement of a building or buildings by no more than ten (10) feet.
4. Reduction of the size of any structure and/or sign.
5. Improvements to site access or circulation, such as the inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
6. Internal re-arrangement of the parking lot which does not affect the number of parking spaces or alter access locations or design.
7. Relocation of sidewalks and/or refuse storage stations.
8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
10. Changes that will preserve the natural features of the site without changing the basic site layout.
11. Change in type and design of lighting fixtures provided there will be no change in the intensity of light at the property boundary.
12. Changes required or requested by the Township or other state or federal regulatory agencies in order to conform with other laws or regulations provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

B. Revised Site Plan with Minor Changes.

After approval, the revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

C. Amendment to Site Plan – Major.

1. For amendments to site plans that do not qualify as a minor amendment and which require Planning Commission action, the same application process and fee for site plan review shall apply.

2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

Section 5.8 Revocation of Plot Plan or Site Plan Approval

A. Plans Approved by the Planning Commission.

1. If the Planning Commission finds that the conditions and stipulations of an approved plot plan or site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the plot plan or site plan.
2. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the chairman of the Planning Commission. Said letter shall be received by the applicant ten (10) days prior to the stated date of revocation and shall contain the reasons for revoking the plot plan or site plan approval.
3. If the applicant notifies the Planning Commission, within ten (10) days of receipt of the above letter, of his/her intent to rectify the violation, the Planning Commission, through official action, may defer the revocation.
4. If approval is revoked and work progresses on the project, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance.

B. Plans Approved by the Zoning Administrator.

1. If the Zoning Administrator finds that the conditions and stipulations of an approved plot plan are not being adhered to, the Zoning Administrator shall give notice to the applicant of the intent to revoke the prior approval given.
2. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Zoning Administrator. Said letter shall be received by the applicant ten (10) days prior to the stated date of revocation and shall contain the reasons for revoking the approval.
3. If the applicant notifies the Zoning Administrator, within ten (10) days of receipt of the above letter, of his/her intent to rectify the violation, the Zoning Administrator may defer the revocation.

4. If approval is revoked and work progresses on the project, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance.

Section 5.9 Expiration of Site Plan Approval

Site plan approval shall expire one (1) year after the approval is granted unless substantial construction of the approved development, as determined by the Zoning Administrator, has begun within that time. Thirty (30) days prior to the expiration of an approved site plan, an applicant may make an application to the Planning Commission for a one (1) year extension of the site plan approval. The Planning Commission may grant the requested extension for this additional one (1) year if it finds good cause for the extension.

Article 6

Special Uses

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Section 6.1 Purpose

Special Use permits are required for proposed activities which are essentially compatible with other permitted uses in a zoning district, but which possess characteristics or locational qualities which require individual review and restriction. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with standards set forth in this Ordinance. Special Uses are listed in this Ordinance under each zoning district in [Article 4](#). The intent of this Article is to establish equitable procedures and criteria which shall be applied in approving or denying Special Use permits. The Planning Commission is granted discretionary powers relating to the approval of such uses.

Section 6.2 Special Use Review Procedure

A. Application Submittal.

1. **Application and Fee.** Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose and shall be accompanied by the fee, pursuant to [Section 9.4](#), prescribed in the Fee Schedule adopted by the Township Board.
2. **Timing of Submittal.** Special Use applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the site plan will be considered.
3. **Plot Plan or Site Plan Required.** In addition to a complete application form, the applicant is required to submit six (6) copies of a plot plan in accordance with [Section 5.2](#) or six (6) copies of a site plan prepared in accordance with [Section 5.4](#). See [Table 5.1](#) to determine which type of plan is required. Incomplete submittals shall not be accepted by the Zoning Administrator. The Zoning Administrator may waive the requirement for a plot plan or site plan if he/she finds that the plot

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plan/site plan requirements are not applicable to the proposed Special Use. In addition to the plot plan or site plan, the applicant shall also submit the following:

- a. Description of the proposed use including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- b. Sewage and waste disposal facilities and water supply, existing and/or proposed for installation.
- c. Use of existing premises and zoning district designation of all adjacent properties.
- d. A statement by the applicant appraising the effect on the neighborhood.

B. Application Processing.

1. **Review for Completeness and Scheduling of Public Hearing.** The Zoning Administrator will review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with [Section 9.6](#). The Zoning Administrator may also transmit his/her recommendation of the proposed development to the Planning Commission.
2. **Coordination with Other Agencies.** The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:
 - a. The [Iosco County Building Department](#)
 - b. The Iosco County Soil Erosion and Sedimentation Control Officer
 - c. The [Iosco County Drain Commissioner](#)
 - d. The [Iosco County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#)
 - e. [District Health Department](#)
 - f. Local police, fire, and ambulance service providers
 - g. Planning consultant
 - h. Other agencies or consultants as deemed appropriate
3. **Special Uses Requiring ZBA Action.** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before Special Use approval can be granted, or the Special Use may be approved subject to favorable action by the Zoning Board of Appeals.

4. **Attendance at Meeting.** If the applicant fails to attend the Planning Commission meeting at which the Special Use will be reviewed, either in person or by an authorized representative, the review may be postponed until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input. If the applicant or an authorized representative fails to attend a second Planning Commission meeting at which the Special Use will be reviewed, the application will be voided. The fee is non-refundable.

C. Public Hearing.

A public hearing shall be held for all Special Use permit requests. Notice of the Special Use permit request and public hearing shall be provided after notice is given pursuant to [Section 9.6](#).

D. Planning Commission Action.

1. After the public hearing, the Planning Commission, upon finding that the proposed Special Use complies with all applicable provisions of this Ordinance, standards listed in [Section 5.5](#) (if a site plan is required), the standards listed in [Section 6.3](#), and standards in [Article 7](#) which are applicable to the specific Special Use, may:
 - a. Approve the Special Use; or
 - b. Approve the Special Use with conditions; or
 - c. Disapprove the Special Use. If the Special Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.
2. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
3. Approval, by the Planning Commission, of a Special Use authorizes the issuance of a zoning permit.

E. Conditions.

The Planning Commission may impose reasonable conditions with the approval of a Special Use, pursuant to [Section 9.8](#) of this Ordinance.

F. Performance Guarantee.

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a Special Use, pursuant to [Section 9.5](#) of this Ordinance.

G. Signed Copies of an Approved Site Plan or Plot Plan for a Special Use.

After approval, two (2) copies of the plot plan or site plan submitted shall be signed and dated. One (1) copy shall be filed with the Township and one (1) returned to the applicant with a zoning permit and a written statement, if applicable, specifying the terms of the zoning permit.

H. Appeal.

The decision of the Planning Commission concerning a Special Use may be appealed by a person aggrieved by the decision, by an officer, department, board, or bureau of the State of Michigan, or by the Township, to the Zoning Board of Appeals. Request for appeal shall be made within thirty (30) days of the decision by the Planning Commission.

I. Conformance.

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission shall apply only to those uses, arrangements, and construction authorized in the permit. All other uses and structures at variance with the authorized permit shall be deemed in violation of this Ordinance and punishable as provided in [Section 9.9](#).

J. Rehearing.

A rehearing may be granted pursuant to [Section 9.10](#).

Section 6.3 Special Use Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a Special Use only upon a finding that the proposed Special Use complies with all applicable provisions of this Ordinance and the standards listed below.

A. General.

1. The proposed use is in harmony with the purpose and intent of this Ordinance and any portion of the Master Plan of Sherman Township.
2. The proposed use will comply with all appropriate regulations for the district in which it will be located.
3. The proposed use will comply with all special regulations established in this Ordinance (including specific standards in [Article 7](#)) and all special conditions necessary for the safety and general welfare of the public.

B. Compatibility with Adjacent Uses and the General Neighborhood.

1. The proposed use will not adversely affect the health and safety of the public and the workers and residents in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
2. The proposed Special Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other properties in the areas by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

C. Public Services.

1. The proposed Special Use will not place demands on fire, police, or other public resources in excess of current capacity.
2. The proposed Special Use will be adequately served by public or private roads and refuse collection and disposal services.

D. Water Supply and Sewage Disposal.

1. The water supply and sewage disposal system shall be adequate for the proposed use and the Special Use shall not negatively impact the quality and quantity of water resources and domestic water supplies.
2. The site shall have the capacity to absorb the anticipated sewage disposal demand.

E. Economic Well-Being of the Community.

The proposed Special Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

F. Compatibility with Natural Environment.

The proposed Special Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

G. Traffic Circulation.

1. Traffic circulation features within the site and location of automobile parking areas which ensure safety and convenience of both vehicular and pedestrian traffic.

2. The location and design of the proposed use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e., volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
3. The proposed use shall not cause traffic congestion, conflict, or movement in significantly greater proportion to that normally prevailing for the use in the particular zoning district.

Section 6.4 Inspection of a Special Use

The Zoning Administrator shall have the right to inspect any Special Use to ensure continued compliance with the conditions of the Special Use Permit.

Section 6.5 Amendment to an Approved Special Use

Minor amendments to a previously approved Special Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in [Section 5.7](#). Amendments which are not classified as minor in accordance with [Section 5.7](#) shall be processed in the same manner as a new Special Use.

Section 6.6 Expiration or Revocation of a Special Use

A. Expiration of Special Use Permit.

Special Use approval shall expire one (1) year after the approval is granted, unless substantial construction of the approved development has commenced or unless the use has begun within that time. Thirty (30) days prior to the expiration of an approved Special Use Permit, an applicant may apply to the Planning Commission for a one (1) year extension of the Special Use Permit. The Planning Commission shall grant the requested extension for an additional one (1) year if it finds good cause for the extension and that the zoning regulations governing the Special Use approval have not changed since the approval.

B. Special Use that has been Replaced or Superseded.

The Special Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Use is an accessory use on the premises) or a subsequent Special Use permit or if the applicant requests the rescinding of the Special Use Permit.

C. Abandonment of Special Use.

If a property owner has an intent to abandon a Special Use permit and in fact abandons this Special Use permit for a period of one (1) year or more, then the Special Use permit shall be deemed abandoned and any subsequent use of the property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a Special Use, the Zoning Administrator shall consider the

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following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Use.

D. Special Use and Transfer or Sale of Property.

A Special Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [subsection C](#).

E. Special Use Suspension or Revocation.

1. If the Planning Commission finds that the conditions and stipulations of an approved Special Use are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the Special Use.
2. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the chairman of the Planning Commission. Said letter shall be received by the applicant ten (10) days prior to the stated date of revocation and shall contain the reasons for revoking the Special Use approval.
3. If the applicant notifies the Planning Commission, within ten (10) days of receipt of the above letter, of his/her intent to rectify the violation, the Planning Commission, through official action, may defer the revocation.
4. If approval is revoked and the Special Use continues, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance.

Article 7

Supplemental Regulations

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Section 7.1 Purpose

The uses contained within this Article shall comply with the specific development standards listed for said use in this Article along with provisions listed elsewhere in this Ordinance. Uses marked with a **§7.x** in **Section 4.7 (Full Table of Permitted & Special Uses)** and in the individual district use tables are included in this Article.

Section 7.2 Home Occupations & Cottage Industries

While Sherman Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by nonresidential activities conducted in a residential zone. The intent of this Section is to provide standards to ensure Home Occupations and Cottage Industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

A. Standards.

1. Zoning Permit.

- a. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is NOT required.
- b. Cottage industries may be permitted as a Special Use subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If a premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.

2. **Use of Buildings.** Home Occupations and Cottage Industries operated within the dwelling shall occupy no more than thirty-five (35) percent of the dwelling's ground floor area. Home Occupations and Cottage Industries may occupy one hundred (100) percent of attached or detached accessory buildings.

3. **Employees.** Home Occupations and Cottage Industries shall be conducted primarily by the person or persons occupying the premises as their principal residence.

- a. **Home Occupations.** No more than one (1) nonresident person shall be employed to assist with the business.
- b. **Cottage Industries.** The maximum number of non-resident employees shall be determined at the time of Special Use review.

4. **Architectural Style.** Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation is discontinued.

5. **Residential Character.** Home Occupations and Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
6. **Nuisances.** Home Occupations and Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.
7. **Traffic and Delivery.** Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. **Outdoor Storage and Display.**
 - a. **Home Occupations.** There shall be no exterior display or storage of goods on said premises, and the area shall be kept free of debris.
 - b. **Cottage Industries.** The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission. Products produced on premises may be displayed outside upon approval of the Planning Commission. The proposed outdoor display areas shall be shown on the proposed plot plan.
9. **Parking.** Vehicular and pedestrian traffic generated by the Home Occupation or Cottage Industry shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off-street.
 - a. **Home Occupations.** There shall be no off-street parking. Parking shall be permitted within the setback area.
 - b. **Cottage Industries.** Off-street parking shall be provided for employees of a Cottage Industry. The amount of additional off-street parking for clients and customers shall be approved as part of the Special Use Permit.
10. **Materials/Process.** No process, chemicals, or materials shall be used which are contrary to applicable state or federal laws.

B. Compliance, Inspections, and Violations.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
3. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to a new review and approval unless it falls under the definition of a minor amendment as indicated by [Section 5.7](#) and as determined by the Zoning Administrator.

Section 7.3 Accessory Dwelling Units

Accessory dwelling units, as defined in [Article 2](#), shall comply with the following regulations:

A. Residence and Incidental Use.

The accessory dwelling unit shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:

1. Accessory dwelling units shall be established on owner-occupied properties only.
2. Rental of accessory dwelling units shall be for periods of thirty (30) days or greater.
3. One (1) such accessory dwelling unit shall be permitted by Special Use on each lot. More than one (1) accessory dwelling unit may be permitted upon Planning Commission approval after considering the size of the lot and the distance from neighboring properties.
4. The floor area of an accessory dwelling unit shall be no greater than fifty (50) percent of the floor area of the principal dwelling on the lot.
5. The accessory dwelling unit may be a detached structure or may be attached to another building on the property including the principal dwelling or an accessory building.
6. Accessory dwelling units shall meet the required setbacks for the principal building.
7. Accessory dwelling units shall meet the current building code, fire code, and [District Health Department](#) standards.

B. Compatibility with Surrounding Land Use.

The design of the accessory dwelling unit shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood.

C. Parking and Access.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

In addition to the required parking for the principal residence, one (1) additional parking space shall be provided for the accessory dwelling unit.

Section 7.4 Campgrounds

- A. The site shall be at least twenty (20) acres in area.
- B. Campgrounds shall have a greenbelt planting strip with a depth of not less than forty (40) feet along the lot lines. Greenbelts may be within the one hundred (100) foot required building/structure setback.
- C. No building or structure shall be closer than one hundred (100) feet to a lot line.

Section 7.5 Mining/Resource Extraction

- A. The Planning Commission shall adhere to Section 125.3205 of [2006 PA 110, Michigan Zoning Enabling Act](#) when reviewing applications for a Special Use for Mining/Resource Extraction Operations.

Section 7.6 Drive-In Theaters

- A. The site shall be at least twenty-five (25) acres in area.
- B. The area of public assembly shall be enclosed within a ten (10) foot uniformly-painted solid fence or wall.
- C. Any structure, including fences, shall be at least one hundred (100) feet from all lot lines and the said one hundred (100) foot area shall be landscaped with lawn, trees, and shrubs.
- D. The ticket booth shall be at least two hundred (200) feet from the street right-of-way from which ingress is made.

Section 7.7 Manufactured Housing Communities

A. General.

All manufactured housing communities shall comply with the applicable requirements of [1987 PA 96, the Mobile Home Commission Act](#), as amended, and [Michigan Manufactured Housing Commission Rules](#) and shall comply as required with the following additional regulations (unless superseded by the [Administrative Rules for Manufactured Housing](#) from the State of Michigan):

B. Licenses.

It shall be unlawful for any person to administer a manufactured housing community within the

Township unless said person holds a valid license issued by the State of Michigan.

C. Development Standards.

1. The site shall be at least ten (10) acres in area.
2. A building for retail sales of groceries and sundries may be permitted provided such building is located within the central area of the manufactured housing community and is not adjacent to a public street. Such business shall serve only the occupants of the manufactured housing community.

Section 7.8 Biofuel Production Facilities on Farms

- A. In conformance to the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, the following regulations shall apply to biofuel production facilities:
 1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
 - c. On an annual basis, not less than seventy-five (75) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
 2. Each of the following requires Special Use approval under [subsections A.3 to A.5](#):
 - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of subsection A.1.a and A.1.b but that does not meet the requirements of subsection A.1.c.
 - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of subsection A.1.a and A.1.b.

3. An application for Special Use approval for a biofuel production facility described in [subsection A.2](#) shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed [United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau](#), forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the [National Environmental Policy Act of 1969](#), 42 USC 4321 to 4347, and the [Federal Water Pollution Control Act](#), 33 USC 1251 to 1387.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of [subsections A.2](#) and A.5.
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Use approval under [subsection A.2](#) not more than sixty (60) days after the application is filed.
5. Special Use approval of a biofuel production facility described in [subsection A.2](#) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 - a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
 - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.

- (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- (5) The biofuel production facility includes sufficient storage for both of the following:
 - (a) Raw materials and fuel.
 - (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

B. This Section does not authorize biofuel production facilities that are not located on farms.

Section 7.9 Commercial Event Facilities

A. Standards.

1. Restaurants and hotels with banquet facilities where commercial event facilities are accessory to the principal use shall not be subject to this Section.
2. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." "On site" is defined as at least one hundred (100) feet from the property boundaries of the lot on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.
3. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located at least three hundred (300) feet from adjacent owners' lot lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by subsection A.2 above.
4. **Year-Round Operations and Number of Events.** Events within a commercial event facility may occur at all times of the year. The Planning Commission, however, may limit the number of events allowed each year based on a finding that due to the close proximity of the commercial event facility to dwellings, the physical characteristics of the site, and/or a lack of vegetation or other effective buffers on the site an unlimited number of events could cause a substantial detrimental impact on neighboring properties.

5. **Hours of Operation.** Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the departure of all attendees from the facility with the understanding that the clean-up process may occur after termination of the event.
6. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, and shall be terminated by 11:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site based on the specifics of the application. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries.
7. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless the Planning Commission approves it as part of the site plan. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
8. **Capacity.** The number of persons allowed at each event for a proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
9. **Sanitary Facilities.** The applicant shall obtain approval for the required sanitary facilities from the **District Health Department**.
10. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles as determined by the Planning Commission in consultation with emergency responders based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.
11. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of lot, the natural topography, and vegetative cover. If required, buffers shall be of sufficient depth and height to reduce the impact of noise on adjacent properties and reduce the impact of outdoor lighting on adjacent properties.
12. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

B. Submittal Requirements.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. In addition to the requirements in **Section 5.4 (Site Plan Data Required)**, the site plan must show the area of the event, parking, temporary structures, and sanitation facilities.
 - a. Area of the event including indoor and outdoor areas.
 - b. Parking location and number of parking spaces.
 - c. Temporary structures.
 - d. Sanitation facilities.
 - e. Areas for food trucks or food vendors including proposed setback from lot lines including the maximum number of food trucks or food vendors planned.
 - f. Areas for trash receptacles and schedule for trash pick-up.
 - g. Location of firepits.
 - h. Location of outdoor lighting and light levels.
2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval.
 - a. Type and number of events expected.
 - b. Hours of operation including setup and takedown times.
 - c. Provisions for traffic and parking management.
 - d. Provisions for noise abatement and expected sources of noise including location of speaker systems and similar sources of noise.
 - e. Public safety plans.
 - f. Expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
 - g. Expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 - h. Certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

- i. The event management plan shall include proof of insurance and a signed statement which holds the Township harmless from claims, suits, or actions.
- j. List of contacts for emergency situations.

Section 7.10 Food Trucks

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e., mobile ice cream trucks).
- B. Zoning approval is required for food trucks which will be in a temporary location for over seven (7) days. The property owner shall submit a plot plan pursuant to [Section 5.2](#). The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) zoning approval is required for all of the food trucks on the property. The Zoning Administrator may specify the approved number of food trucks and the time period of operation.
- C. One (1) food truck is permitted per acre.
- D. A single food truck may receive approval for multiple locations.
- E. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
- F. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer systems, or public roads.
- G. All areas of the lot shall be kept clean and free of debris.

Section 7.11 Short Term Rentals

A. Intent.

This Section is intended to protect and promote the health, safety, and welfare of all the citizens of the Township, as well as those visiting the area, by requiring the permitting of short-term rentals within the Township. It is also the intent of this ordinance to allow for the purchase and continued ownership, rental, and maintenance of properties where renting the dwelling unit for short periods of time will allow the owner(s) to keep the property for their future use and enjoyment while protecting the integrity and preserving the character of those residential neighborhoods which were developed with the intent of single-family occupancy and minimizing conflicts between different land uses. This ordinance is further intended to protect the availability of long-term rental properties within the Township, which are recognized as

providing an important and affordable long-term housing option.

B. Standards.

1. **Zoning Permit.** A separate zoning permit is required for each Short Term Rental property regardless of whether or not the properties are under the same ownership.
2. **Exterior.** All exterior premises shall be kept free from any accumulation of junk or garbage.
3. **Trash.** Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin.
4. **Nuisance.** Activities on a Short Term Rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, vibrations, or trespass.
5. **Traffic.** Vehicular traffic generated by the Short Term Rental shall not exceed that which would normally be expected in a residential neighborhood.
6. **Parking.** All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site in the garage, driveway, or other improved area.
7. **Noise.** Noise shall be subject to [Section 3.18 \(Performance Standards\)](#).
8. **Fireworks.** Fireworks shall not be permitted except as superseded by Section 7 of [2011 PA 256](#), as amended (Michigan Fireworks Safety Act).
9. **Street Address Posted within Dwelling Unit.** The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.

C. Local Agent.

1. Each owner of a Short Term Rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.
2. The local agent must be available twenty-four (24) hours a day during the rental period and shall reside within forty-five (45) minutes' travel time of the property (or portion thereof) used for a Short Term Rental.
3. The Township will provide the phone number of the local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries.

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4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local agent.
5. Contact information shall be posted at the Short Term Rental Home driveway entrance near the road stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number at which the agent can be reached, and the maximum occupancy of the dwelling unit as permitted by this Ordinance.
6. The permit holder shall notify the Township of any changes in ownership or in the local agent.

D. Owner Responsibility.

1. The owner or local agent shall require the standards in this Section be met by renters as part of all rental agreements. The owner or local agent shall use best efforts to assure that the occupants or guests of the Short Term Rental do not violate this Ordinance by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violation when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm's way.
2. The owner shall be responsible for any damage caused by fires or trespassing.
3. Property lines shall be posted with No Trespassing language per state law.
4. The owner and local agent shall ensure that the maximum occupancy, per this Ordinance, of the Short Term Rental Home is stated correctly in all advertising media. Misrepresentation of the occupancy limits of the Short Term Rental Home shall be considered a violation of this Ordinance.

E. Zoning Permits.

1. Short term rentals require a zoning permit.
2. The following application elements are required prior to receipt of a Short Term Rental zoning permit or permit renewal:
 - a. A fully completed and signed Zoning Permit Application form provided by the Township including all the required supplemental documents.
 - b. Owner contact information.
 - c. Contact information for a local agent available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.

- d. **More Than One (1) Owner or Ownership by Entity.** Where more than one (1) person has an ownership interest, the required information shall be provided for each owner. In those cases, in which the owner is not a person, the information required shall be provided for the organization owning the Short Term Rental dwelling and for the president, general manager, or other chief executive officer of the organization.
3. A Short Term Rental zoning permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for.
4. **Non-Transferable.** The zoning permit shall not be transferable to another property or to another owner. A zoning permit issued under this Section shall become void upon the attempted transfer of a zoning permit or transfer of ownership of the dwelling unit for which the zoning permit is issued. In the event of an unauthorized transfer, a new Short Term Rental zoning permit must be obtained by the new owner of the dwelling unit from the Township before Short Term Rentals may be resumed in the dwelling unit.
 - a. Notwithstanding the above, the Township recognizes that as a matter of public policy it is equitable and consistent with the intent of this Section to enable transfers of Short Term Rental permits in certain limited circumstances, which include transfers to immediate family members and reallocations of entity interests holding a Short Term Rental permit among existing entity owners. Consistent with these policy goals, Short Term Rental permits may be transferred under the following circumstances, provided that a transfer application conforming to the requirements and regulations set forth in this Section and indicating the relationship of the transferor to the transferee is first submitted to and approved by the Planning Commission:
 - (1) For short-term rental licenses held by an individual, that individual may transfer their short-term rental license to an immediate family member.
 - (2) For short-term rental licenses held by a corporate or other entity, owners or members of that entity may transfer their interest in the entity to i) an immediate family member; or ii) another member of that same entity.
 - (3) For short-term rental licenses held by a trust, a conveyance to i) a beneficiary of that trust; or ii) a beneficiary's immediate family member. The trustee of the trust may also be modified to remove an existing trustee or designate an immediate family member of the trustee as the new trustee.

F. Violations.

Failure to adhere to the standards in this Section shall be a violation of this Ordinance per [Section 9.9](#).

Section 7.12 Medical Marihuana Primary Caregivers

A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the **Michigan Medical Marihuana Act** (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.

B. Regulations for Primary Caregivers.

A primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the **Michigan Department of Licensing and Regulatory Affairs** or any successor agency under the provisions of the **MMMA**.
2. Except when being transported as provided in subsection 8 below, all marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marihuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marihuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent roads or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 AM and 8:00 PM, except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.

7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marihuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marihuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.
9. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marihuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. The portion of the primary caregiver facility, including any room or area utilized to grow marihuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

Section 7.13 Marihuana Facilities

A. General.

1. **State License.** Marihuana facilities shall remain in compliance with the State of Michigan licensing requirements.
2. **Township License.** Marihuana facilities shall receive a marihuana facilities license from the Township prior to operating and shall continue to comply with Sherman Township Medical Marihuana Facility and Adult-Use Marihuana Establishment Licensing Ordinance No. 02-2023.
3. **Site Plan.** A site plan shall be submitted pursuant to [Section 5.3](#) in conjunction with the licensing application.
4. **Location.** Each marihuana facility shall be operated only from the premises approved on the site plan. No marihuana facility shall be permitted to operate from a movable, mobile, or transitory location except for a permitted and licensed marihuana secure transporter when engaged in the lawful transport of marihuana.
5. **Co-Location.** More than one (1) marihuana facility may operate from within a single location operating pursuant to the [Michigan Regulation and Taxation of Marihuana Act](#) and may operate from a location shared with a marihuana facility(s) operating pursuant to the [Medical Marihuana Facilities Licensing Act](#) and the rules of the State. Co-location may only occur if all uses are allowed in the zoning district in which the property is located. No more than one (1) Special Use Permit for the same type of facility shall be issued per permitted location (based on address), however, multiple marihuana facility licenses may be permitted at a single location. For example, no more than one (1) Grower Special Use Permit shall be issued at a single location (multiple Grower licenses may exist at the same location), but a Special Use Permit for one (1) Processor may also be issued at the same location.

B. Specific Regulations.

1. **Minimum Acres.** Marihuana growers shall be located on a minimum of fifteen (15) acres.
2. **Separation Distances.** Marihuana facilities shall not be located within one thousand (1,000) feet of any building used for education, child care, park, or addiction treatment purposes (herein referred to as “eligible buildings”) whether or not those eligible buildings are in Sherman Township. This measurement shall be the distance from any building in which the facility or establishment is operating and an eligible building on another lot or to the lot line of a park.
3. **Screening.** Screening shall be provided pursuant to [Section 3.21](#) for all marihuana facilities along the side and rear lot lines. In addition, marihuana grower facilities shall be screened along ALL lot

lines using standards pursuant to [Section 3.21](#). Marihuana facilities with outdoor storage shall provide screening of all storage areas pursuant to [Section 3.21](#).

C. Changes to Previously-Approved Marihuana Facility.

1. **Changes Resulting in Expansion of Marihuana Grower.** Changes that would result in the expansion of the approved footprint of a previously-approved Marihuana Grower are prohibited.
2. **All Other Changes.** Except for the circumstances in C.1 above, changes to a previously-approved marihuana facility may be approved pursuant to [Section 6.5](#). All changes shall be shown on a new site plan. For changes approved by the Zoning Administrator, a new approved site plan shall be filed with the Planning Commission in the official record. The addition of new equipment does not necessitate a new public hearing and may be approved by the Zoning Administrator. If the Zoning Administrator determines that the new equipment will have a significant impact on adjacent premises, then the changes shall require Planning Commission approval and a public hearing.

Section 7.14 Sexually-Oriented Businesses

The purpose and intent of this Section pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually-oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually-oriented businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinances, state, or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually-oriented business shall be permitted in a location in which any main or accessory building or structure, including signs, is within one thousand (1,000) feet of any main or accessory building or structure of another sexually-oriented business.

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- B. No sexually-oriented business shall be established on a lot which is within four thousand (4,000) feet of any lot zoned for or used for residential use or any lot used for park, school, child care center, library, or religious or cultural activity.
- C. The distances in subsections A and B shall be measured in a straight line without regard to intervening structures, topography, and zoning. Said business shall not be permitted as a home occupation or cottage industry.
- D. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and, to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- F. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
- G. Any sign or signs proposed for the sexually-oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. Entrances to the proposed sexually-oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: (1) "persons under the age of 18 are not permitted to enter the premises", and (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- K. Any booth, room, or cubicle available in any sexually-oriented business, except an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the [Americans With Disabilities Act](#);
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;

3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
4. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
5. Has no holes or openings in any side or rear walls.

L. Review Procedure for Sexually Oriented Businesses.

The Planning Commission shall adhere to the following procedures when reviewing a Special Use application for a sexually oriented business.

1. Once a complete application has been submitted, the Planning Commission shall within sixty (60) days after the submission make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in this Section, **Section 5.5** and **Section 6.3**. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a Special Use for the same within sixty (60) days of its determination that a completed application has been filed, then the Special Use shall be deemed to have been approved.
2. **Prompt Judicial Review Of Adverse Determination.** In the event an application for Special Use within this Section is denied, the applicant shall be entitled to prompt judicial review of that denial. If the applicant desires prompt judicial review of the denial, the applicant shall submit a written request for that review with the Township Clerk. Within five (5) business days after receipt of the written request for judicial review, the Township shall file a motion for preliminary injunction in the Iosco County Circuit Court that seeks to restrain the applicant from operating the sexually-oriented business in violation of the Zoning Ordinance. If the applicant seeks an order from the Circuit Court, under the then applicable Michigan court rule, that the trial of the action on the merits be advanced and consolidated with the hearing on the motion for preliminary injunction, the Township shall consent to that request. If the applicant appeals an adverse ruling from the Circuit Court to the Michigan Court of Appeals and the applicant seeks an order from the Court of Appeals, under the then applicable Michigan court rule, that seeks to expedite the priority of the appeal on the Court's calendar, the Township shall consent to that request. In the event the Michigan Supreme Court accepts applicant's appeal from an adverse ruling from the Court of Appeals and the applicant seeks an order from the Supreme Court, under the then applicable Michigan court rule, that seeks to expedite the proceeding before the Court, the Township shall consent to that request.

Section 7.15 Planned Unit Developments (PUD)

A. Purpose.

The intent of a Planned Unit Development is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific districts' standards of this Ordinance where such modifications will not be contrary to the intent of this Ordinance or significantly inconsistent with the Master Plan upon which it is based. It is further intended to promote more efficient and economical use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, open space, and the preservation of natural scenic qualities.

B. Permitted Uses.

The following uses may be allowed in a PUD. Mixed uses are encouraged.

1. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
2. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.
3. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in a residential zoning district.

C. Flexibility of District Standards.

Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance.

D. Development Standards.

1. **Uses.** Proposed uses should be so designed and located to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.
2. **Natural Features.** To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features.

3. **Design of Features.** A Planned Unit Development shall be designed so as to provide adequate light, air, privacy, circulation patterns, and public services. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
4. **Open Space.**
 - a. **Common Open Space.** A minimum of twenty (20) percent of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Open space and recreational areas shall be areas which are usable to the residents and shall not consist of roads, parking areas, on-site drainage, and the like. The open space shall be disposed of as required in subsection b below. The Planning Commission may waive or reduce this requirement during the approval process.
 - b. **Disposition of Open Space.** The required amount of common open space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or shall be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
5. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact on adjacent properties, residents, or public facilities.
6. **Perimeter Setback.** The Planning Commission may require a setback from the perimeter of the PUD property.

E. Review and Approval.

1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Planning Commission Chair, and/or Planning Commission prior to the submission of the development plan. The purpose of this meeting is to discuss, early and informally, the purpose and effect of this Ordinance and the criteria and standards contained herein, and to obtain feedback on the preliminary proposal.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

2. **Submission of Preliminary Site Plan.** The applicant shall submit six (6) copies of a preliminary site plan at least forty-five (45) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
 - a. General footprint of proposed and existing buildings.
 - b. Indication of proposed uses and their general locations.
 - c. General layout of streets, drives, parking areas, and pedestrian paths.
 - d. Individual lots, if applicable.
 - e. Proposed setbacks for district perimeters and individual buildings within the development.
 - f. Proposed perimeter buffer zones and screening.
 - g. Conceptual landscape plan.
 - h. Development phases, if applicable.
 - i. Type, estimated number, and density range for residential development.
 - j. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.
 - k. Additional supporting documentation including a written narrative describing the project.

3. **Preliminary Site Plan Approval.**

- a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with [Section 9.6](#) of this Ordinance.
- b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny, or approve the preliminary plan subject to specified conditions/revisions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two- (2) year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

4. **Final Site Plan Approval.**

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

- a. The applicant shall submit six (6) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least forty-five (45) days prior to the meeting at which Planning Commission Review will occur.
 - b. The final site plan shall include all site plan data required in [Section 5.4](#).
 - c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
 - d. The Planning Commission shall conduct a public hearing in accordance with [Section 9.6](#) of this Ordinance.
 - e. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the requirements stated in this Section, site plan review criteria in [Section 5.5](#), Special Land Use approval standards in [Section 6.3](#), and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications.
 - f. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval. The Planning Commission may reject or require modifications to the plan if, in its opinion, conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
 - g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.
5. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in [Section 5.7](#).

Section 7.16 Site Condominiums

A. Intent.

The purpose of this Section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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state and federal laws and regulations.

B. General Requirements.

1. **Compliance with Federal, State, and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use and shall comply with all zoning requirements of this Ordinance.
 - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered a single zoning lot and shall comply with all regulations of the zoning district in which it is located.
 - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit, nor shall a dwelling unit be located on a site condominium unit with any other principal building or principal use. One (1) accessory dwelling unit shall be permitted per site condominium unit.
 - c. Setbacks shall be measured from the boundaries of the site condominium unit.
3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan and Special Use review and approval by the Planning Commission in accordance with [Article 5](#) and [Article 6](#) of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
 - a. **Application.**
 - (1) An application for site plan approval shall be filed for review as per the requirements of [Article 5](#) of this Ordinance. All procedures and standards of [Article 5](#) and [Article 6](#) shall apply to site condominium projects.
 - (2) All condominium site plans shall include the information required in Section 66 of [PA 59 of 1978](#), as amended (Condominium Act, being MCL 559.166).
 - (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the [County Register of Deeds](#) for review and approval by the Planning Commission.
 - (4) In the case of single-family detached dwelling units, the location, and dimensions of site condominium common elements, limited common elements, and building envelopes, rather than individual buildings and setbacks, shall be shown on the site plan.

b. Deed Restrictions, Master Deed, By-Laws.

- (1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands, and other natural areas, and maintenance of landscaping in common areas in the project.
- (2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

c. Performance Guarantee. As a condition of approval of the site plan, the Planning Commission may require performance guarantees by the developer in accordance with the provisions of **Section 9.5**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

4. Easements for Utilities. Road rights-of-way shall be lots separate from individual residential units or lots. The rights-of-way shall be for roadway purposes and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

5. Additional Filings Required. Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- c. Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Section 7.17 Junkyards, Salvage Yards, & Scrap Yards

- A. Junkyards, salvage yards, and scrap yards may be established and maintained in accordance with all applicable statutes and rules of the State of Michigan.
- B. The setback from the front lot line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence at least eight (8) feet in height. Said fence shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. Junk, trash, and refuse shall not be piled higher than the top of the fence. The Planning Commission may allow a fence which is higher than the height limits in [Section 3.19](#).
- C. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any road or road right-of-way.
- D. The minimum lot size shall be ten (10) acres.
- E. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hours of 8:00 AM and after 6:00 PM and no such activity shall operate on Sundays.
- F. Open burning shall not be permitted except by state permit, and it shall comply with this subsection.
- G. Glare from any process, such as arc welding, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- H. No oils, lubricants, or other liquids from vehicles, machinery, equipment, or other materials, shall be disposed of on-site unless State of Michigan-approved facilities are properly in place and properly functioning. No burial of wastes shall be permitted on the property under this Section unless in compliance with State of Michigan regulations.
- I. The applicant shall state in writing and/or illustrate how potentially hazardous liquids are to be prevented from entering the groundwater and present a written plan for handling and disposal of such hazardous liquids.
- J. The applicant may be required to provide a written contingency plan for hazardous/toxic spills. The Planning Commission may require a roofed work area with an impervious floor with a floor drain collection system.
- K. Once approved, no other portion of the property shall be used for activities regulated herein without an amended site plan and Special Use approval, and there shall be no presumption that any usage beyond that in the original permit would be approved.

Section 7.18 Wireless Communications

A. Uses Exempted (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by [47 CFR Section 1.4000](#)) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See Over-the-Air Reception Devices ([47 CFR Section 1.4000](#)). Single-use towers and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting such a tower.

B. Uses Allowed.

1. **Co-Location - Permitted Use.** Pursuant to [Section 3514 of 2006 PA 110, as amended \(Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.\)](#), co-location of wireless communications equipment on an existing support structure is a permitted use of property. No zoning permit is required.
 - a. No antenna or similar sending/receiving devices appended to a wireless communications support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure thereby jeopardizing the support structure’s structural integrity.
 - b. The installation and/or operation of the above-mentioned wireless communications equipment shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
2. **New Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Use as listed in [Section 4.7](#) and the individual district tables and shall be evaluated using the procedures stated in [subsection C](#) below using the standards stated in [subsection D](#).
3. **Other Wireless Communications Facilities:** Wireless communications facilities which do not fall under subsections B.1 or B.2 (above) shall follow the same Special Use approval procedure and standards as uses listed in subsection B.2 (above).

C. Approval Procedure for New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).

1. An application for Special Use approval of Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) shall include all information required by [Section 5.4](#) as well as a decommissioning plan which shall include:
 - a. 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.
 - b. The projected decommissioning costs for removal of the facility (net of salvage value in current dollars) and soil stabilization. The Township may require one (1) or more third party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.
 - c. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).
 - (1) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the Township Board. A Wireless Communications Facility owner may at any time:
 - (a) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (b) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
2. After an application for a Special Use is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the fourteen (14) day period under subsection C.2, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection C.2 is tolled until the applicant

submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to [Section 9.6](#).
5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in [Section 5.5](#), Special Use standards in [Section 6.3](#), and the standards contained in subsection D below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved, and the Planning Commission shall be considered to have made any determination required for approval.

D. Special Use Standards for New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).

In considering authorization of such Wireless Communications Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) Planning Commission shall apply the following specific standards:

1. **Ownership.** The applicant (owner/operator/agent) shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the Wireless Communications Facility. The applicant, agents, or successors shall report to the Planning Commission any changes in the legal ownership of the Wireless Communications Facility within thirty (30) days of the effective date of the change.
2. **Visual Impact.** The application for Special Use for the Wireless Communications Facility shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the Wireless Communications Facility from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Commission during its first consideration of the application for Special Use before the public hearing. The Planning Commission may require screening of the site consisting of a vegetative buffer, fence/wall, berm, or some combination thereof.
3. **Co-Location Feasibility.** The applicant shall provide documentation of whether or not it is feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.
4. **Spacing.** A two (2) to three (3) mile radius shall be maintained is recommended between all towers. The Planning Commission may waive this requirement after determining that no adverse impact to

the community or nearby property is anticipated and that a shorter distance is necessary for full wireless coverage.

5. **Height.** The support structure (tower) shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
6. **Setbacks.**
 - a. **Wireless Communications Facilities with Support Structures (Towers).**
 - (1) The tower shall be setback at least a distance at least equal to the height of the tower measured from the base of tower to the outermost lot line of all participating lots.
 - (2) The tower and any supporting or appurtenant structures shall be no closer to any dwelling than at least the distance equal to two (2) times the height of the tower measured from its base at grade to its highest point.
 - (3) The tower may be guyed or free-standing. Guy cables and anchors shall comply with applicable zoning district setback requirements.
 - b. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities.** Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to the outermost lot line of all participating lots. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring property.
 - c. **Other Buildings.** Ancillary building or buildings housing equipment needed for the operation of the Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, shall meet district setbacks, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
7. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the Wireless Communications Facility. If lighting is required or proposed, the Wireless Communications Facility may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area. If lighting is not required by the [FAA](#), then towers shall not be lit at night. Radar-activated obstruction lighting is required if permitted by the [FAA](#).

8. **Color.** The painting of towers in alternate bands of orange and white shall be permitted only if specifically required by **Federal Communications Commission (FCC)** or **Federal Aviation Administration (FAA)** regulations. If alternate band painting is required by **FCC** or **FAA** regulations, the applicant shall provide documentation of such requirements and regulations.
9. **Signs.** No signs other than signs required pursuant to federal, state, or local law and ordinance shall be allowed on an antenna, tower, or site.
10. **Fence.** A fence not less than six (6) feet in height with anti-climb features shall be constructed around the base of the tower.
11. **Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission, Federal Aviation Administration, and Michigan Aeronautics Commission** regulations.
12. **Abandonment.** If a wireless operator or owner intends to abandon the wireless facility and, in fact, does abandon the wireless facility by ceasing operation of the wireless facility for any reason for a period of six (6) continuous months, the Township will order its removal from the site by the owner of the Wireless Communications Facility within three (3) months of notification of abandonment by the Township. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
13. **Performance Guarantee.** As a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the Township or provide an insurance bond satisfactory to the Planning Commission to assure the removal of the Wireless Communications Facility. If required, such escrow deposit or insurance bond shall be in an amount equal to the cost of removal of the Wireless Communications Facility. The deposit or bond shall be maintained by successor owners of the Wireless Communications Facility.

E. Small Cell Wireless Facilities.

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right-of-way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Use approval, and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

2. **Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Zoning Administrator in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.
 - (2) The running of the time period tolled under subsection E.2.a.1 resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Planning Commission.
 - b. The Planning Commission shall base their review of the request on the standards contained in **Sections 5.5** and **Section 6.3** provided, however, that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
 - c. In addition to the provisions set forth in subsection E.2.b, in the Planning Commission's review:
 - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:

- (a) The need for a wireless support structure or small cell wireless facilities.
- (b) The applicant's service, customer demand for the service, or the quality of service.
- (3) The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
- (4) The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider unless the Planning Commission and the applicant agree to extend this period, or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Section 7.19 Wind Energy (On-Site)

An on-site wind turbine shall comply with the following standards:

A. The wind turbine shall be designed to primarily serve the needs of the property on which it is located.

B. Plot Plan Submittal.

An application for the installation of an on-site or private wind turbine shall include a plot plan including the following information:

- 1. Location of the proposed wind turbine.
- 2. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
- 3. Distance from other wind turbines on adjacent lots, if applicable.

C. Design and Installation.

All wind turbines (ground and roof-mounted) shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer's specifications.

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D. Minimum Lot Size.

The minimum lot size for on-site wind turbine shall be as necessary to meet required setbacks and any other standards of this Ordinance.

E. Height.

The on-site wind turbine shall have a tower height of one hundred (100) feet or less.

F. Rotor Clearance.

A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.

G. Setback.

The distance between an on-site wind turbine and the lot lines of adjacent lots shall be at least equal to the height of the tower including the top of the blade in its vertical position.

H. Guy Wires.

The use of guy wires shall be prohibited.

I. Noise.

The sound created by the system shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the nearest lot line of adjacent lots or, if the ambient sound is fifty-five (55) dBA (Leq (1 hour)) or greater, then the maximum sound created by the system at the nearest lot line of adjacent lots shall be the ambient sound plus five (5) dBA (Leq (1 hour)).

J. Reception Interference.

Wind turbines shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.

K. Number of Turbines (Horizontal or Vertical).

The number of wind turbines shall be determined by the spacing requirement of the manufacturer. Multiple turbines may be approved by the Planning Commission.

L. Vibration.

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Wind turbines shall not cause vibrations through the ground which are perceptible beyond the lot line of the zoning lot on which it is located.

M. Shadow Flicker.

The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.

N. Potential Ice Throw.

Any potential ice throw or ice shedding from the wind turbine shall not cross the lot lines of the zoning lot on which it is located nor impinge on any right-of-way or overhead utility line.

O. Visual Impact.

All visible components of a wind turbine shall be colored a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.

P. Roof-Mounted Wind Energy Systems.

1. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
2. Horizontal Axis Wind Turbines shall not be roof-mounted, except for those specifically designed for such installation.

Q. Safety.

An on-site wind turbine shall have an automatic braking system to prevent uncontrolled rotation.

R. Other Regulations.

On-site use of a wind turbine shall comply with all applicable state construction and electrical codes, [Federal Aviation Administration](#) requirements, [Michigan Aeronautics Commission](#) requirements, [1959 PA 259](#), as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.), and the [Michigan Public Service Commission](#) and [Federal Energy Regulatory Commission](#) standards.

Section 7.20 Wind Energy (Utility-Scale)

A. Technological Advances and Design Standards Flexibility.

The Township recognizes the accelerated pace at which the technology of wind energy generation is evolving and the impact these technological changes may have on the use and placement of wind turbines within the

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Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind turbines that do not fully comply with the strict development standards of these regulations if, in the opinion of the Commission, they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties, or the immediate neighborhood.

B. Wind Energy System Standards.

Unless otherwise provided, utility-scale wind energy systems and anemometer towers shall comply with all of the following standards:

1. **Sufficient Wind Resources.** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind energy system, provided, however, this standard shall not apply to an anemometer tower. No wind energy system shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year. Said study shall indicate the long-term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for Special Use.
2. **Minimum Site Area.** The minimum site area for a wind energy system or an anemometer tower erected prior to a wind energy system shall be as necessary to meet required setbacks and any other standards of this Ordinance.
3. **Setbacks.** Each proposed wind energy system or anemometer tower shall meet the following applicable setback requirements:
 - a. **Non-Participating Lot Lines.** Each wind turbine shall be set back from the nearest lot line of a non-participating lot a minimum of 1.1 times its total height as measured from the base of the wind turbine.
 - b. **Occupied Building Setback on Non-Participating Lots.** Each wind turbine shall be set back from the nearest dwelling or occupied community building that is located on non-participating lot(s) a minimum of 2.1 times its total height as measured from the base of the wind turbine.
 - c. **Dwellings and Other Structures on Participating Lots.** Each wind turbine shall be set back from the nearest dwelling or other structure that is located on participating lot(s) a minimum of 1.1 times its total height as measured from the base of the wind turbine.
 - d. **Public Road Setbacks.** Each wind turbine shall be set back from the nearest public road a minimum distance of 1.1 times its total height determined at the nearest boundary of the underlying right-of-way for such public road.

- e. **Overhead Communication and Electric Transmission Lines.** Each wind turbine shall be set back from overhead communication and electric transmission lines (not including utility service lines to individual houses or outbuildings) a minimum distance of 1.1 times its total height as measured from the base of the wind turbine.
4. **Maximum Height.** The maximum wind turbine height or the height of an anemometer tower erected prior to the wind turbine shall be consistent with technology needed to harness wind energy. The Planning Commission may take proposed height into consideration when determining impact on adjacent properties.
5. **Minimum Rotor Wind Vane or Blade Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine shall be no less than fifty (50) feet.
6. **Maximum Noise Levels.** Any proposed wind turbine shall result in the production of cumulative sound levels that are no more than fifty-five (55) dBA (Leq (1 hour)) as measured at the lot lines on non-participating lots. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above fifty-five (55) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)).
7. **Maximum Vibrations.** Any proposed wind turbine shall not produce vibrations through the ground humanly perceptible at the lot lines on non-participating lots.
8. **Shadow Flicker.** Shadow flicker shall not exceed thirty (30) hours per year measured to the exterior wall of a dwelling or other occupied dwelling on a non-participating lot. Mitigation measures to minimize or eliminate potential impacts from shadow flicker shall include, but not be limited to:
 - a. Change the proposed location of the wind turbine; or
 - b. The wind turbine shall be turned off by manufacturer-approved automated system during the period of time an inhabited structure receives shadow flicker; or
 - c. The wind turbine shall be turned off during flicker events after thirty (30) hours/year of shadow flicker on an inhabited structure; or
 - d. There is screening (forest, other building(s), topography, window treatments/blinds) which shields the inhabited structure from a direct line of sight to the rotors causing shadow flicker.
9. **Interference with Residential or Governmental Reception.** Any wind turbine shall be constructed and operated so that they do not interfere with television, microwave, navigational, or radio reception to neighboring areas.

10. **State or Federal Requirements.** Any proposed wind turbine or anemometer tower shall meet or exceed any standards and regulations of the **Federal Aviation Administration (FAA)**, **Michigan Aeronautics Commission (MAC)**, the **Michigan Public Service Commission**, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbines or other tall structures in effect at the time the Special Use is approved.
11. **Soil Conditions.** A proposal for any wind turbine or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5) feet below grade to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the wind turbine is removed.
12. **Aesthetics and Lighting.** Any proposed wind turbine or anemometer tower shall meet the following requirements:
 - a. Each wind turbine or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the **FAA** and **MAC**, be colored a neutral color so as to reduce visual obtrusiveness.
 - b. Each wind turbine, including all accessory structures, or anemometer tower shall, to the extent possible, use materials and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind turbine or anemometer tower, however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
 - c. Each wind turbine or anemometer tower shall not be artificially lighted unless required by the **FAA**, **MAC**, or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be the intensity required under **FAA** or **MAC** regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the **FAA** or **MAC**. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the **FAA** or **MAC**.
 - (3) May be a red top light that does not pulsate or blink.
 - (4) Shall be shielded to the extent possible and acceptable to the **FAA** or **MAC** to reduce glare and visibility from the ground.

- (5) Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the **FAA**.
- d. Each wind turbine or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
- e. Each wind turbine or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
- 13. **Sign.** A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the proposed wind turbine or anemometer tower erected prior to a wind turbine. No wind turbine or anemometer tower or site shall include any advertising sign.
- 14. **Safety.** The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. The facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
- 15. **Approvals.** All required approvals from other local, regional, state, or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.
- 16. **Reports.** Wind energy production summary reports by month shall be provided annually for each wind turbine to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

C. Repowering.

- 1. In addition to repairing or replacing wind energy components to maintain the system, a wind energy system may at any time be repowered without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. The repowering shall not result in non-compliance with the standards in this Section.
- 2. A proposal to change the project footprint of an existing wind energy system or to erect additional wind turbines shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a wind energy facility will be reimbursed to the Township by the wind energy facility owner in compliance with established escrow policy.

D. Site Plan Required.

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission. A Special Use application for a Utility-Scale Wind Energy System shall include a site plan pursuant to [Section 5.4](#). The following items are required unless waived by the Planning Commission:

1. **Site Plan Drawing.** All applications for a Utility-Scale Wind Energy System shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
 - a. Existing property features including the following: lot lines, physical dimensions of the property, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.
 - b. Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed Utility-Scale Wind Energy System.
 - c. Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.
2. **Site Plan Documentation.** The following documentation shall be included with the site plan:
 - a. The contact information for the Owner(s) and Operator(s) of the Utility-Scale Wind Energy System as well as contact information for all property owners on which the Utility-Scale Wind Energy System is located.
 - b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Utility-Scale Wind Energy System. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the Special Use permit, if approved.
 - c. Identification and location of the properties on which the proposed Utility-Scale Wind Energy System will be located.
 - d. The proposed number, representative types, and height of each wind turbine to be constructed; including their manufacturer and model, product specifications including, maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.

- e. Documents shall be submitted by the developer/manufacture confirming specifications for wind turbine separation.
- f. Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
- g. Engineering data concerning construction of the Utility-Scale Wind Energy System and its base or foundation, which may include, but not be limited to, soil boring data.
- h. A certified registered engineer shall certify that the Utility-Scale Wind Energy System meets or exceeds the manufacturer's construction and installation standards.
- i. Anticipated construction schedule.
- j. The location of any battery energy storage system on-site.
- k. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the Utility-Scale Wind Energy System to conduct maintenance, if applicable.
- l. Documented compliance with applicable local, state, and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The Utility-Scale Wind Energy System shall comply with [Federal Aviation Administration \(FAA\)](#) requirements, [Michigan Airport Zoning Act](#), [Michigan Tall Structures Act](#), and any applicable airport overlay zone regulations.
- m. Proof of applicant's liability insurance.
- n. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- o. Other relevant information as may be requested by the Township to ensure compliance with the requirements of this Ordinance.
- p. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
- q. A written description of the anticipated life of each Utility-Scale Wind Energy System.
- r. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- s. Signature of Applicant.

3. **Grading, Erosion, and Stormwater Plan.** A site grading, erosion control and stormwater drainage plan will be submitted to the Zoning Administrator prior to issuing a special use permit for a Utility-Scale Wind Energy System. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.
4. **Routes and Repair of Roads.** A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Scale Wind Energy System.
5. **Environmental Impact Study.** A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions.
6. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot boundary.
7. **Hazard Planning.** An application for a wind turbine shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
 - a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine. Such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. The following shall be submitted with the application for a Special Use:
 - (1) A listing of any hazardous fluids that may be used on-site shall be provided.
 - (2) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - (3) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
 - (4) A Hazardous Materials Waste Plan shall be provided.

8. **Emergency Response Plan.** A copy of the approved Emergency Response Plan shall be given to the system owner, the local fire department, and local fire code official. Copies of Emergency Operations Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. The emergency operations plan shall include the following information:
 - a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
 - b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
 - c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - d. Procedures for inspection and testing of associated alarms and controls.
 - e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.
 - g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - h. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.
 - i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
 - j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
 - k. 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 recommendations for measures

to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.

- l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.
- m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
- n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

9. Decommissioning Plan and Performance Guarantee.

- a. **Decommissioning Plan.** A decommissioning plan is required at the time of application. 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. In addition to removing the wind turbine(s) or anemometer tower, the owner shall restore the site of the wind turbine(s) or anemometer tower to its original condition prior to the location of the wind turbine(s) or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind turbine(s) or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.
 - (2) The projected decommissioning costs, in current dollars, for removal of the wind turbine and soil stabilization. The Township may require one (1) or more third party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.
 - (3) **Performance Guarantee.** The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit). The Planning Commission shall require the performance guarantee (pursuant to [Section 9.5](#)) to be equal to one and a quarter (1.25) times the estimated cost of the removal of the wind turbine(s) or anemometer at the time of approval. Such escrow deposit or bond shall be maintained by successor owners and shall be a condition of a Special Use given pursuant to this Section.

- (a) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board.

(4) A wind energy facility owner may at any time:

- (a) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
- (b) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

E. End of Useful Life/Abandonment.

At the end of the useful life of the wind energy system, the system owner:

1. Shall follow 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 with **decommissioning**.
3. **Removal of Abandoned Wind Turbines or Anemometer Towers.** If an owner or operator of a wind turbine(s) or anemometer tower has an intent to abandon such and, in fact, does abandon a wind turbine(s) or anemometer tower for a period of twelve (12) continuous months, it shall be considered abandoned, and the owner of such wind turbine(s) or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred eighty (180) day period, the Township will have the removal and restoration done at the owner/applicant's expense.

F. Post-Approval Documentation - Utility-Scale Wind Energy Systems.

Any Zoning Permit or Special Use Permit for any Utility-Scale Wind Energy System shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.

2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Wind Energy System owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this ordinance.

Section 7.21 Solar Energy – Accessory Panels

Solar energy panels shall be allowed as a permitted accessory use in all zoning districts subject to the requirements below. A zoning permit shall be required. A building permit may be required.

A. Submittal Requirements.

Applicants shall submit drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to lot lines. Accessory solar energy panel applications that meet the ordinance requirements shall be granted administrative approval by the Zoning Administrator.

B. Height.

1. Ground-mounted accessory solar energy panels shall not exceed the allowable height of structures in that district. When panels are oriented at maximum tilt, height is measured from the ground to the top of the system.
2. Building-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.

C. Setbacks/Location.

1. Ground-mounted accessory solar energy panels.
 - a. Ground-mounted accessory solar energy panels shall not be located in the front yard unless no solar access is available in the side and rear yard.
 - b. Ground-mounted accessory solar energy panels shall be setback back at least twenty-five (25) feet from the side and rear lot line. On corner lots where the street side lot line is a continuation of the front lot line of the lot to the rear, solar energy panels shall be subject to a setback equal to the front setback along the street side lot line.
 - c. Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt.

- d. If no solar access is available in the location required by this subsection, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.
 - e. Ground-mounted accessory solar energy panels shall not count toward any lot coverage limits or accessory building limits in the Zoning Ordinance.
2. Building-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

D. Glare.

Panels shall not result in glare onto adjoining properties or public rights of way.

E. Nonconformities.

1. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
2. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

F. Building-Integrated Solar Energy Panels.

Building-integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to standards in this Section.

Section 7.22 Solar Energy – Utility Scale

A. Intent. The intent of this Section is to ensure sound land use policy in Sherman Township by allowing solar energy facilities in a manner that does not change the character of the Township. Sherman Township states the following:

1. Agricultural land is an economic base in Sherman Township.
2. The Township intends to maintain and provide for the preservation of farmland and woodlands where feasible.
3. The Township discourages the conversion of farmland into more intensive uses.
4. Farmland contributes to the scenic and rural character of the Township.

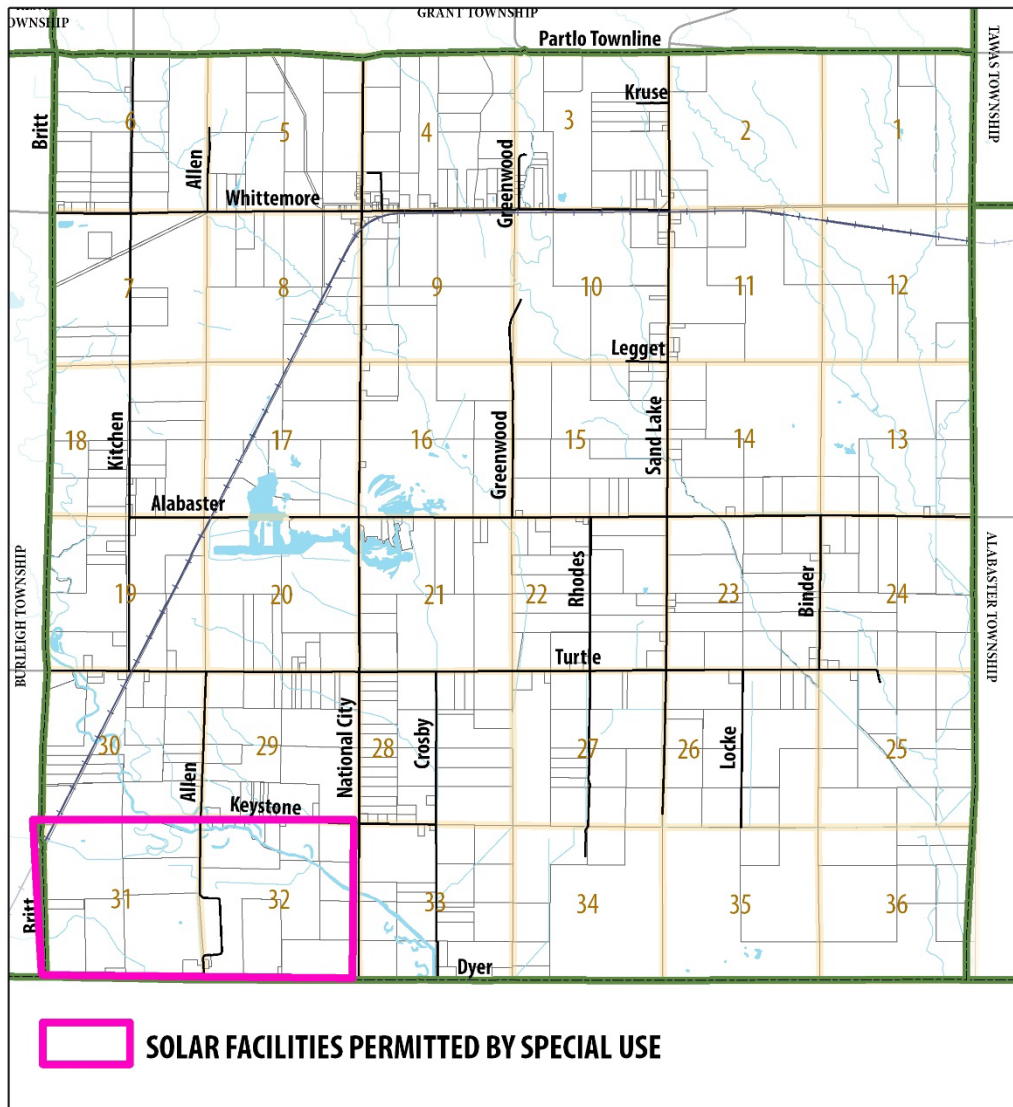
5. The Township recognizes the importance of the opportunity to purchase fresh foods produced on local farmland land.
6. The Township finds it critical to protect and preserve the natural environment by protecting groundwater, surface water, environmentally sensitive areas, highly erosive areas, woodlands, wetlands, open space, and fish/wildlife.
7. Sherman Township intends to guide future development in a manner that will protect existing development, preserve rural community character, and conserve natural resources and environment, yet meet the long-term needs of the community.

In order to preserve agricultural lands, protect the natural environment, and maintain community character, Sherman Township has evaluated areas of the Township which would be suitable for the establishment of solar energy facilities. The Township has designated an area which will have the least impact on agriculture, the environment, and the community character of Sherman Township.

B. Districts.

A Solar Energy Facility is a Special Use in the Agricultural Residential District in Sections 31 and 32 shown on the following map and shall be evaluated with the standards within this Section and also the site plan review standards in [Section 5.5](#) and the Special Use standards in [Section 6.3](#).

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments



C. Reflection/Glare.

Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.

D. Groundcover and Impervious Surface/Stormwater.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If cleaning solutions will be used to clean solar collection devices, details on the type of solution, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
2. If dual use (groundcover such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) occurs, then a drainage plan is not required. The Planning Commission may require soil stabilization through groundcover such as conservation cover, pollinator habitat, or forage cover.

E. Screening.

The Planning Commission may require that solar energy facilities be screened year-round from view from any existing adjacent non-participating lot line by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be placed outside the perimeter fence. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.

F. Setbacks and Height.

1. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from the road right-of-way and from lot lines of non-participating lots and shall be three hundred (300) feet from all residences and occupied community buildings on non-participating lots.
2. **Height.** The total height for the solar collection devices shall not exceed the maximum allowed height in the Agricultural District in which the system is located.
3. Solar collection devices shall not count toward any lot coverage limits in the Zoning Ordinance.

G. Wiring.

Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar collection devices at maximum tilt.

H. Lighting.

Solar Energy Facility lighting shall be limited to inverter and/or substation 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.

I. Sound.

The sound pressure level of a Solar Energy Facility and all ancillary solar equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above fifty-five (55) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)).

J. 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 distributed during site preparation (grading) on the property shall be retained on site.

K. Access Drives.

New access drives within the Solar Energy Facility 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 temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Solar Energy Facility is in operation. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.

L. Fencing.

Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection F](#). The Planning Commission may require wildlife-friendly fencing.

M. Agricultural Protection.

Solar energy facilities shall be sited, where possible, to minimize impacts on agricultural production through site design and accommodations including:

1. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.
2. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.

3. Maintaining all drainage infrastructure on site, including drain tile and ditches, during the operation of the Solar Energy Facility.
4. Siting the Solar Energy Facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.
5. Optional: Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres consistent with a purchase of development rights ordinance adopted in the Township.

N. Safety.

The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. The facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal, at a level acceptable to the local fire department.

O. Repowering.

1. In addition to repairing or replacing solar energy components to maintain the system, a Solar Energy Facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.
2. A proposal to change the project footprint of an existing Solar Energy Facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Solar Energy Facility will be reimbursed to the Township by the Solar Energy Facility owner in compliance with established escrow policy.

P. Reports.

Solar energy production summary reports by month shall be provided annually for each Solar Energy Facility to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

Q. Application Requirements and Performance Guarantee.

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. **Site Plan.** A site plan pursuant to [Section 5.4](#) shall be required. The site plan shall include the following additional items:
 - a. All lot lines, dimensions, and setbacks, including a legal description of each lot comprising the Solar Energy Facility.
 - b. Names of owners of each lot within the Township that is proposed to be within the Solar Energy Facility.
 - c. Vicinity map showing the location of all surrounding land uses.
 - d. The location of all solar arrays, including setbacks.
 - e. The width of arrays.
 - f. The distance between arrays plus total height and height to the lowest edge above grade.
 - g. Ancillary structures and electric equipment.
 - h. Utility connections.
 - i. Dwellings on the property and within five hundred (500) feet of the lot lines (participating and non-participating lots).
 - j. Existing and proposed structures as part of the Solar Energy Facility.
 - k. Buried or above-ground wiring.
 - l. Temporary and permanent access drives.
 - m. Fencing detail.
 - n. Screening/landscape detail and berm detail.
 - o. Signs.
 - p. The location of any battery energy storage systems on-site.
 - q. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
 - r. Sound modeling study including sound isolines extending from the sound source(s) to the lot lines of adjoining non-participating lots.

- s. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
 - t. The location of prime farmland [and/or farmland of statewide importance, farmland of local importance, unique farmland, and prime farmland if drained] as defined in the U.S. Department of Agriculture, Natural Resources Conservation Service - Web Soil Survey.
 - u. Drainage plan including a plan to control runoff during construction.
2. **Emergency Response Plan.** A copy of the approved Emergency Response Plan shall be given to the system owner, the local fire department, and local fire code official. Copies of Emergency Operations Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. The emergency operations plan shall include the following information:
- a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
 - b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
 - c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - d. Procedures for inspection and testing of associated alarms and controls.
 - e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.
 - g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - h. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.
 - i. Procedures and schedules for conducting drills of these procedures and for training local first

responders on the contents of the plan and appropriate response procedures.

- j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
 - k. 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 recommendations for measures to mitigate emergencies. The Township may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.
 - l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.
 - m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
 - n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
3. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:
- a. 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. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - b. The projected decommissioning costs for removal of the Solar Energy Facility and soil stabilization. The Township may require one (1) or more third party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.
 - c. **Performance Guarantee.** The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit – pursuant to [Section 9.5](#)). The Township shall require a performance guarantee (pursuant to [Section 9.5](#)) to be equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based

on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board.

d. A Solar Energy Facility 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.

4. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot boundary.

5. **Additional Studies.** Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

- a. **Visual Impact Assessment:** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
- b. **Environmental Analysis:** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
- c. **Stormwater Study:** An analysis by a third-party qualified professional that takes into account the proposed layout of the Solar Energy Facility and how the spacing, row separation, and slope affect stormwater infiltration, including calculations for a 100-year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
- d. **Glare Study:** An analysis by a third-party qualified professional to determine if glare from the solar collection devices will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influence on the facility.

R. End of Useful Life/Abandonment.

1. At the end of the useful life of the Solar Energy Facility, the system owner:
 - a. Shall follow the decommissioning plan approved by the Planning Commission and remove the Solar Energy Facility as indicated in the most recent approved plan; or,
 - b. Amend the decommissioning plan with Planning Commission approval and proceed with decommissioning.
2. If a Solar Energy Facility owner or operator has an intent to abandon, and, in fact, does abandon a Solar Energy Facility for twelve (12) continuous months, the Solar Energy Facility shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred eighty (180) day period, the Township will have the removal and restoration done at the owner/applicant's expense.

S. Post-Approval Documentation.

Any Zoning Permit or Special Use Permit for any Utility-Scale Solar Energy System shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.
2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Solar Energy System owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this ordinance.

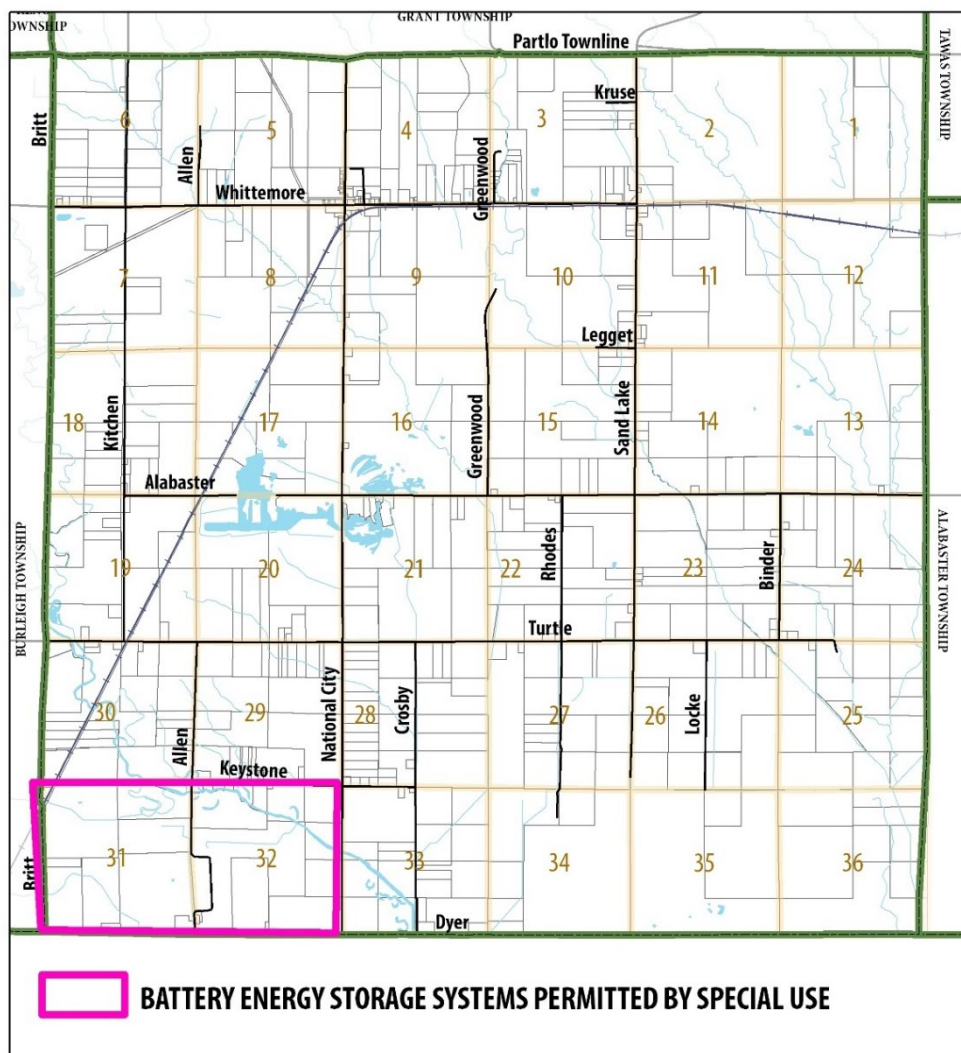
Section 7.23 Battery Energy Storage Systems

A. Purpose.

This Section applies to Battery Energy Storage Systems that are stand-alone facilities or are in conjunction with another use such as Solar Energy Facilities or Wind Energy Facilities.

B. Districts.

A Battery Energy Storage System is a Special Use in the Agricultural Residential District in Sections 31 and 32 shown on the following map and shall be evaluated with the standards within this Section and also the site plan review standards in [Section 5.5](#) and the Special Use standards in [Section 6.3](#).



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C. Setbacks and Height.

1. **Setbacks.** The setbacks of all buildings and components of Battery Energy Storage Systems shall be at least fifty (50) feet from the road right-of-way and from lot lines of non-participating lots and at least three hundred (300) feet from residences and occupied community buildings on non-participating lots.
2. **Height.** The maximum height of a Battery Energy Storage System or building containing a Battery Energy Storage System shall not exceed the maximum building height in the district.

D. Screening and Surrounding Vegetation.

1. The Planning Commission may require that battery energy storage systems be screened year-round from view from any existing adjacent non-participating lot line by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be placed outside the perimeter fence. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
2. Areas within ten (10) feet on each side of a Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth.

E. Lighting.

Lighting of the Battery Energy Storage System shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

F. Sound.

The sound pressure level of a Battery Energy Storage System and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above fifty-five (55) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)). The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the Battery Energy Storage System to demonstrate compliance with this standard.

G. Land Clearing.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

H. Access Drives.

New access drives within the Battery Energy Storage Systems 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 temporary roadways during the construction of the Battery Energy Storage System is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Battery Energy Storage System is in operation. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.

I. Fencing.

Battery Energy Storage Systems may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection C](#). The Planning Commission may require wildlife-friendly fencing.

J. Safety and Compliance.

1. Construction of a Battery Energy Storage System shall comply with the National Electric Safety Code and the Building Code. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
2. **System Certification.** All Battery Energy Storage Systems shall be in compliance with the latest edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems at the time of application. Compliance includes that all system components and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Energy Storage Systems and Equipment) and that Battery Energy Storage Systems are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
3. **Site Access.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
4. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

5. Battery Energy Storage Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
6. The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. The facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal, at a level acceptable to the local fire department.

K. Increased Storage Capacity.

1. The components of the Battery Energy Storage System may be reconfigured, renovated, or replaced to increase the power storage capacity within the existing project footprint.
2. A proposal to change the project footprint of an existing Battery Energy Storage System shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Battery Energy Storage System will be reimbursed to the Township by the Battery Energy Storage System owner in compliance with established escrow policy.

L. Application Requirements and Performance Guarantee.

The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

1. **Site Plan.** A site plan pursuant to [Section 5.4](#) shall be required. The site plan shall include the following:
 - a. All lot lines and dimensions, including a legal description of each lot comprising the Battery Energy Storage System.
 - b. Names of owners of each lot within the Township that is proposed to be within the Battery Energy Storage System.
 - c. Vicinity map showing the location of all surrounding land uses.
 - d. Location of all proposed battery structures, buildings which house batteries, other buildings or structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Battery Energy Storage System.
 - e. Horizontal and vertical (elevation) to-scale drawings with dimensions.

- f. Proposed setbacks from the Battery Energy Storage System to all existing and proposed structures on participating and non-participating lots.
 - g. Dwellings on the property and within five hundred (500) feet of the lot lines (participating and non-participating lots).
 - h. Temporary and permanent access drives.
 - i. Screening/landscape detail and berm detail.
 - j. Signs.
 - k. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
 - l. Sound modeling study including sound isolines extending from the sound source(s) to the lot lines of adjoining non-participating lots.
 - m. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.
 - n. A written description of the maintenance program to be used for the Battery Energy Storage System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Battery Energy Storage System is decommissioned.
 - o. Planned lightning protection measures.
 - p. A preliminary equipment specification sheet that documents the proposed battery energy storage system components and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a zoning permit.
 - q. Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of the zoning permit.
2. **Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. Copies of Emergency Operations Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. The emergency operations plan shall include the following information:
- a. A description of all on-site equipment and systems to be provided to prevent or handle

emergencies.

- b. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- c. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- d. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- e. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- f. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- g. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
- i. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
- j. A description of all contingency plans to be implemented in response to the occurrence of an emergency, including evacuation control measures and community notification measures.
- k. The results of a toxic and flammable gas plume dispersion analysis for the anticipated BESS equipment in a severe fire emergency scenario to assess potential impacts on surrounding communities.
- l. 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.
- m. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.

- n. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
 - o. 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. The Township may require that the applicant provide funding for training and/or any specific equipment which is necessary to handle emergency situations at the facility.
 - p. A commitment to review and update the ERP with local emergency services at least once every three (3) years.
 - q. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
3. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:
- a. 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. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - b. The projected decommissioning costs for removal of the Battery Energy Storage Systems and soil stabilization. The Township may require one (1) or more third party entities to develop decommissioning cost estimates. If this is required, the Township will select the most appropriate cost estimate.
 - c. **Performance Guarantee.** The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee pursuant to [Section 9.5](#)). The Township shall require a performance guarantee to be equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board.
 - d. A Battery Energy Storage System 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.
4. **Land Clearing and/or Grading Plan.** A plan showing proposed clearing and/or grading as required for the installation and operation of the system.
5. **Stormwater Management Plan.** Computations and design of a stormwater management system. For a BESS in a well-head protection zone and/or if the Fire Response Plan requires liquid agents for firefighting, additional calculations and design of the emergency runoff retention system in the area within ten (10) feet of the BESS shall be submitted.
6. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within one thousand (1,000) feet of the lot boundary.
7. **Preliminary Equipment Specification Sheet.** Such sheet documents the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed. A Final Equipment Specification Sheet shall be submitted as part of Post-Construction Reporting.
8. **System Maintenance Plan.** A detailed maintenance schedule covering all affected equipment and the activities performed as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.
9. **Contact Information.** Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Information on the final system installer shall be submitted as part of Post-Construction Reporting.
10. **NFPA 855 Compliance.** Confirmation that the facility complies with the latest edition of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems."
11. **Additional Studies.** Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:
 - a. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of

potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.

- b. **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

M. End of Useful Life/Abandonment.

1. At the end of the useful life of the Battery Energy Storage System, the system owner:
 - a. Shall follow the decommissioning plan approved by the Planning Commission and remove the Battery Energy Storage System as indicated in the most recent approved plan; or,
 - b. Amend the decommissioning plan with Planning Commission approval and proceed with decommissioning.
2. If a Battery Energy Storage System owner or operator has an intent to abandon, and, in fact, does abandon a Battery Energy Storage System for twelve (12) continuous months, the Battery Energy Storage System shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred eighty (180) day period, the Township will have the removal and restoration done at the owner/applicant's expense.

N. Post-Approval Documentation.

Any Zoning Permit or Special Use Permit for any Off-Site BESS shall be conditioned upon the submission of the following documents:

- O. **Pre-Construction Documents.** Prior to the commencement of construction activities, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator. Copies of all Pre-Construction Documents shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.

1. **Final Equipment Specification Sheet.** Documenting the final battery energy storage system components, inverters, and associated electrical equipment.
 2. **Contact Information.** Name, address, and contact information of the system installer and the owner and/or operator of the battery energy storage system.
 3. **Amended Emergency Response Plan (ERP) (if applicable).** Changes to the design, type, manufacturer, etc. of BESS facilities or equipment after site plan approval must be analyzed to determine if changes are necessary to the ERP or FRP. Additional consultation with local emergency services is required for amended plans.
 4. **Commissioning Plan.** A Commissioning Plan as outlined in NFPA 855.
 5. **Hazard Mitigation Analysis (HMA).** A Hazard Mitigation Analysis as outlined in NFPA 855.
- P. **Post-Construction Reporting.** Prior to the commencement of commercial operations, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator prior to final inspection and approval by the fire inspector. Copies of all Post-Construction Reporting shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.
1. **Amendments or updates to any Pre-Construction Documents.**
 2. **Commissioning Report.** A Commissioning Report as outlined in NFPA 855.72.
 3. **Emergency Operations Plan.** An Emergency Operations Plan as outlined in NFPA 855.73.
- Q. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the BESS system owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this ordinance.

Section 7.24 Gas Stations

- A. Filling pumps be located at least fifteen (15) feet from all lot lines.
- B. There shall be no oil-draining pits unless located within a building or within an enclosed fence.

Article 8

Zoning Board of Appeals

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Section 8.1 Creation & Membership of the ZBA

A. Creation.

There is hereby established a Sherman Township Zoning Board of Appeals (ZBA), the membership, powers, and duties of which are described in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the said Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety, and welfare assured, and justice served.

B. Membership.

The Sherman Township Zoning Board of Appeals shall consist of three (3) members which are appointed by the Township Board.

1. One (1) member shall be appointed from the membership of the Township Planning Commission.
2. One (1) member may be a member of the Township Board.
3. One (1) member shall be an elector of the Township.
4. An employee or contractor of the Township may not serve as a member of the Zoning Board of Appeals.

C. Alternates.

The Township Board may 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 in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a regular member for the purpose

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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.

D. Officers.

The Chairperson of the Zoning Board of Appeals shall be elected from among its members each year at the first regular meeting held at the beginning of each calendar year. An elected officer of the Township shall not serve as Chairperson.

E. Compensation.

The members of the Board of Appeals shall be entitled to per diem compensation as set by the Township Board, but the total per diem and expenses of the Zoning Board of Appeals shall not exceed a reasonable sum which shall be appropriated annually in advance by the Township Board.

F. Terms of Office.

Members shall serve terms of three (3) years, except that the member serving by virtue of membership on the Planning Commission or Township Board shall serve a term expiring at the expiration of their term on the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of his predecessor has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

G. Removal of Member.

A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

H. ZBA Member who is also a Planning Commission Member.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

Section 8.2 Meetings

The Zoning Board of Appeals shall hear and decide all matters properly referred to the Board, or upon which the Board is required to act, under any Ordinance adopted pursuant to [2006 PA 110](#), as amended.

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A. Meeting Scheduling and Notice.

1. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, in response to the receipt of a Request for Appeal, and at such other times as such Board may determine.
2. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in [Section 9.6](#).

B. Open Meetings.

All decisions and deliberations of the Board shall take place at a meeting open to the public in compliance with the [Open Meetings Act, 1976 PA 267](#), as amended.

C. Quorum.

The Zoning Board of Appeals shall not conduct business unless a majority of regular members are present.

D. Majority Vote.

The concurring vote of a majority of members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the appellant on any matter upon which they are required to pass under any such ordinance, or to affect any variation in such Ordinance.

E. Rules of Procedure and Records.

The Zoning Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings, and other official action, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The Zoning Board of Appeals shall adopt its own rules of procedure for its meeting.

The Chairperson, or in their absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

Section 8.3 Powers & Duties

A. Exercising Powers.

The Zoning Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in a particular case, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

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B. Jurisdiction.

The duties and powers of the Zoning Board of Appeals shall, in general, include the following:

1. **Review of Administrative Actions.** The Zoning Board of Appeals shall, when called upon, review, hear, and decide appeals from any order, requirements, decisions, or determination made by any administrative official and/or Planning Commission charged with administration and enforcement of this Ordinance.
2. **Interpretation.** The Zoning Board of Appeals shall have the power to hear and decide upon requests for interpretation of the provisions of this Ordinance and the accompanying zoning map.
3. **Variances.** The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, setback and depth regulations, and off-street parking, loading space requirements, and any other non-use standard of this Ordinance. Standards for granting variances are contained in [Section 8.5](#).
4. **Special Uses and Planned Unit Developments.** The Zoning Board of Appeals has jurisdiction to hear appeals from Planning Commission decisions concerning Special Use approvals or Planned Unit Developments.

C. Specific Powers Not Granted.

1. **Amendments.** Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided by law. Provided, however, the Zoning Board of Appeals shall have the authority to revise the Zoning Map, but only in conjunction with its authority to interpret district boundaries.
2. **Use Variances.** No variance shall be granted to permit the establishment, within a district, of any use which is not included as a Permitted Use or a Special Use.

Section 8.4 Procedures

The Zoning Board of Appeals shall have the power to hear and decide appeals from any review, order, requirement, interpretation, decision, or determination made by the Zoning Administrator, Planning Commission, or other administrative official in the administration of this Ordinance. Provided, however, the Zoning Board of Appeals shall not have jurisdiction to hear appeals from decisions made by the Zoning Administrator concerning whether to take enforcement action for alleged violations of this Ordinance.

A. Request for Appeal.

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1. **Timing to Appeal a Decision.** All appeals shall be made within thirty (30) days from the date of any decision constituting the basis for appeal.
2. **Application.** The appellant shall file all requests for appeals, requests for variances, or requests for interpretation in writing with the Zoning Board of Appeals on blanks or forms to be furnished by the Zoning Administrator. The grounds for appeal shall be stated in writing.
3. **Number of Copies and Timing.** The applicant shall submit four (4) copies of a completed application, with associated fees, surveys, plans, and data as required, or other information deemed reasonably necessary for making an informed decision on his or her appeal, not less than forty-five (45) days prior to the date of the hearing. An electronic copy of surveys, plans, and data may be required.
4. **Fees.** Fees shall be paid at the time of application pursuant to the adopted fee schedule and [Section 9.4](#).
5. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.
6. The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal.

B. Stay.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice of the Zoning Administrator, and on due cause shown.

C. Hearing & Public Notice.

1. **Date and Public Hearing Notice.** The Zoning Board of Appeals shall make no recommendations except in a specific case and after a public hearing conducted by said Board. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal. Upon determination of the date and time of the Public Hearing, the Zoning Administrator shall give public notice pursuant to [Section 9.6](#).
2. **Appearance.** Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and otherwise cause the production

of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.

D. Decision.

1. In deciding upon matters referred to, or upon which it is required to act under this Ordinance, the Board of Appeals shall, after public notice and hearing, take into consideration the public health, safety, and general welfare, and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance.
2. **Final Decision.** Upon hearing of such appeals, the Zoning Board of Appeals may affirm, change, or modify the ruling, decision, or determinations, or make such other or additional determinations as it shall deem proper under the circumstances. The final decision of such appeal shall be in the form of a motion. Reasons for the decision must be stated. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after the transfer of property ownership.
3. **Conditions.** The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance as provided for in [Section 9.8](#). A violation of any conditions constitutes a violation of the Zoning Ordinance.
4. **Timing of Decision.** The Zoning Board of Appeals shall return its decision in writing within thirty (30) days after a request or appeal has been heard unless all parties concerned agree upon additional time.
5. **Appeal to Circuit Court.** The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.
6. **Rehearing.** A rehearing may be granted pursuant to [Section 9.10](#).

E. Re-Application for Appeal.

No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

F. Approval Periods.

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within

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such period and substantial erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 8.5 Variance Standards

Where there are practical difficulties deterring the carrying out of strict interpretation of this Ordinance, the Zoning Board of Appeals shall have the powers to vary or modify any of the rules, regulations, and provisions of the Ordinance by granting non-use variances, provided that any variation granted from this Ordinance will not be contrary to the public interest and relates only to property under the control of the appellant.

The following standards shall be used to determine practical difficulty:

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography, and is not due to the applicant's personal or economic hardship.
- B. The need for the requested variance is not the result of the action of the property owner or previous property owners (self-created).
- C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
- D. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Article 9

Administration & Enforcement

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Section 9.1 Administration of Ordinance

A. Zoning Administrator.

A Zoning Administrator shall be employed by the Township Board under the terms and conditions determined by the Board to administer the provisions of this Ordinance. The Board may also employ a Deputy Zoning Administrator under the terms and conditions determined by the Board to assist the Zoning Administrator in administering this Ordinance.

B. Duties and Powers of the Zoning Administrator.

1. Issuance of Permits.

- a. The Zoning Administrator shall have the power to grant zoning permits (pursuant to [Article 5](#)) and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.
- b. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, that may occur upon the granting of said Permit.

2. **Review Applications for Planning Commission Submittal.** The Zoning Administrator shall receive and review, for completeness, all applications for site condominium projects, site plan review, and Special Uses which the Planning Commission are required to decide under this Ordinance and refer such applications to the Planning Commission for determination.

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3. **Review Applications for Zoning Board of Appeals Submittal.** The Zoning Administrator shall receive and review, for completeness, all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
4. **Review Applications for Ordinance Amendment.** The Zoning Administrator shall receive and review, for completeness, all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
5. **Records.** The Zoning Administrator shall maintain permanent and correct records of the Ordinance including, but not limited to, zoning permits issued, maps, amendments, Special Use permits, variances, and appeals.
6. The Zoning Administrator shall, under no circumstances, be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of the Zoning Administrator.

C. Code Enforcement Officer.

The Code Enforcement Officer is the authorized local officer responsible to investigate and issue citations to those responsible for committing violations as defined by [Section 9.9](#).

D. Duties and Powers of the Planning Commission.

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Site Plan Approval.** The Planning Commission shall review site plans and issue its approval, conditional approval, or denial. See [Table 5.1](#) for uses requiring approval of the Planning Commission.
2. **Special Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit including Planned Unit Developments. Following a public hearing, the Planning Commission shall review and approve, approve with conditions, or deny said application.
3. **Rezoning or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

E. Township Board.

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

Section 9.2 Zoning Permit Application Process

A. Application for Permit.

1. Before proceeding with the erection, alteration, enlargement, razing, conversion, or moving of any building or structure subject to the provisions of this Ordinance, the owner of the premises shall first apply for a zoning permit from the Zoning Administrator. This requirement shall not apply to alterations inside a building or structure if no change is made in foundations or outside perimeter. Application shall be made upon forms provided by the Zoning Administrator and shall be accompanied by the legal description of the premises and by a plot plan pursuant to [Section 5.2](#) or a site plan pursuant to [Section 5.4](#) (with the exception of Special Uses that the Zoning Administrator has determined do not require a plot plan or site plan). Decorative accessory items such as statues, trellises, lawn decorations, and similar items do not require a zoning permit.
2. On examination of any site, the Zoning Administrator may require a current boundary survey and staking of the premises by a Michigan Registered Land Surveyor if the same may not be clearly in evidence.
3. **Final Plot Plan or Site Plan Approval Required.** The Township shall not issue a zoning permit until a final plot plan or site plan has been approved and is in effect pursuant to [Article 5](#) (with the exception of Special Uses that the Zoning Administrator has determined do not require a plot plan or site plan).
4. **Other Required Permits.** A zoning permit is required prior to a building permit. A zoning permit shall not be issued until any other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.
5. **Payment of Fees.** No zoning permit shall be valid until the required fees have been paid.

B. Property Inspection.

Every building or structure for which a zoning permit has been issued shall be subject to two (2) inspections:

1. **When Excavation for Foundation is Complete and Building Lines Established.** The property owner is responsible for determining and marking the correct location of lot lines as defined by this Ordinance from which setbacks are measured and for marking building corners.

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2. **On Completion of the Enclosed Exterior Construction.** The property owner shall notify the County Building Inspector and Zoning Administrator in writing when ready for inspection. Following final inspection, the Zoning Administrator shall issue the property owner a certificate of compliance if he/she finds the building or structure in conformity with the Ordinance.
3. The Zoning Administrator, township officials, and agents shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator, township officials, and agents may exercise this right to inspection by consent of the person having the right to possession of the lot, building, structure, or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction.

C. Signed Copies.

After approval pursuant to [Article 5](#), copies of the application and plot plan or site plan submitted shall be signed and dated. One (1) copy shall be filed with the County Building Inspector for a building permit, one (1) copy with the Township, and one (1) returned to the applicant with a card or other written statement specifying the terms of the zoning permit for posting on the premises during the progress of any construction authorized. No permit shall be transferable.

D. Zoning Permit Expiration.

1. Completion of the exterior of the structure shall not exceed one (1) year from issue date, but the permit may be renewed for an additional one (1) year upon reapplication and payment of the original fee, subject to the provisions of the Ordinance then in effect.
2. A case of failure or neglect to comply with the provisions of this Ordinance, or in case of false statements or misrepresentations made in the application, shall be considered a violation of this Ordinance.
3. See [Section 5.9](#) for expiration of a site plan. See [Section 6.6](#) for expiration of a Special Use. See [Section 8.4](#) for expiration of a variance.

E. Failure to Obtain a Zoning Permit.

1. Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary zoning permit shall be subject to [Section 9.9](#) unless a Permit-After-the-Fact is obtained pursuant to subsection 2 below.
2. **Permit After-the-Fact.** Any building erected, relocated, or altered which requires a zoning permit from the Township which begins without first obtaining the required permit may be issued that permit (and all permits necessary for approval), but this permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard permit

form, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and Special Use Permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

F. Conformance with Approved Plans.

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by [Section 9.9](#).

G. Stop Work Order.

Upon notice from the Zoning Administrator of the occurrence of unauthorized activity or the existence of site conditions contrary to any provisions of this Ordinance or [2006 PA 110, the Michigan Zoning Enabling Act](#), as amended, such activity shall be immediately stopped and/or said site conditions shall be immediately abated. Upon determining that such unauthorized conditions are present or such unauthorized activities are occurring, the Zoning Administrator shall post a stop work order on the said premises. The stop work order shall be in writing and shall also be given to the owner of the property involved, or to the owner's agent, or to the person involved in such activity or the person responsible for such unauthorized site conditions or activity, and shall state the terms under which the stop work order will be rescinded or removed. Any person, firm, or company who continues such activity or fails to correct such site conditions after having been served with the stop work order shall be subject to [Section 9.9](#).

Section 9.3 Interpretation & Conflicts

A. Conflicts when this Zoning Ordinance is More Restrictive.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, ordinance, or private deed restrictions, then the provisions of this Ordinance shall govern except where legally superseded by such law or ordinance.

B. Conflicts when Another Ordinance is More Restrictive.

Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

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C. Conflicts within this Ordinance.

Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

1. **Conflicting Graphics, Tables, and Text.** The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Section 9.4 Fees

- A. Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board.
 1. To assist in defraying the cost of zoning administration, inspection, investigations, review, and necessary advertisements, the Township Board may from time to time, by resolution, adopt a Fee Schedule governing certain provisions of this Ordinance.
 2. Said fees shall be placed in the appropriate fund, as determined from time to time by the Township Board, and such fees shall be used solely for costs of administration or as directed by the Township Board.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.
- C. **Additional Fees.**
 1. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit, with the

- Township Treasurer, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs.
2. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.
 3. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal.
 4. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.
 5. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any certificate or prior to the final decision on an appeal.

Section 9.5 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, the completion of conditions imposed by the Planning Commission which are located within the development, and site restoration. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

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- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third party to construct the public and site improvements and the third party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

Section 9.6 Public Notice Requirements

All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#) as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

A. Published Notice.

When the provisions of this Ordinance or the [Michigan Zoning Enabling Act](#) require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.

B. Content.

All mail, personal, and newspaper notices for public hearings shall:

1. **Describe the Nature of the Request.** Identify whether the request is for a rezoning, text amendment, Special Use, Planned Unit Development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax lot identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street

addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.

3. **Date, Time, and Meeting Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
4. **Written Comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Disabled Access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. Notice.

1. Except as noted in [subsection C.2](#) and [subsection C.3](#) below, notices for all public hearings shall be published and/or given as follows:
 - a. Notice of the hearing shall be published and/or given not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Township.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) 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.

2. Newspaper publication as required in [subsection C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in [subsection C.1](#) above.
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
 - b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

Section 9.7 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 9.8 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 9.9 Violations & Penalty

- A. Any land, dwellings, buildings, or structures, including tents and recreational vehicles, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted, or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation, association, or other legal entity who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending [1961 PA 236](#), being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.
- C. The Code Enforcement Officer is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- D. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9.10 Rehearing Process

A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

- 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.

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2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the site plan review or public hearing.
3. The Township attorney, by written opinion, states that the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.11 Approval Process Reference Chart

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text but is not a substitute for it.

Table 9.11: Approval Process Reference Chart

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal
Single- & two-family dwellings, accessory bldgs and accessory uses, family child care homes, food trucks, change of use, fences, signs- see §5.1 for full list	Applicant	ZA	No	-----	-----	ZBA
Multiple-Family, Commercial, Industrial, Utility & Institutional Structures/Uses - see §5.1 for full list	Applicant	PC	No (unless listed as Special Use)	-----	-----	ZBA
Special Use	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	ZBA
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	-----	Circuit Court
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Text amendment or Rezoning (text amendment does not require 300' notices)	Applicant, PC, or TB	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	-----
		County Planning Commission reviews amendment & provides comment (30 days)				
		Step 2: TB	No	-----	-----	-----
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on 8th day after publication.				
Zoning enforcement	ZA	-----	-----	-----	-----	ZBA
ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals						

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Article 10

Adoption & Amendment

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Section 10.1 Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by action of the Township Board following a recommendation from the Township Planning Commission.
- C. Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 10.2 Amendment Procedures

The procedure to be followed for initiating and processing an amendment shall be as follows:

A. Filing of Amendment Application.

Each application, by one (1) or more persons, for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held. Applications shall be submitted at least forty-five (45) days prior to the meeting date at which the public hearing will be held. All amendments or supplements shall be referred to the Township Planning Commission

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for study, recommendation, and public hearing.

B. Public Hearing.

Before making a recommendation on an amendment, the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given pursuant to [Section 9.6](#).

C. Planning Commission Action.

1. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
2. **Submission to County Planning Commission.** Following the public hearing, the Township Planning Commission shall submit the proposed amendment including any zoning map changes and any comments received at the public hearing to the County Planning Commission or to a coordinating zoning committee appointed by the County Board of Commissioners. If the recommendation of the County Planning Commission/committee has not been received within thirty (30) days after the receipt of the amendment by the County, it shall be conclusively presumed that the County has waived its right for review. This subsection shall not apply if the County Board of Commissioners waives the County's right to review township ordinances and amendments.
3. **Submission to Township Board.** The Township Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing and from the County.

D. Township Board Action.

1. **Optional Public Hearing.** The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be pursuant to [Section 9.6](#). The Township shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk.
2. **Township Board Decision.** The Township Board may adopt or reject any proposed amendment or refer it back to the Planning Commission for further review as prescribed in Section 401 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
3. **Notice of Adoption.** Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth (8th) day after publication or at a later date as may be specified by the Township Board at the time of adoption.

The notice of adoption for Zoning Ordinance amendments shall include the following:

- a. Either a summary of the regulatory effect of the zoning ordinance amendment, including the geographic area affected, or the text of the zoning ordinance amendment.
- b. The effective date of the zoning ordinance amendment.
- c. The place where and time when a copy of the zoning ordinance amendment may be downloaded, purchased, or inspected.

E. Resubmittal.

No petition for rezoning, which has been disapproved by the Township Board, shall be submitted for a period of one (1) year from the date of disapproval except as permitted by the Township Board after becoming aware of new evidence which may result in approval upon resubmittal.

Section 10.3 Rezoning Review

The Planning Commission shall review and apply the following factors in the consideration of any rezoning request:

- A. Is the proposed rezoning consistent with the goals and objectives of the Township Master Plan?
- B. Is the proposed rezoning reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Will there be an adverse effect on property values in the adjacent area?
- E. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e., will rezoning result in spot zoning)?
- G. Is the site served by adequate public facilities or is the petitioner able to provide them?

Section 10.4 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could

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be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use proposed as part of an offer of conditions that would require a Special Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing as set forth in **Section 9.6** of this Ordinance and consideration of the factors set forth in **Section 10.3** (except **10.3.F**) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Planning Commission Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application

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shall be submitted to Iosco County as specified in [Section 10.2.C.2](#) for a not more than thirty (30) day review period, according to the provisions of Section 307 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

E. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the [Iosco County Register of Deeds](#), or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate, by attachment or reference, any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the [County Register of Deeds](#).
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement

attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Use.

Unless another time period is specified in the Ordinance, the approved use of the land pursuant to building or other required permits must be commenced upon the land and substantial construction shall be shown within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

I. Reversion of Zoning.

If the approved use of the rezoned land does not occur within the timeframe specified under subsection H above, then the land shall revert to its former zoning classification. The reversion process shall be initiated

by the Township Board requesting that the Planning Commission proceed with consideration of rezoning the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to [subsection I](#) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the [County Register of Deeds](#) that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved use specified pursuant to [subsection H](#) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 10.5 Severability

This Ordinance and the various parts, sections, subsections, phrases, and clauses thereof are hereby declared to be severable. If any part, article, section, sentence, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 10.6 Rights & Remedies

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

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Section 10.7 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular district or zoning classification, and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary for the preservation or protection of the public's health, safety, and welfare.

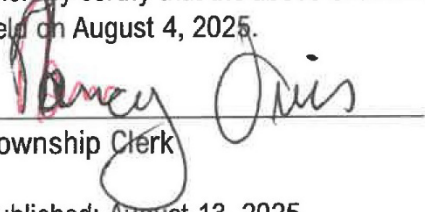
Section 10.8 Repeal of Previous Ordinance

- A. This Ordinance repeals and replaces any previous Sherman Township Zoning Ordinance in its entirety.
- B. The repeal of this Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 10.9 Adoption & Effective Dates

- A. This Ordinance was adopted on August 4, 2025 by the Sherman Township Board of Trustees and will be effective August 20, 2025. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on May 19, 2025.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

I hereby certify that the above Ordinance was adopted by the Sherman Township Board at a regular meeting held on August 4, 2025.


Township Clerk

Published: August 13, 2025

Effective Date: August 20, 2025