



Coldwater Township Zoning Ordinance

Branch County, Michigan

Adopted May 2, 2016
With amendments effective through August 12, 2024

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Coldwater Township Zoning Ordinance

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User Guide

Introduction

This user guide is intended to help citizens understand the structure of the Coldwater Township Zoning Ordinance and how it is used to regulate the use of land within Township boundaries.

What is regulated?

The regulations in the Zoning Ordinance cover many aspects of the built environment, including but not limited to the following:

- Types of structures and uses that are permitted (single-family, stores, offices etc.).
- Size, height and placement of buildings.
- The amount of parking required and standards for lot design.
- Design requirements and standards for landscape, lighting and signs.

Township Master Plan

The Michigan Planning Enabling Act (Act 33 of 2008) outlines the requirements for the Township Master Plan. The Master Plan is intended to serve as a general statement of the community's goals and policies and provides a single, comprehensive view of the community's desire for the future. The Zoning Ordinance, which is based on the Master Plan, is the legal basis for land use regulation.

Zoning Map

The Zoning Map is guided by the Future Land Use Map and related goals and policies in the Township Master Plan. The Zoning Map classifies the Township into various zoning districts while the Zoning Ordinance describes what uses are allowed and the standards and requirements for building and site design for properties within each district.

Organization

The Zoning Ordinance is organized by major parts, articles (18 total) and appendices.

Part I

The first part of the Zoning Ordinance, *General Provisions*, includes the *Title and Purpose (Article 1)* and the *General Provisions for All Districts (Article 2)*. Part I sets the stage for the rest of the ordinance and outlines requirements that are applicable for situations that may occur in any location in the Township, regardless of the zoning district designation.

Part II

The second part of the Zoning Ordinance is titled *Zoning Districts* and includes four (4) articles. *Zoning District and Map (Article 3)*, addresses interpretation of the Zoning Map boundaries, uses not listed, similar uses, zoning of vacated lands and other important and necessary guidance concerning district boundaries and uses.

Articles 4 and 5 include all of the existing zoning districts and groups them into two (2) classes: *Agricultural and Residential Districts* and *Commercial and Industrial Districts*. Each article includes a compiled table of allowed uses and spatial requirements, such as lot width, setbacks, building height and other lot and building dimensional requirements. After the spatial requirements of each article are references to other requirements and development options. Additionally, rules

concerning open space preservation development and agricultural density regulations for dwellings are outlined in *Article 4*.

Finally, Part II includes a new process and procedure for considering and adopting *Planned Unit Development Districts (Article 6)*. Planned Unit Development is a flexible zoning tool used to encourage more innovative designs that may not be anticipated by the zoning provisions, as long as the proposal demonstrates a recognizable benefit to the community.

Part III

The third part of the Zoning Ordinance is *Development Provisions*, which includes *Specific Use Requirements (Article 7)*, *Off-Street Parking and Loading (Article 8)*, *Landscaping and Lighting (Article 9)* and *Signs (Article 10)*.

Part IV

The fourth part is *Review Processes and Standards* and consists of articles such as *Site Plan Review (Article 11)*, *Special Land Use Permits (Article 12)* and *Condominium Regulations (Article 13)*. All development applications and land use changes are reviewed according to the processes within this part and are subject to the outlined standards of approval.

Part V

The final part of the Zoning Ordinance is *Administration*. This part covers *Nonconformities (Article 14)*, *Administration and Enforcement (Article 15)*, the *Planning Commission and Township Board (Article 16)*, the *Zoning Board of Appeals (Article 17)*, and *Amendments and Validity (Article 18)*.

Appendix

A compiled list of zoning definitions is included in *Appendix A* and checklists for project submittals are included in *Appendix B*.

What is my property zoned?

The first step is to check the Zoning Map as what is permitted in one district may not be permitted in another. The Zoning Map is posted on the Township website and is available at the Township office. Because the published Zoning Map is periodically amended, such as when a landowner receives approval for rezoning their property or the when the Township rezones an area, a zoning “confirmation” is always recommended prior to relying on the map for decision-making purposes.

What uses are allowed?

The Township Zoning Map classifies land into different zoning districts, described in *Article 3, Zoning Districts and Map*. These districts include:

Agricultural and Residential Districts

1. Agricultural District (AG).
2. Low Density Residential District (R-2).
3. Medium Density Residential District (R-3).
4. Medium Density Residential District (R-4).

Commercial and Industrial Districts

1. General Business District (GB).
2. Industrial District (I).
3. Technology District (T).

A list of uses allowed in each district can be found in *Articles 4 and 5*. Tables in each article list uses in three (3) classifications and includes references to special conditions, if applicable:

- *Permitted Use (P)*. Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance.
- *Special Land Use (SLU)*. Land and/or buildings in this district may be used if general standards and specific standards are met, as well as all other applicable provisions of the Zoning Ordinance. SLUs also require a public hearing and Planning Commission review and approval.
- *Not Permitted*.
- *Special Conditions*. The final column in each table will reference any special conditions that apply to the land use.

What if my desired land use is not allowed?

If a proposed use is not listed as a permitted or SLU within the zoning district that applies to your property, you have a few options, including:

- Find an alternative use for your property that is permitted or find a site in the Township that is properly zoned for your intended use.
- If your desired land use is not listed anywhere in the Zoning Ordinance, you could request that the Administrator consider your intended use based on review against “similar uses” as explained in *Section 3-6*. In some cases, the Administrator may take the request to the Zoning Board of Appeals for a final determination.
- Request the Township rezone the property, which requires a public hearing, Planning Commission recommendation and Township Board approval.
- Request the Township amend the Zoning Ordinance to add your proposed use, either as a Permitted or Special Land Use.

Please note that the Township does not allow “use variances,” which are variances that allow land uses that are not allowed within a zoning district.

What are my building requirements?

Within *Articles 4 and 5*, spatial and dimensional requirements for each zoning district are outlined in table form. In addition to spatial requirements, special zoning district provisions may also be included within each article that may affect your development planning. Spatial requirements include:

- Minimum lot area.
- Minimum lot width.
- Setbacks (front, rear and side).

- Maximum height and stories.
- Maximum lot coverage.

What are the next steps once zoning is confirmed?

Depending on your proposed use of land, the permitting process may range from a simple administrative review to a more complex site plan review. The following table should be reviewed to determine the processes, timeframes and public hearing requirements associated with application types:

Processes and Approval Authorities				
Application Type	Approval Authority	Public Hearing¹	Deadline	Applicable Section
Zoning Permit- Building Compliance	Administrator	No	N/A	<i>Section 11-2 B.1</i>
Zoning Permit- Use Compliance	Administrator	No	N/A	<i>Section 11-2 B.2</i>
Level “A” Site Plan (minor projects)	Administrator	No	N/A	<i>Section 11-3 A</i>
Level “B” Site Plan (major projects)	Planning Commission	No	30 days prior to PC meeting	<i>Section 11-3 B</i>
Minor Site Plan Amendment	Administrator	No	N/A	<i>Section 11-7</i>
Major Site Plan Amendment	Planning Commission	No	30 days prior to PC meeting	<i>Section 11-7</i>
Special Land Use	Planning Commission	Yes	30 days prior to PC meeting	<i>Article 12</i>
Planned Unit Development	Township Board approval, Planning Commission recommendation	Yes	45 days prior to PC meeting	<i>Article 6</i>
Minor PUD Amendment	Administrator	No	N/A	<i>Article 6-11 A</i>
Major PUD Amendment	Township Board approval, Planning Commission recommendation	Yes	30 days prior to PC meeting	<i>Article 6-11 C</i>
Zoning Map Amendment	Township Board approval, Planning Commission recommendation	Yes	30 days prior to PC meeting	<i>Section 18-4</i>
Conditional Rezoning	Township Board approval, Planning Commission recommendation	Yes	30 days prior to PC meeting	<i>Section 18-5</i>
Condominium Project	Township Board approval, Planning	Yes	30 days prior to PC meeting	<i>Article 13</i>

Processes and Approval Authorities				
Application Type	Approval Authority	Public Hearing¹	Deadline	Applicable Section
	Commission recommendation			
Appeal	Zoning Board of Appeals	Yes	30 days prior to ZBA meeting	<i>Section 17-5</i>
Variance	Zoning Board of Appeals	Yes	30 days prior to ZBA meeting	<i>Section 17-6</i>
Interpretation	Zoning Board of Appeals	Yes	30 days prior to ZBA meeting	<i>Section 17-7</i>

¹ *Public notice shall not be less than 15 days before the date of an official public hearing. Unless otherwise noted in Section 15-5, public notices are posted at the Township offices, on the website, within the local newspaper, and by mailed notice to owners of property within 300 feet of the subject property.*

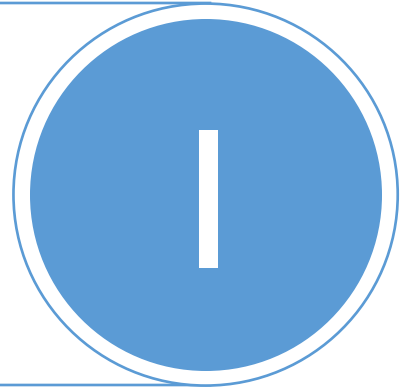
Once a process is confirmed by the Administrator, an application and checklist must be obtained. Copies of the application forms are posted on the Township website and are available at the Township offices. In some cases, the Administrator will schedule a pre-application conference to review the procedures and requirements with you. Once you feel you have a complete submittal package, you may turn in your materials and the Administrator will begin the review process.

How can I get additional assistance?

If you have questions on the use or interpretation of the Zoning Ordinance, procedures, submittal deadlines, or other information, contact the Administrator at the Township offices at:

- Phone 517-279-9388
- Fax 517-278-9013
- Email za@coldwatertownship.com
- Website www.coldwatertownship.com

Part I
General Provisions



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Title and Purpose

Article
1

Section 1-1 Title

This ordinance shall be known and may be cited as the Coldwater Township Zoning Ordinance and may be referenced as the “Zoning Ordinance” or the “ordinance.”

Section 1-2 Intent and Purpose

This ordinance is intended to implement the Coldwater Township Master Plan as adopted per P.A. 33 of 2008, the Michigan Planning Enabling Act. The provisions of this ordinance are the minimum requirements adopted for the protection of public health, safety, welfare, and for the promotion of orderly growth in Coldwater Township. This ordinance is intended to:

- A. Promote the public health, safety, morals and general welfare;
- B. Encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
- C. Avoid the overcrowding of population;
- D. Provide adequate light and air;
- E. Lessen congestion on the public roads and streets;
- F. Reduce hazards to life and property;
- G. Facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements;
- H. Conserve the expenditure of funds for public improvements and services to obtain the most advantageous uses of land, resources and properties;
- I. Consider the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land and buildings.

Section 1-3 Organization and Exhibits

- A. *Organization.* The Zoning Ordinance regulates the development and use of land within Coldwater Township. The Zoning Ordinance is divided into five (5) parts and two (2) appendices as follows:
 - 1. *Part I General Provisions.*
 - 2. *Part II Zoning Districts.*
 - 3. *Part III Development Provisions.*
 - 4. *Part IV Review Processes and Standards.*
 - 5. *Part V Administration.*
 - 6. *Appendix A Definitions.*
 - 7. *Appendix B Submittal Checklists.*
- B. *Exhibits and Graphics.* Exhibits with graphics are provided as “figures” to illustrate the intent of the language included in the ordinance. When there is an apparent discrepancy between the text and a figure, the text shall supersede. In cases where the exhibit is a table, it shall be considered a zoning requirement.

Section 1-4 **Scope and Interpretation**

This ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed by specific reference, or with private restrictions placed upon property by covenant deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this ordinance imposes greater restrictions, limitations or requirements, the provisions of this ordinance shall control.

Section 1-5 **Legal Basis**

This ordinance is enacted pursuant to P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et. seq.).

Section 1-6 **Effective Date**

This ordinance, known as the Coldwater Township Zoning Ordinance, was adopted by the Coldwater Township Board, Branch County, Michigan, at a meeting held on May 2, 2016, and a notice of publication ordered published on May 9, 2016, in the Daily Reporter, a newspaper having general circulation in the Township, and has an effective date of May 16, 2016.

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General Provisions for All Districts

Article
2

Section 2-1 Intent and Purpose

- A. *Conformance.* Zoning applies to every building, lot, structure and use. No building, structure or land shall be used or occupied except in conformity with this ordinance. No building or structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this ordinance. All lots, yards, parking areas, buildings, structures or other spaces created after the effective date of this ordinance shall comply with the minimum requirements of the zoning district in which they are located.
- B. *Restoration of Unsafe Structures.* Subject to the provisions of the *Article 14*, nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure that is unsafe.
- C. *Required Area or Space.* A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to not conflict with the minimum requirements of this ordinance.
- D. *Land Division and Subdivision.* No parcel of land shall be divided in a manner that is in conflict with any provisions of this ordinance or the Michigan Land Division Act.

Section 2-2 Access and Frontage

- A. *Access.* All new lots and parcels shall have direct access to a public road, private road, or shared driveway access easement.
- B. *Number.* Developments that consist of 25 or more dwelling units shall have at least two (2) separate access/egress points to protect residents in the event of an emergency, or in the event of blockage of an access point, and to promote safer traffic flow. In such instances where two (2) access/egress points are not possible for developments of 25 or more dwelling units, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following conditions apply. Additionally, the Planning Commission may require a wider boulevard design if one (1) point of access is approved.
1. The spacing of existing adjacent driveways or environmental constraints prohibit adherence to the access requirements.
 2. There is no other reasonable means to achieve two (2) points of access/egress.
- C. *Frontage.* All new lots and parcels shall have frontage on a public or private road, or a shared driveway access easement. Agricultural parcels are exempt from this requirement.
1. Road Frontage. All new lots and parcels satisfying the frontage requirement on public or private roads shall have a minimum road frontage that is at least equal to the minimum lot width required by the applicable zoning district. Cul-de-sac lots or lots on the outside edge of curved roads shall have a minimum of 40 feet of street frontage.
 2. Shared Driveway Easements. All new lots and parcels satisfying the frontage requirement on shared driveway easements shall have a minimum frontage that is at least equal to the minimum width required by the applicable zoning district. Where a shared driveway easement terminates at a new lot or parcel, it is exempt from the minimum frontage width requirement .
 3. Commercial Developments. In the case of an integrated and planned commercial development with multiple lots or parcels, frontage is not required for interior lots and

parcels if they are connected with commercial grade driveways and internal circulation routes.

Section 2-3 Accessory Uses and Buildings

- A. *Accessory Uses.* In any zoning district, accessory uses incidental only to a permitted use, are permitted when located on the same lot.
- B. *Residential Uses and Districts.*
1. Commercial Use. Unless permitted as home based business or home occupation, accessory uses shall not involve the conduct of any business, trade or industry in the Agricultural and Residential zoning districts.
 2. Accessory Buildings. In any zoning district, an accessory building may be detached from the principal building or be an integral part of the principal structure, subject to the following requirements:
 - a. *Attached Accessory Buildings.*
 - i. An accessory building or garage shall be considered part of the principal building if it is structurally and architecturally integrated into the principal building, or is attached by an enclosed breezeway or similar architectural feature not greater than 10 feet in length.
 - ii. Attached accessory buildings in the Agricultural and Residential zoning districts are subject to the spatial requirements principal buildings in *Table 4-3 A*.
 - iii. The architectural character of all attached accessory buildings and additions shall be compatible and similar to the principal structure.
 - b. *Detached Accessory Buildings.*
 - i. Detached accessory buildings may be placed in any portion of a yard in all other zoning districts, subject to required setbacks.
 - ii. Detached accessory structures in the Agricultural and Residential zoning districts are subject to the spatial requirements in *Table 4-3 B*.
 - iii. One (1) school bus shelter building is permitted per lot within the required front setback area, or rear setback for waterfront lots, provided the building shall be 36 square feet in area or less and shall be located outside of the public right-of-way.
 - iv. Farm stands may be placed within the front yard setback area.
 - v. *Habitable Space Prohibited.* No detached accessory building or structure shall include livable floor area intended for human occupancy except if approved in accordance with *Section 7-7 or 7-8*.
- C. *Non-Residential Uses and Districts.* The size of accessory buildings in the Commercial and Industrial zoning districts are subject to the requirements of *Table 5-3 B*.

Section 2-4 Control of Heat, Fumes, Dust, Noise, Vibration and Odors

Every use shall be conducted and operated in a way that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the parcel on which the use is located.

Section 2-5 Essential Services

- A. *Authorization.* Essential services shall be permitted in all zoning districts as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan or in any ordinance of the Township.
- B. *Intent.* It is the intent of this section to ensure conformity of all structures and uses to the requirements of this ordinance when maintaining conformity is practicable and not in conflict with the specific requirements of such franchise, legislation or other Township ordinance. In the absence of such conflict, this ordinance shall prevail.
- C. *Non-Essential Services.* Wireless communication facilities are not considered essential services and shall be subject to the requirements of *Section 7-27*.

Section 2-6 Governmental Improvements

The provisions of this ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local, except when precluded by any local, state and federal laws.

Section 2-7 Grading and Excavation

- A. *Drainage.*
1. Slope. Elevations for any site with a building located on it, or a site proposed for a building, shall have a grade sloping away from the walls of the building to prevent the ponding of surface water along foundations.
 2. Runoff. No site shall be filled or graded in a way that will discharge surface runoff onto adjacent properties in a manner that increases the amount of runoff in excess of predevelopment conditions.
- B. *Elevating a Building Site.* Grading and/or filling of materials to elevate the first floor elevation of a structure is permitted, however, structure height on waterfront lots will be measured from the existing elevation prior to grading (*Section 2-9 D*).
- C. *Excavation.* The construction, maintenance or existence of any unprotected, un-barricaded, open or dangerous excavations, holes, pits or wells, which, in the opinion of the Administrator, constitute or are likely to constitute a danger to the public health, safety or welfare is prohibited; provided, this section shall not apply to any excavation for which a building permit or a temporary permit has been issued by the Township and which is properly protected and warning signs posted.

Section 2-8 Health Department Approval and Public Utility Connection

Zoning permits shall not be issued for any structure required to have water and sanitary facilities unless well and septic permits are issued by the Branch County Health Department. All homes permitted under this ordinance shall comply with the requirements of the Coldwater Township Utility Ordinance.

Section 2-9 Height

- A. *Measurement.* Vertical distance of structure height is measured from the elevation of the finished grade at the front of a building, on a level lot, to:
1. Mansard, Gable, Hip or Gambrel Roof. The average height between the eaves and ridge (*Figure 2-1*).
 2. Parapet/Flat Roof. The highest point of the roof for a flat roof.
 3. Other Roof Type. A point equivalent to the roof types specified in this section, as determined by the Administrator.

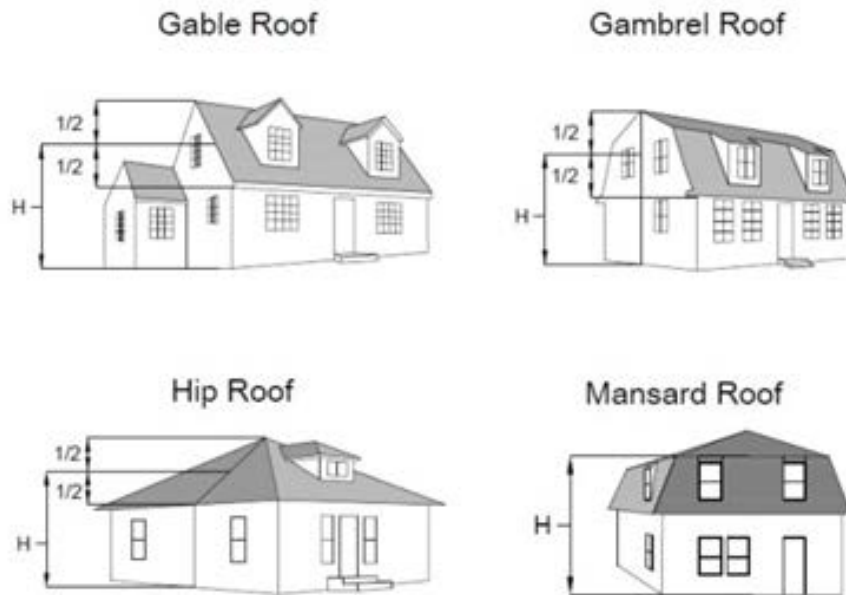


Figure 2-1

- B. *Sloping Grade and Walkout.* On a sloping grade, the height shall be measured from the average grade, between front and rear building lines or between side building lines, whichever dimension reflects the greater degree of slope, to the point of measurement noted in *Section 2-9 A (Figure 2-2)*. The height of building additions shall be measured in the same manner.

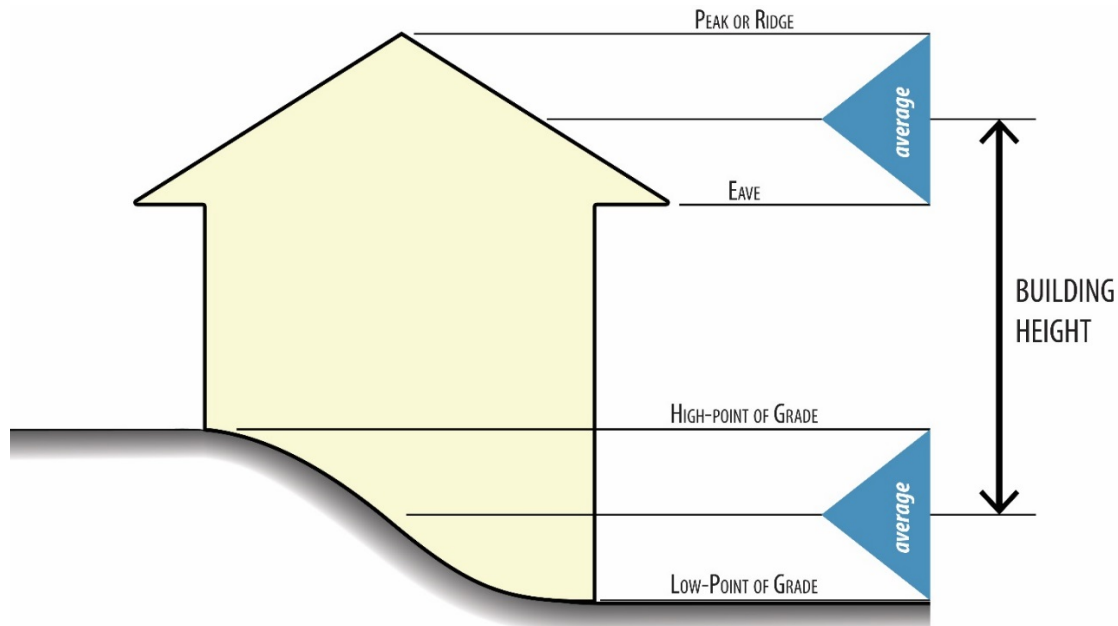


Figure 2-2

- C. *Maximum Height.* Unless otherwise authorized by this ordinance, height maximums are subject to the limitations of *Tables 4-3 A, 4-3 B, 5-3 A and 5-3 B.*
- D. *Waterfront Lots- Artificial Grade.* In the case of artificially raising the natural grade of a building site, the average high and low point of the pre-existing natural grade shall be used when calculating building height on waterfront lots.
- E. *Exceptions.* The following shall be exempt from height regulations in all zoning districts:
1. Parapet walls not exceeding four (4) feet in height from the adjoining roof.
 2. Chimneys.
 3. Cooling towers.
 4. Elevator bulkheads.
 5. Fire towers.
 6. Stage towers.
 7. Scenery lofts.
 8. Monuments.
 9. Cupolas.
 10. Domes.
 11. Spires.
 12. Penthouses housing necessary mechanical appurtenances.
 13. Television and radio reception and transmission antennas and towers which do not exceed 50 feet in height.

14. Building-mounted solar energy collectors not exceeding four (4) feet from the surface of the roof, provided, the outside edge of the collector does not extend past the outside edge of the roof of the building.
15. Other similar architecture or structural elements and appurtenances.
16. Accessory farm buildings (such as barns, windmills, and silos) used in the agricultural operations on a farm, as defined by this ordinance.

Section 2-10 Keeping of Farm Animals

- A. *Minimum Acreage.* Keeping farm animals is permitted in the AG, R-2, GB and I Zoning Districts, provided there is a minimum lot size of one (1) acre. Farm animals shall be confined to prevent trespass onto adjacent properties. Farm animals are prohibited in the R-3 and R-4 Zoning Districts.
- B. *Minimum Acreage.* Chickens and rabbits may be kept on AG and R-2 zoned lots of less than one (1) acre, subject to the following requirements:
 1. No more than six (6) chickens and six (6) rabbits are permitted. Participants in the 4H program may be permitted to have over six (6) chickens and six (6) rabbits with Township approval, however, those animals in excess of the maximum shall be removed by October 31 of the same year of the 4H event.
 2. Roosters are prohibited.
 3. Chickens and rabbits must be kept in the rear yard and must have a covered enclosure for shelter and a fenced area of confinement.
 4. Enclosures, coops and cages are subject to a 25-foot property line setbacks.
 5. Disposal of waste material from chickens or rabbits must be done in such a way that does not create a nuisance.
- C. *Wild Animals.* Wild animals shall not be kept by any property owner or occupant on any property in the Township.
- D. *Farms.* The State of Michigan Department of Agriculture and Rural Development (MDARD) regulates and oversees keeping of animals on farms. Farms are permitted in the AG district and on any portion of land determined by MDARD as Category 1, 2 or 3 that is not considered “primarily residential” as classified by the latest Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities manual.

Section 2-11 Principal Buildings and Uses

- A. *Principal Buildings.* In the Agricultural and Residential Zoning Districts, no more than one (1) principal building shall be placed on a parcel. In the case of residential condominium projects, each building site shall be limited to one principal building.
- B. *Principal Use Collectively.* An AG, GB, T or I zoned parcel shall not be devoted to more than one (1) principal use, or contain more than one (1) principal building, except for mixed uses where permitted, or groups of retail, industrial or agricultural buildings which are determined by the Administrator to be a principal use collectively, based on the following considerations:

1. Individual buildings share common parking areas.
 2. Access to the buildings/uses is provided via shared access drives or streets.
 3. Buildings are under single ownership.
 4. Individual activities support one another (such as auto dealership/vehicle repair or a convenience store/restaurant/gas station), unless it is a mixed commercial and residential use allowed by the this ordinance.
 5. The buildings are architecturally consistent and compatible.
- C. *Report to Planning Commission.* The Administrator shall report all collective principal use determinations when the application type is approved administratively.

Section 2-12 Private Roads, Commercial Driveways, Shared Driveways

- A. *Permit.* Construction of a private road or commercial driveway within Township requires approval by the Planning Commission. A shared driveway for residential lots may be approved by the Administrator. Permits shall be valid for a period of not more than two (2) years.
- B. *Deed Restrictions/Covenants.* Prior to the approval of the proposed private road, commercial driveway, or shared driveway, the applicant shall submit to the Township a set of deed restrictions/covenants in a form acceptable to the Township which shall provide for the creation of the private easement and the creation of an association whose members shall be the property owners abutting the road or driveway. The association shall be responsible for the upkeep and maintenance of the road. No more than one (1) association shall be responsible for any one (1) private road or driveway.
- C. *Private Roads.* Private roads shall be reviewed in accordance with the process for Level B Site Plans. The following requirements apply:
1. All private roads shall meet the specifications and requirements of the Branch County Road Commission for public roads. The applicant shall submit engineered plans and general specifications for project.
 2. No private road shall provide access to another private road.
 3. The developer of a private road shall be responsible for maintenance of the private road until responsibility is conveyed to an association or other responsible party subject to a maintenance agreement.
 4. An easement for the construction and maintenance of various public utilities including natural gas, electric telephone, sewer, water, storm sewer, or similar improvement shall be provided.
 5. An application for a private road shall be submitted to the Administrator. If the application is complete, application and plans shall be forwarded to the Planning Commission together with comments from Township staff. If the application is incomplete, the Administrator shall return it to the applicant with a written explanation of the deficiencies that must be corrected. The private road checklist is located in Section B-1.
 6. A complete application shall be considered by the Planning Commission at a public meeting. If the private road is part of a planned unit development, special land use, site development plan review or other application requiring Planning Commission consideration,

it may consider private road approval as part of the other development review. The Planning Commission may consult with the Township Planner, Fire Chief, Attorney, an Engineering Consultant, and Administrator when considering a private road application. The Planning Commission shall approve, approve with conditions, or deny the application for a private road.

- D. *Shared Driveways*. Shared driveways shall be reviewed in accordance with the process for Level A Site Plans. The following requirements apply:
1. Limitation. Shared driveways shall provide access to no more than five (5) lots or parcels.
 2. Plan. The applicant shall submit engineered or surveyed plans of the driveway.
 3. Driveway Requirements:
 - a. Easement: An easement of 30 feet minimum for travel surface, utilities, and drainage shall be provided.
 - b. Driveway Surface Width. Unobstructed width of 20 feet minimum.
 - c. Driveway Surface Type. Crowned all-weather driving surface a minimum of 16 feet in width designed and engineered to support the imposed loads of fire apparatus. Unless otherwise approved by the fire code official, an all-weather surface shall mean well maintained and paved or otherwise hard-surfaced with asphaltic or Portland cement concrete.
 - d. Dead Ends. Dead-end driveways in excess of 150 feet length shall be provided with a turnaround. The turning radius of access roadway turnarounds shall be not less than 40 feet or 80 feet in diameter.
 - e. Grade. Gradient shall not exceed 15 percent.
 - f. Maintenance. Shared driveways shall be consistently maintained to continuously meet the requirements of this section. The developer of a private road shall be responsible for maintenance of the private road until responsibility is conveyed to an association or other responsible party subject to a maintenance agreement.
 4. Fire Department Approval. Approval by the Fire Department is required for all shared driveways.
- E. *Conditions for Issuing a Permit*.
1. Except as provided in this ordinance, no building/zoning permits shall be issued for parcels abutting private roads and shared driveways until approval and completion.
 2. Building/zoning permits may be issued prior to the required reports by the Township Engineer when any or all of the following conditions are satisfied, and subject to the subbase being installed within the private road and approved by the Township Engineer.
 - a. The subject parcel also abuts a dedicated public county road and,
 - i. Construction permits have been obtained by the applicant for the building permit from the County Road Commission for the construction of an entrance from the subject parcel onto the County right-of-way;

- ii. The applicant's plans provide that no other parcel shall have access permitted through the entrance to the County right-of-way unless the driveway is improved to the standards contained in this section.
- b. A performance bond is submitted, subject to the following requirements:
 - i. A performance bond guarantees the completion of the private road according to the standards provided in this section. The surety bond, to be executed by a surety company authorized to do business in the State of Michigan shall be in an amount determined by the Township Board to be reasonably necessary to insure compliance.
 - ii. In fixing the amount of such surety bond, the Township Board shall take into account the size of the proposed private road, the current prevailing costs of completing the road upon default of the applicant, the estimated expense to compel the applicant to comply with the terms of this ordinance by court order or such other conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each applicant and the Township.
- c. Notwithstanding the provisions of this ordinance, certificates of occupancy will not be issued until the Township Engineer has reported the completion of the road as provided for in the ordinance.

Section 2-13 Riparian Lot Use Regulations

- A. *Intent.* It is the intent of this section to:
 - 1. Promote the integrity of the lakes within the Township while preserving the quality of recreational use of the inland waters;
 - 2. Protect the quality of the lakes by discouraging excessive use;
 - 3. Promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and
 - 4. Maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines.
- B. *Access.* Nothing in this section shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.
- C. *Regulations.* In any zoning district where a parcel of land is contiguous to a lake or pond, either natural or manmade, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions or record; or owned by two (2) or more dwelling units located away from the waterfront only if the following conditions are met:

1. The deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have rights to its use.
2. The parcel of land shall contain at least 70 lineal feet of water frontage and a lot depth of at least 100 feet for each dwelling unit or each single-family unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line, which intersects each side lot line at the water's edge.
3. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS Map, or have otherwise been determined to be wetland by the Michigan DEQ; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
4. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
5. For uses other than boat docks, a riparian lot shall have the minimum amount of riparian frontage identified in *Table 2-13* for each non-riparian lot served:

TABLE 2-13 MINIMUM LAKE FRONTAGE REQUIRED PER BOAT				
District	AG	R-2	R-3	R-4
Minimum Frontage Per Boat	100	75	50	50

6. The maximum number of boats which can be docked, moored or stored at a common use riparian parcel shall be one (1) boat for the required riparian frontage identified in *Table 2-13*.

Section 2-14 Setbacks, Lots and Yards

A. Applicability.

1. Unless otherwise stated, principal and accessory structures are subject to a minimum required horizontal separation from the right-of-way lines or property line as required by this ordinance.
2. Structures such as mailboxes, fences planters, landscaping beds, flagpoles, yard decorations, temporary carports without permanent foundations and framed walls, and similar elements, are not subject to setbacks.

B. Projections into Setback Areas.

1. Architectural Features. Certain architectural features, such as cornices, bay windows (or windows without foundations), window wells, gutters, chimneys, pilasters, building-mounted solar energy collectors, and similar features may project no further than three (3) feet into any setback area.
2. Enclosed or Covered Additions. Any permanently constructed porch, carport, terrace, addition, deck or balcony that is enclosed or covered shall meet the minimum setback requirements of the principal building or accessory building to which it is attached.

- C. *Average Front Setback*. The minimum front setback requirements for a principal building in any residential district may be reduced in cases where two (2) adjacent lots on each side of the subject parcel are occupied by principal buildings of which the existing front setbacks are less than required by the zoning district. The average of the established setbacks for those buildings shall be the minimum required front setback for the subject lot or parcel.
- D. *Lot Types*.
1. Corner Lots.
 - a. For setback purposes, a corner lot shall have two (2) front lot lines: a principal front lot line and a street side lot line as well as an interior side lot line and a rear lot line. A corner lot has two front yards.
 - b. On lots with existing structures, the principal front lot line shall be the location of the traditional front entrance of the structure.
 - c. For undeveloped lots or lots to be redeveloped, the narrower front lot line shall be the principal front lot line.
 - d. Where the lot lines are of equal length, and/or the principal front lot line is not evident, the Administrator shall determine the principal front lot line.
 2. Multi-Frontage Lots. A corner lot with street frontage on three (3) sides shall have the following lot lines for setback purposes.
 - a. If the dwelling is oriented toward one of the two (2) parallel streets, the lot shall have two (2) front lot lines and two (2) front yards, a street side lot line and street side yard, an interior side lot line and interior side yard, and no rear lot line and rear yard.
 - b. If the dwelling is oriented toward the middle street, the lot shall have three (3) front lot lines and three (3) front yards abutting the streets, and a rear lot line and rear yard.
 3. Through Lots.
 - a. Through lots have two (2) front lot lines and two (2) fronts and two (2) side lot lines and two (2) side yards.
 - b. In all zoning districts, both yards abutting a street on a through lot shall be considered front yards and front yard setbacks will apply.
 4. Waterfront Lots.
 - a. The lot line abutting a body of water (e.g. lake, stream, river, creek, etc.) shall be the front lot line. The portion of the lot abutting the body of water shall be the front yard.
 - b. The lot line abutting a road or road right-of-way shall be the rear lot line. The yard on the street side of a waterfront lot shall be considered the rear yard.
- E. *Orientation of Structures*. The Administrator shall consider the following when determining orientation of the dwelling:
1. Location and orientation of existing or proposed buildings on the through lot in relation to existing buildings on properties in the same general neighborhood, historic development patterns, and existing developed through lots.
 2. Location and impact of existing vegetation, water, or other natural features affecting the location of buildings or structures on the lot in question.

Section 2-15 Special Events

- A. *Approval Authority.* The Administrator shall consider and approve a temporary structure, use or event if it complies with all requirements of this section. The Administrator may also, at their sole discretion, forward an application to the Planning Commission for consideration. The Administrator or Planning Commission shall review the application and other submitted materials and shall approve, deny or approve it with conditions.
- B. *Requirements.* A special event may take place outdoors, notwithstanding any limitation or prohibition against outdoor activity otherwise provided by this ordinance. A special event shall meet all of the following requirements:
1. Impact. The use or structure does not have an unreasonable detrimental effect upon adjacent properties and does not affect the nature of the surrounding neighborhood.
 2. Access. That access to the area will not constitute a traffic hazard due to ingress or egress.
 3. Parking. Adequate off-street parking must be available to accommodate the use; and no parking space required for any other use shall be occupied as a result of the special event.
- C. *Report to Planning Commission.* The Administrator shall report all administrative approvals authorized in this section to the Planning Commission.

Section 2-16 Swimming Pools

- A. *Building Code.* Every swimming pool must conform to current State of Michigan Building Code.
- B. *Setbacks.* Swimming pools are subject to seven (7) foot side and rear lot line setbacks and are prohibited in front yards, except for on waterfront lots.

Section 2-17 Traffic Visibility

- A. *Clear Vision.* No use, structure or plant material, such as off-street parking spaces, fences, signs, berms, hedges, or planting of shrubs, which is taller than three (3) feet or which obstructs safe vision at a street corner, whichever is shorter, shall be located, erected or maintained within the following clear vision areas.
1. Intersection of Streets. Within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines 30 feet from the point of the intersection of the right of way lines (*Figure 2-3*).
 2. Street and Driveway. Within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two (2) points that are located on the right-of-way line and the driveway 20 feet from the point of intersection of the right-of-way line and driveway (*Figure 2-4*).
- B. *Variances.* The requirements in this section may be modified by the Zoning Board of Appeals based on geometric design and other traffic controls at the particular intersection and only after consultation with the Township Engineer, Administrator, and other public safety officials.

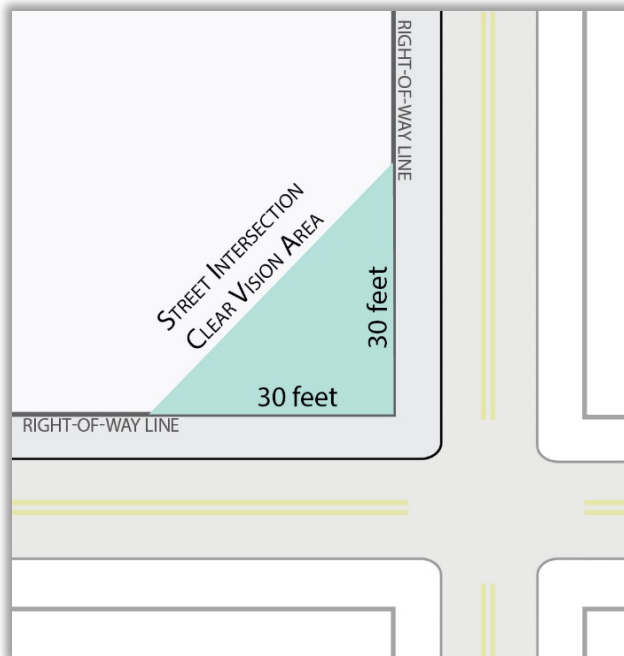


Figure 2-3 Street Intersection Clear Vision Area

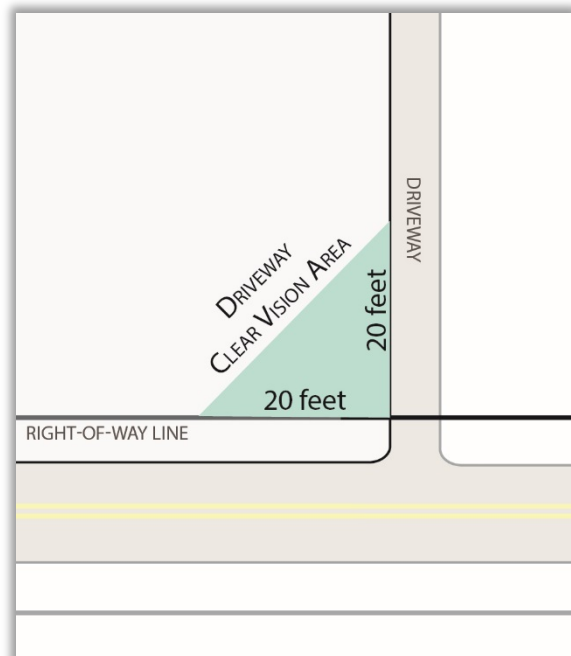


Figure 2-4 Driveway Clear Vision Area

Section 2-18 Unreasonable Outdoor Storage

- A. *General.* In addition to the prohibition of salvage operations in any zone other than the I district, it shall be unlawful to store and/or accumulate outside of buildings or in any area not totally obscured from adjacent premises or adjacent road or highways by natural land contours, evergreen screening or fencing for more than 14 continuous days per year, any unused, discarded, salvaged, disassembled, inoperable, wrecked, obsolete or deteriorated equipment, vehicles, manufactured products or other material in an unreasonable quantity or in an unattractive manner incompatible with surrounding properties and uses (see *Ordinance #99-3*).
- B. *Authority.* The Administrator shall determine whether any outdoor storage or accumulation is in violation of this section. A determination shall be based upon:
1. The zoning classification of the property.
 2. The nature of the development of the surrounding area.
 3. The effect upon adjacent property values, uses and occupants.
 4. The effect upon the environment and the health, safety and general welfare of the community.
- C. *Agricultural Exemption.* This section shall not be construed to prohibit the storage of farm machinery, vehicles, equipment and material used for agricultural purposes upon an operating farm of not less than 20 acres.

Section 2-19 Walls and Fences

A. *General.*

1. Permit. Fences and walls require a permit.
2. Measurement. Fences and walls shall be measured from the natural grade to the uppermost portion of the fence or wall.

B. *Requirements.* Fence height requirements are subject to the maximum heights in the table below:

TABLE 2-19 FENCE HEIGHT REQUIREMENTS (FEET)							
District	AG	R-2	R-3	R-4	GB	T	I
Front Yard	4 ¹	4	4	4	4	4	8
Side/Rear Yard	6	6	6	6	6	8	8

C. *Placement.*

1. Fences are prohibited within public right-of-way.
2. If one side of a fence has a finished side, that side shall face adjacent properties, the water or streets.
3. Fences are subject to clear area requirements included in *Section 2-17*.

D. *Type.*

1. Properties in R-2, R-3 and R-4 Districts shall not contain barbed wire or other sharpened materials or electrified fencing. However, these fence types are permitted in the AG District.
2. Properties in GB and T Districts shall not contain barbed wire or other sharpened materials or electrified fencing in front yards. These fence types are allowed anywhere on I District properties.
3. Barbed wire on top of fences, when permitted, may not exceed the maximum height requirement for the applicable zoning district.

¹ Fences in front yards in the AG District may be over four (4) feet, but no more than six (6) feet, if no closer to the street ROW or front property line than the front setback. Fences over (4) feet shall not be solid or privacy-style, and shall not obscure sight into the property

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Part II
Zoning Districts



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Zoning Districts and Map

Article
3

Section 3-1 Zoning Districts

The Township is divided into the following zoning districts:

TABLE 3-1 ZONING DISTRICTS		
Symbol	District Name	Regulated In
AGRICULTURAL AND RESIDENTIAL DISTRICTS		
AG	Agricultural District	Article 4
R-2	Low Density Residential District	
R-3	Medium Density Residential District	
R-4	Medium Density Residential District	
COMMERCIAL AND INDUSTRIAL DISTRICTS		
GB	General Business District	Article 5
I	Industrial District	
T	Technology District	
PLANNED UNIT DEVELOPMENT DISTRICT		
PUD	Planned Unit Development District	Article 6

Section 3-2 Official Zoning Map

The locations and boundaries of the zoning districts identified in *Section 3-1* are established on a map entitled “Coldwater Township Zoning Ordinance” which is declared a part of this ordinance.

- A. *Location and Record Keeping.* Regardless of any published copies of the Zoning Map, the official Zoning Map shall be located in the office of the Township Clerk and shall be the final authority as to the current zoning status of all land in the Township. A record is to be kept by the Township Clerk of all changes made or required to be made to the official Zoning Map.
- B. *Identification.* The official Zoning Map shall be identified by the signature of the Township Clerk.
- C. *Amendments.* The Zoning Map shall be kept up to date and accessible to the general public. Once an amendment to the map becomes effective it shall be reflected on the official Zoning Map upon the effective date.
- D. *District Titles.* The C-1 and C-2 Zoning Districts shown on the Official Zoning Map are officially deemed to be combined and designated as the GB General Business District, as referenced in this Zoning Ordinance.

Section 3-3 Interpretation of Zoning District Boundaries

- A. *Rules.* Where the boundaries of a zoning district as shown on the official Zoning Map are uncertain, the following rules shall apply:
 1. Where boundaries approximately follow streets, alleys or highways, their centerlines or those lines extended shall constitute the zoning district boundaries.
 2. Where boundaries approximately follow lot lines, they shall be construed as following those lot lines.
 3. Where boundaries approximately follow jurisdictional limits lines, they shall be construed as following those lines.
 4. Where boundaries are approximately parallel to the centerline of a street or highway, they shall be construed as being parallel to the centerline and at the distance from the centerline

as indicated on the official Zoning Map. If a distance is not given, the location on the map shall be determined by using a scale.

5. Where boundaries follow the shoreline of a stream, lake, or other body of water, they shall be construed to follow that shoreline. In the event the shoreline changes, the boundaries shall be construed as moving with the shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, drainage ditches or other bodies of water shall be construed to follow those centerlines.
 6. Where the application of these rules leaves a reasonable doubt as to the boundaries between two (2) districts, the Zoning Board of Appeals shall interpret the boundary location.
- B. *Boundaries Dividing a Lot.* Where a boundary line divides a property, each use and building on the property shall comply with the requirements of the applicable district.

Section 3-4 Areas Not Included within a District

In every case where land has not been included within a district on the Zoning Map, the land is determined to be in the AG zoning district.

Section 3-5 Uses Not Listed

A use not specifically mentioned or described by category is prohibited unless authorized by the Administrator or Zoning Board of Appeals per *Section 3-6*.

Section 3-6 Similar Uses

- A. *Intent.* Since every potential use cannot be addressed in this ordinance, each district may accommodate similar uses, as referenced in this section. All applications for a use not specifically addressed in a zoning district shall be submitted to the Administrator for review and a decision, based on the following:
1. The Administrator shall first find that the proposed use is not listed as a permitted or special land use in any other district.
 2. If the use is not permitted elsewhere, the Administrator shall review the district purpose, permitted uses and special land uses in the zoning district to determine if the proposed use is consistent with the district purpose; is similar to other allowed uses relative to its character, scale and overall compatibility; or can reasonably be expected to create objectionable impacts on public health, safety and welfare.
 3. The use would not be more appropriate within a different zoning district.
- B. *Compliance.* If a proposed use is determined to be similar to other uses listed within the district and is consistent with the district's purpose, the proposed use shall comply with all the standards or requirements associated with the listed use(s). If the named use is a special land use, the similar use may only be approved according to the requirements of *Article 12*.
- C. *Zoning Board of Appeals.* The Administrator may, in his/her sole discretion, submit a proposed use to the Zoning Board of Appeals for a similar use determination.
- D. *Determination.* The determination of whether a proposed use is similar to another listed use shall be considered as an interpretation of the use regulations and not a use variance. Once a use has been determined to be similar, it shall be deemed to be included in the list of uses, as regulated.

- E. *Report to Planning Commission.* All similar use determinations shall be reported to the Planning Commission.

Section 3-7 Zoning of Vacated Areas

When a street, alley or other public way is vacated by governmental action, and when the lands within the boundaries of such a facility are attached to and become a part of the lands adjoining the vacated street, alley, or public way, the lands formerly within the boundaries of the facility shall be subject to the same zoning regulations as apply to the adjoining lands.

Agricultural and Residential Districts

Article
4

Section 4-1 Intent and Purpose

- A. *Agricultural District (AG)*. This zoning district is intended to allow extensive areas of the Township to be retained in agricultural use; prevent scattered non-farm growth; preserve woodlands and wildlife areas and retain open space in its natural state; and to maintain and promote agritourism. The requirements of this district are designed to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment and economy. It is essential that development in areas, which are predominately agricultural, be based on sound principles, which realize the importance of these activities to the economy and welfare of the Township.
- B. *Low Density Residential District (R-2)*. This zoning district is intended for low-density residential uses together with recreational, religious and educational facilities.
- C. *Medium Density Residential District (R-3)*. This zoning district is intended for medium density one-family, two-family, and low-density multi-family residential, manufactured housing communities and related uses.
- D. *Medium Density Residential District (R-4)*. This zoning district is intended for medium density one-family, two-family, and low-density multi-family residential and related uses.

Section 4-2 Table of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 4-2* may be used for the purposes denoted by the following abbreviations:

- A. *Permitted Use (P)*. Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance.
- B. *Special Land Use (SLU)*. Land and/or buildings are subject to review and permitting in accordance with *Article 12*.
- C. *Specific Conditions*. Indicates requirements or conditions that are applicable to specific uses.

TABLE 4-2 SCHEDULE OF USES: AGRICULTURAL AND RESIDENTIAL DISTRICTS					
Use	AG	R-2	R-3	R-4	Specific Conditions
ACCESSORY USES					
Accessory structure	P	P	P	P	Section 2-3
Agricultural labor camp	SLU				Section 7-29
Home based business	SLU	SLU			Section 7-11
Class one home occupation	SLU	SLU	SLU	SLU	Section 7-12
Class two home occupation	SLU	SLU	SLU	SLU	Section 7-12
Ground-mounted solar energy collector as an accessory use to a dwelling or agricultural principal use	SLU	SLU			Section 7-28
Keeping of animals, hobby farm	P	P	P	P	Section 2-10
ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT					
Bed and breakfast	SLU	SLU	SLU	SLU	Section 7-4
Recreation facility, campground	SLU				Section 7-20
Recreation facility, golf course	SLU	SLU			
AGRICULTURAL USES					
Agritourism, ancillary uses and activities	P/SLU				Section 7-2
Commercial stable	P				

TABLE 4-2 SCHEDULE OF USES: AGRICULTURAL AND RESIDENTIAL DISTRICTS					
Use	AG	R-2	R-3	R-4	Specific Conditions
Farms, farming and farm operation	P				Section 7-10
Farmers market	P				
Greenhouses and nursery, accessory landscape business	SLU				
INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS					
Airstrip	SLU	SLU			
Commercial solar energy system as a principal use or accessory use to a dwelling or agricultural principal use	SLU				Section 7-28
Essential service	P	P	P	P	Section 7-9
Helicopter landing pad	SLU	SLU			
Wind energy turbine (L-WETs)	SLU				Section 7-26
Wind energy turbine (M-WETs)	SLU				Section 7-26
Wind energy turbine (SSM-WETs and STM-WETs)	P	P	P	P	Section 7-26
Wireless communications	SLU				Section 7-27
Wireless communications, collocation	P	P	P	P	Section 7-27
INSTITUTIONAL/CIVIC					
Community public safety	P	P	P	P	
Parks, playgrounds, outdoor recreation areas	P	SLU			
Place of worship	SLU	SLU	SLU	SLU	
Recreation facility, community-based		SLU			
OFFICES AND SERVICES					
Animal services, animal clinic/hospital (indoor)	SLU				Section 7-3
Animal services, kennel	SLU				Section 7-3
RESIDENTIAL					
Agricultural labor camp	SLU				Section 7-29
Day care, adult day care home	P	P	P	P	
Day care, family day care (children) ¹	P	P	P	P	
Day care, group day care home (children) ²	SLU	SLU	SLU	SLU	
Dwelling, attached accessory	P	P	P	P	Section 7-5
Dwelling, multi-family			P	P	
Dwelling, single-family	P	P	P	P	Section 7-6
Dwelling, single-family attached			P	P	
Dwelling, temporary	P	P	P	P	Section 7-7
Dwelling, temporary accessory	SLU	SLU			Section 7-8
Dwelling, two-family			P	P	
Foster care, adult foster care family home ³	P	P	P	P	
Foster care, adult foster care group home				SLU	
Foster care, foster family home (children)	P	P	P	P	
Foster care, foster family group home (children)			P	P	
Housing, independent and assisted living				SLU	

¹ Section 206 of the Michigan Zoning Enabling Act classifies this as a residential use that is not subject to special land use or conditional use permits or procedures different from those required for other dwellings of similar density in the same zoning district.

² Section 206 of the Michigan Zoning Enabling Act allows this use to be considered as a special land use.

³ Section 206 of the Michigan Zoning Enabling Act classifies this as a residential use that is not subject to special land use or conditional use permits or procedures different from those required for other dwellings of similar density in the same zoning district.

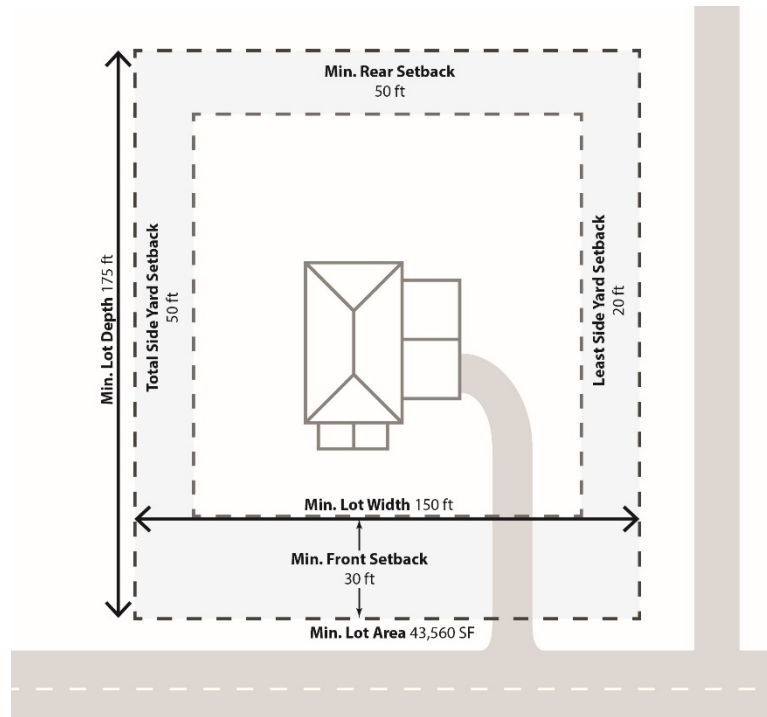
TABLE 4-2 SCHEDULE OF USES: AGRICULTURAL AND RESIDENTIAL DISTRICTS					
Use	AG	R-2	R-3	R-4	Specific Conditions
Home, convalescent or nursing				SLU	
Manufactured home community			SLU		Section 7-14
OTHER					
Similar uses	P/SLU	P/SLU	P/SLU	P/SLU	
Temporary sales office	SLU	SLU	SLU	SLU	Section 7-24

Section 4-3 Spatial Requirements

- A. *Spatial Requirements.* All lots shall meet the minimum area and width requirements of Table 4-3 A. New lots shall not be created, except in conformance with these requirements. All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 4-3 A.

TABLE 4-3 A SPATIAL REQUIREMENTS: AGRICULTURAL AND RESIDENTIAL DISTRICTS					
Requirement		AG	R-2	R-3	R-4
LOTS					
Minimum Area Single-Family	Septic/well	43,560 sq. ft.	15,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.
	Sewer/water	43,560 sq. ft.	8,500 sq. ft.	8,500 sq. ft.	8,500 sq. ft.
Minimum Area Two-Family	Septic/well	-	-	30,000 sq. ft.	30,000 sq. ft.
	Sewer/water	-	-	15,000 sq. ft.	15,000 sq. ft.
Minimum Area Multi-Family (per unit)	Septic/well	-	-	4,500 sq. ft.	4,500 sq. ft.
	Sewer/water	-	-	10,000 sq. ft.	10,000 sq. ft.
Minimum Width Single-Family	Septic/well	150	100	100	100
	Sewer/water	150	85	85	85
Minimum Width Two-Family	Septic/well	-	-	100	100
	Sewer/water	-	-	100	100
Minimum Width Multi-Family	Septic/well	-	-	100	100
	Sewer/water	-	-	100	100
Minimum Depth		175	-	-	-
Maximum Depth to Width Ratio		4:1	4:1	4:1	4:1
Waterfront Lot Line Frontage		100	75	50	50
SETBACKS					
Front Setback		30	30	30	30
Side Setback	Residential	50 Total 20 least side	20 total 7 least side	20 total 7 least side	20 total 7 least side
	Non-Residential	50	25	25	25
	Multi-Family	-	-	20	20
Rear Setback		50	25	25	25
Waterfront Lot Front Setback		50	50	50	50
Waterfront Lot Rear Setback		50	25	25	25

TABLE 4-3 A SPATIAL REQUIREMENTS: AGRICULTURAL AND RESIDENTIAL DISTRICTS					
Requirement		AG	R-2	R-3	R-4
PRINCIPAL BUILDINGS					
Maximum Height		35	35	35	35
Maximum Stories		2 ½	2 ½	2 ½	2 ½
Minimum Floor Area	Single-Family	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
Minimum Floor Area	Two-Family	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.
Multi-Family	One-Bedroom	-	-	650	650
	Two-Bedroom	-	-	750	750
	Three-Bedroom	-	-	900	900
	Sq. ft. per additional BR	-	-	100	100
Minimum Width Overall (dwelling)		14	14	14	14
Minimum Central Core (dwelling) ⁴		20 x 20	20 x 20	20 x 20	20 x 20



Spatial Requirements AG

Single-Family residential use

Figure 4-1

⁴ A central core requirement means that all dwellings must meet the minimum required dimension within at least one portion of the structure.

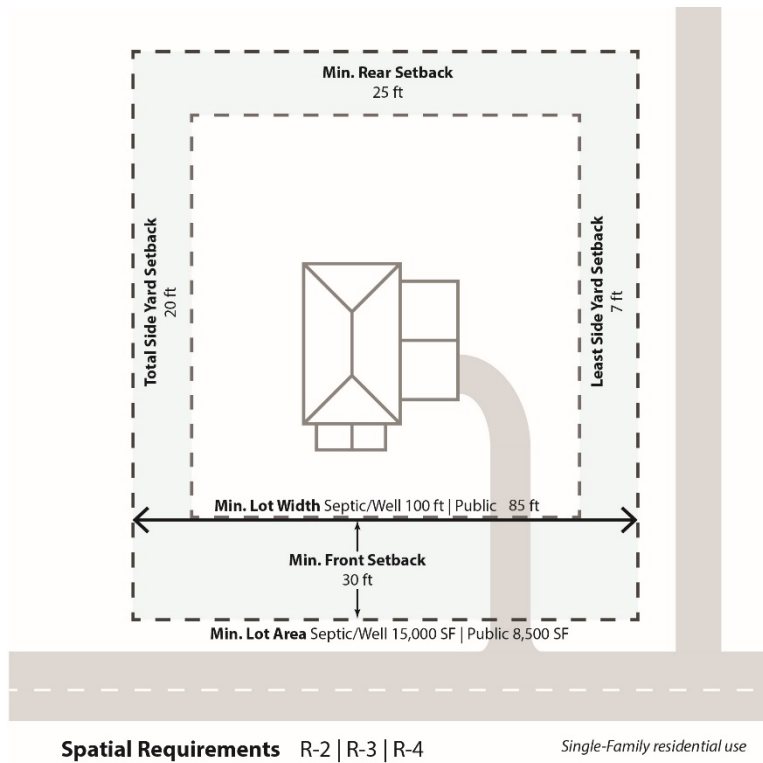


Figure 4-2

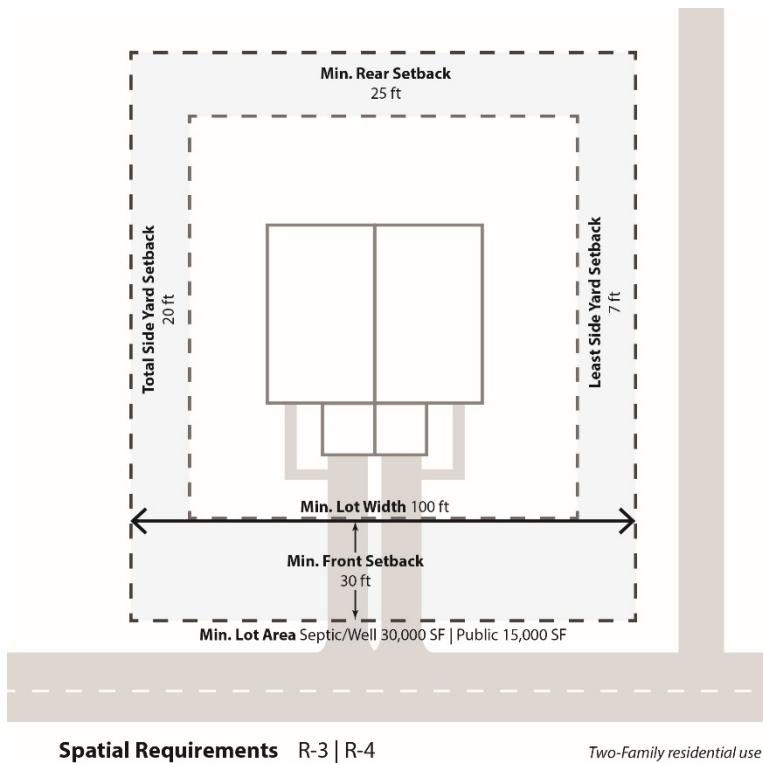


Figure 4-3

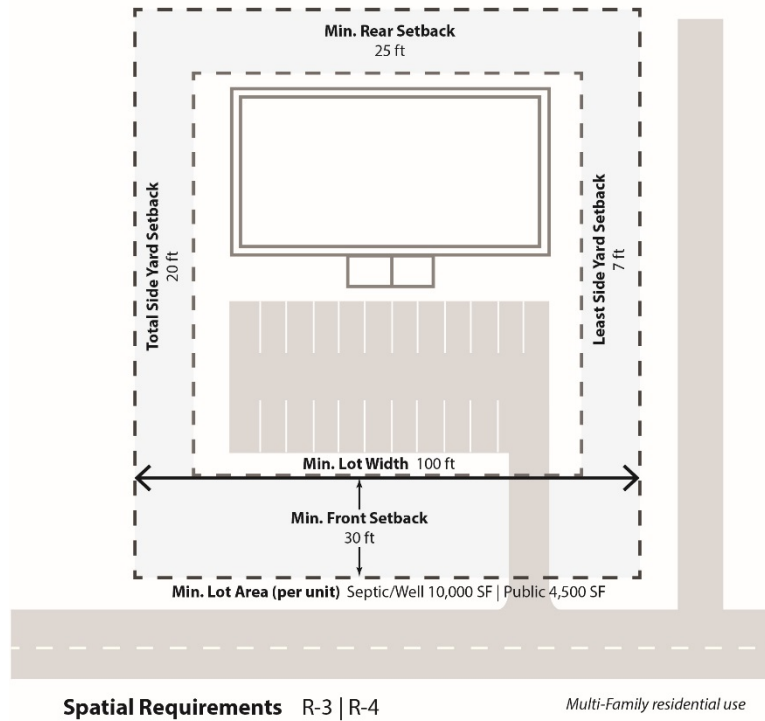


Figure 4-4

B. *Accessory Buildings.* All accessory buildings and their placement on a lot shall conform to the minimum dimensional requirements listed in *Table 4-3 B*. Additional requirements can be found in *Section 2-3*.

TABLE 4-3 B SPATIAL REQUIREMENTS: AGRICULTURAL AND RESIDENTIAL DISTRICTS- ACCESSORY BUILDINGS				
Requirement	AG	R-2	R-3	R-4
Front Setback	30	30	30	30
Waterfront Lot Front Setback ⁵	50	50	50	50
Side Setback	Residential	7	7	7
	Non-Residential	See 4-3 A	See 4-3 A	See 4-3 A
Rear Setback	Residential	5	5	5
	Non-Residential	See 4-3 A	See 4-3 A	See 4-3 A
Waterfront Lot, Street-Side	5	5	5	5
Separation between Buildings	10	10	10	10
Maximum Stories	1 ½	1	1	1
Maximum Height	35	35	35	35
Maximum Building Coverage ⁶	40%	30%	30%	30%

⁵ One (1) accessory building no larger than 120 square feet in area may encroach into the required setback area per lot or parcel.

⁶ The maximum building coverage requirement will depend upon the specific yard (front, side, side, or rear) in which an existing accessory building exists or is proposed. For instance, the footprint of accessory building(s) shall not exceed 30% of a rear yard area, 30% of each side yard, and 30% of a front yard.

Section 4-4 Other Requirements

In addition to the requirements of this article, all development in the agricultural and residential districts shall meet the applicable requirements as listed elsewhere in this ordinance:

- A. *General Provisions for All Districts. Article 2*, as applicable and if noted in the far right column in *Table 4-2*.
- B. *Specific Use Requirements. Article 7*, if noted in the far right column in *Table 4-2*.
- C. *Off-Street Parking and Loading. Article 8*.
- D. *Landscaping and Lighting. Article 9*.
- E. *Signs. Article 10*.
- F. *Site Plan Review. Article 11*, as applicable.
- G. *Special Land Uses. Article 12*, if noted as “SLU” in *Table 4-2*.

Section 4-5 Open Space Preservation Development Option

- A. *Purpose and Intent*.
 - 1. This section is intended to carry out the provisions of “open space preservation” section of the Michigan Zoning Enabling Act.
 - 2. Lands satisfying certain criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the Zoning Ordinance, but not more than 50 percent, that, as determined by the Township could otherwise be developed under existing ordinances, laws, and rules on the entire land area.
 - 3. This development option is intended to accommodate parcels of land that have physical assets such as tree stands, unusual topographic conditions, water and/or swamp areas, or other readily identifiable land characteristics which should be preserved, or parcels where such development could provide a transitional area of low density residential use between a higher density residential use or any nonresidential use of land. Land designated for this development option must either be platted under the provisions of the Michigan Land Division Act, or must comply with the Condominium Act (Act 59 of 1978, as amended), and all Township ordinances
- B. *Process*. In order for a landowner to exercise the open space preservation option of that statute, the land involved must be rezoned to a planned unit development (PUD) zoning designation pursuant to this *Article 6* and all of the requirements of this section.
- C. *Qualifying Conditions*. To qualify for the open space preservation housing option, the parcel must meet one (1) or more of the following locational characteristics:

1. This housing option shall only be applied to R-2, R-3 and R-4 zoned property.
2. The parcel is located immediately abutting and contiguous to a county primary and/or major thoroughfare as designated by the Branch County Road Commission.
3. Development pursuant to this section shall not have previously been exercised with respect to the same land.
4. The parcel of land must also possess one or more of the following physical or locational characteristics:
 - a. Topography of the site exceeds 14 percent slope.
 - b. Street slopes would exceed the maximum of six (6) percent on the site without mass grading or the parcel.
 - c. The area of open space planned, accounts for at least 25 percent of the total horizontal development area of the parcel. Land under water (lakes, streams, creeks, watercourses and similar bodies of water) shall not be included in the computation.
 - d. The parcel contains a readily identifiable physical resource, which is to be conserved by the developer. Items classified as a physical resource may include streams, watercourses, swamps, topographically sloped areas having a slope over 14 percent on at least 25 percent of the site, tree stands and/or other natural vegetation areas and similar items.

D. *Dwelling Requirements.*

1. All of the spatial, dimensional and other zoning requirements governing the development of land within the zoning district where the land is located shall apply unless modified pursuant *Section 6-5 C.*
2. Where attached single-family units are planned, the common walls of the dwelling units shall not overlap by more than 70 percent of the lineal distance of the common wall.

E. *Land Use.* Only those residential land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this section.

F. *Procedure.*

1. Existing Zoning Plan. In addition to the preliminary PUD plan required by *Article 6*, an application shall also include an Existing Zoning Plan. The applicant shall prepare and submit to the Township a conceptual site plan for the purpose of demonstrating the number and location of dwelling units that could be developed on the land at issue under its existing zoning if the open space preservation development option provided for by this article were not exercised.
2. Developable Area. When reviewing an application submitted under the terms of this article, the Planning Commission shall determine whether the existing zoning plan accurately reflects the number and location of dwelling units that could be developed on the land under its existing zoning if the open space preservation development option provided by this article were not exercised. If the Planning Commission determines that the number and/or location of dwellings shown on the existing zoning plan exceeds the number of dwellings that could be permitted or developed on the land if it were developed under its existing zoning if the open space preservation development option provided by this article were not exercised (or the locations are not accurate), the applicant shall submit a revised existing zoning plan which accurately reflects the number and location of dwellings which

could have been developed under existing zoning if the open space were not exercised pursuant to this article. For purposes of determining the number and location of dwellings that would have been permitted or developed on the land under its existing zoning if the open space preservation development option were not exercised, the following shall be deemed land not developable and shall be excluded from the formula of determining otherwise developable land area under existing ordinances:

- a. Wetlands as defined by Michigan law.
 - b. Land located under a lake, pond, river, or stream.
 - c. Land with slopes exceeding 14 percent.
 - d. Land for which an on-site private septic system or private well could not be utilized under Branch County Health Department regulations.
 - e. Land located within a flood plain or which is subject to periodic flooding.
3. Restrictions Document. The applicant shall submit a copy of the proposed deed restrictions, restrictive covenants, conservation easement, plat dedication, or other legal document which the applicant proposes to utilize if the proposed development is approved pursuant to this section and which would have the legal effect of preserving in perpetuity the open space required by this article in an undeveloped state. Such document shall be reviewed and approved by the Township and the Township Attorney (as to form and content) prior to recording. At a minimum, the document(s) shall provide for all of the following:
- a. Indicate the proposed permitted use(s) of the undeveloped open space.
 - b. Require that the open space be maintained forever in an undeveloped condition, without buildings, structures, or other improvements, except such drainage improvements, utilities, riding trails, hiking trails, picnic areas, park or playground equipment, growing of crops, agricultural structures, or similar improvements which are approved by the Planning Commission.
 - c. Require that the undeveloped open space be maintained by the parties who have an ownership interest in it.
 - d. Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
 - e. The approved restrictions document shall be fully executed by all of the owner(s) of the land and shall be recorded with the Branch County Register of Deeds before any lots are sold and before any building permits are issued.
 - f. If the site development plan complies and all aspects of the proposed development satisfy all requirements of this article, the Planning Commission and Township Board shall approve the site development plan and the planned unit development rezoning for the proposed development.

G. *Requirements for Open Space*.

1. Required Open Space. At least 50 percent, but no more than 80 percent, of the land proposed for development under the provisions of this article shall remain in a perpetually undeveloped state (i.e., "open space") by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land as

approved by the Township Board (upon recommendation by the Planning Commission) and the Township Attorney.

2. Lands to be Set Aside as Open Space. It shall be the Township Board (upon recommendation from the Planning Commission) that determines which 50 percent or more of the land shall be set aside for open space, as well as which portion or portions of the land may be developed. At the discretion of the Township Board (upon recommendation from the Planning Commission), the land to be set aside as permanent open space need not be contiguous. The Township Board (upon recommendation from the Planning Commission) shall also determine what percentage of the total land area (between 50 percent and 80 percent) shall be set aside as permanent open space.
3. Restrictions. The following areas shall not constitute open space and may not be utilized to satisfy the open space requirement:
 - a. Any areas located within or under any public street easement or right-of-way.
 - b. Property located under or within any private street or road easement.
 - c. The land located under or the area within any easement for overhead utility lines.
 - d. The area within a platted lot or site condominium unit.
 - e. Off-street parking areas.
 - f. Detention and retention ponds.
 - g. Community drain fields.
 - h. The lands or area located underneath a lake, pond, river, or stream.
 - i. The area within a wetland as defined by Michigan law.
 - j. Lands with slopes exceeding 14 percent.
 - k. Areas subject to flooding or within a flood plain.
4. Standards for Open Space. The following standards shall apply to the open space required pursuant to this article:
 - a. The open space shall not include a golf course.
 - b. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 - c. The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.
 - d. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
 - e. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
 - f. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.

- g. Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
 - h. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
5. Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Township Board (upon recommendation by the Planning Commission), at its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

Section 4-6 AG Agricultural Density Regulations for Dwellings

- A. *Permitted Lots*. No more than one (1) non-farm dwelling per quarter of a quarter section area shall be permitted except that additional dwellings may be allowed subject to the provisions stated in this section.
- B. *Bonus Lots*. Parcels or tracts of land, which have not been farmed (tilled) within the past five (5) years prior to the date of the application for a building permit may be permitted up to two (2) additional bonus dwelling units. The total number of lots on any one quarter-quarter section shall be limited to four (4).
- C. *Lots of Record*. It is the intent of this section that the total non-farm dwellings per quarter of a quarter section area shall not exceed four (4), except that lots of record on the date of the adoption of this Ordinance, shall be considered buildable provided all other applicable ordinance provisions are met.
- D. *Transfer of Development Rights (TDR)*. A contiguous quarter-quarter sections under single ownership may transfer development rights for the permitted lots into one quarter-quarter section, provided the number of allowed lots on any one quarter-quarter section shall be limited to four (4) with up to four (4) under TDR.

Commercial and Industrial Districts

Article
5

Section 5-1 Intent and Purpose

- A. *General Business District (GB)*. This district is intended primarily to accommodate a range of retail and service uses serving the broader needs of the community and the motoring public. The GB district is the combination of the C-1 Neighborhood Business District and the C-2 General Business District, as shown on the Official Zoning Map.
- B. *Industrial District (I)*. This district is established for industries such as light manufacturing or processing of previously refined materials and other uses that support the permitted industries or are of an intense nature due to truck traffic, building size, hours of operation and similar characteristics that make them incompatible within traditional business or residential districts. The district also allows certain commercial uses that are complementary to the industrial nature of the district by way of serving the industries and/or the workers employed there. It is intended that the district provide jobs for citizens of the community and surrounding areas, contribute to a sustainable tax base and create value for property owners and Coldwater Township.
- C. *Technology District (T)*. This district is designed to provide for research and development uses, corporate and professional offices and office services. The T District is further intended to allow limited and appropriate commercial and retail uses.

Section 5-2 Table of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 5-2* may be used for the purposes denoted by the following abbreviations:

- A. *Permitted Use (P)*. Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance.
- B. *Special Land Use (SLU)*.
- C. *Specific Conditions*. Indicates requirements or conditions that are applicable to specific uses.

TABLE 5-2 SCHEDULE OF USES: COMMERCIAL AND INDUSTRIAL DISTRICTS				
Use	GB	I	T	Specific Conditions
ACCESSORY USES				
Accessory structure	P	P	P	Section 2-3
Ground-mounted solar energy collector as an accessory use		SLU		Section 7-28
Outdoor display and sales, not including vehicle and equipment sales	SLU			Section 7-18
Outdoor storage related to a principal use	SLU	P		Section 7-18
ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT				
Banquet hall	P			
Distillery, small	P			
Hotel/motel	P			
Micro-Brewery	P			
Recreation facility, campground	P			Section 7-20
Recreation facility, commercial indoor	P			
Recreation facility, commercial outdoor	SLU			
Restaurant	P		SLU	
Restaurant with drive-through	SLU		SLU	

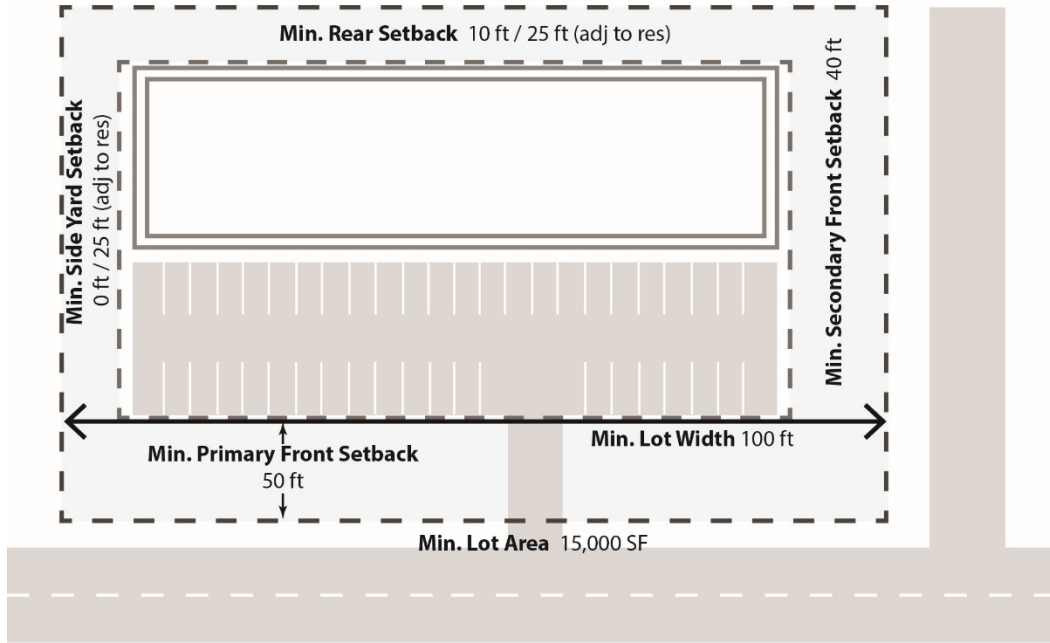
TABLE 5-2 SCHEDULE OF USES: COMMERCIAL AND INDUSTRIAL DISTRICTS				
Use	GB	I	T	Specific Conditions
Restaurant with micro-brewery	P			
Restaurant with outdoor dining	P			
Tavern	P			
Theater, indoor and drive-in	P			
Theater, movie and drive in	P	SLU		
Winery, small	P			
INDUSTRIAL				
Manufacturing, processing and packaging- light	SLU	P		
Manufacturing, processing and packaging- heavy		SLU		
Salvage and impound operation		SLU		Section 7-21
Warehousing	P	P		
Wholesale and distribution		P		
Mini-warehouse/self-storage	P	P		7-17
INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS				
Airports		P		
Airstrip				
Commercial solar energy system as a principal use or accessory use		SLU		Section 7-28
Essential service	P	P	P	Section 7-9
Helicopter landing pad	P	P		
Infrastructure and utilities- regional		P		
Parking facility, public or commercial	P	P		
Waste management facility		P		
Wind energy turbine (M-WETs)	SLU	SLU	SLU	Section 7-26
Wind energy turbine (SSM-WETs and STM-WETs)	P	P	P	Section 7-26
Wireless communications	SLU	SLU		Section 7-27
Wireless communications, collocation	P	P	P	Section 7-27
INSTITUTIONAL/CIVIC				
Community oriented cultural facility	P			
Community public safety	P	P	P	
Governmental facility	P	P	P	
Meeting facility	P			
Parks, playgrounds, outdoor recreation	P			
Place of worship	P			Section 7-19
Recreation facility, community-based	P			
School, college or university	P			
School, public or private	P			
School, specialized/training	P	P	P	
OFFICES AND SERVICES				
Animal services, animal clinic/hospital (indoor)	P			Section 7-3
Animal services, kennel	P			
Body branding, piercing and tattoo facility	P	P		
Child care center	P			
Crematorium		SLU		
General offices and services	P		P	
General offices and service with a drive through facility	P			
Offices and services, such as a landscaping and tree removal company, exterminator, carpet cleaner, contractors' office.	P	P		

TABLE 5-2 SCHEDULE OF USES: COMMERCIAL AND INDUSTRIAL DISTRICTS				
Use	GB	I	T	Specific Conditions
Medical services, clinics and medical offices	P			
Vehicle repair, major	SLU	P		Section 7-25
Vehicle repair, minor	P	P		Section 7-25
Vehicle wash	P			
Vehicle wash, trucks and heavy equipment		P		
RETAIL				
General retail (indoor)	P			
General retail (outdoor)	SLU			
General retail with a drive-through	SLU			
Liquefied petroleum gas (LPG) sales		SLU		Section 7-13
Service Station	SLU			
Vehicle sales and rental, automobiles, light trucks, boats	P			
Vehicle sales and rental, heavy equipment, trucks, RVs and mobile homes	SLU	P		
OTHER				
Reserved				Section 7-15
Sexually oriented business	SLU	SLU		Section 7-22
Similar uses	P/SLU	P/SLU	P/SLU	
Temporary construction office	P	P	P	Section 7-23
Temporary sales office	P	P	P	Section 7-24

Section 5-3 Spatial Requirements

- A. *Spatial Requirements.* All lots shall meet the minimum area and width requirements of Table 5-3 A. New lots shall not be created, except in conformance with these requirements. All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 5-3 A.

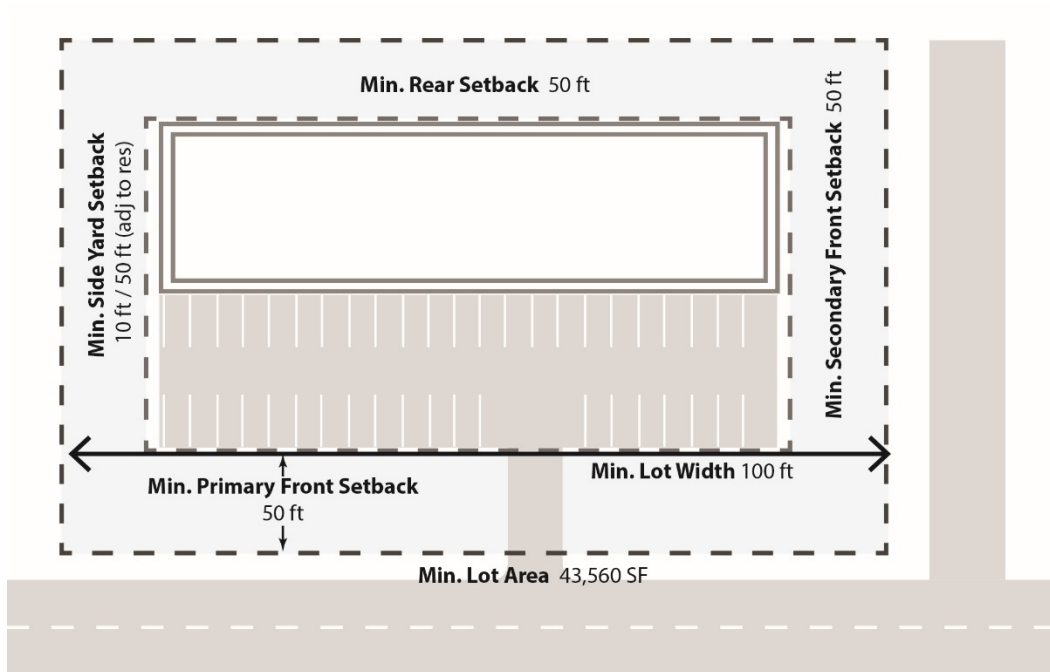
TABLE 5-3 A SPATIAL REQUIREMENTS: COMMERCIAL AND INDUSTRIAL DISTRICTS				
Requirement		GB	I	T
LOTS				
Minimum Lot Area		15,000 sq. ft.	43,560 sq. ft.	87,120 sq. ft.
Minimum Lot Width		100	100	150
SETBACKS				
Front Setback	Primary	50	50	50
	Secondary	40	50	50
Side Setback	Non-Residential	0	10	50 Total 25 Least
	Residential	25	50	50
Rear Setback	Non-Residential	10	50	50
	Residential	25	50	100
PRINCIPAL BUILDINGS				
Maximum Height		35	45	40
Maximum Stories		3	3	3
Maximum Lot Coverage (Buildings)		35%	35%	35%



Spatial Requirements GB

Commercial use

Figure 5-1



Spatial Requirements I

Industrial use

Figure 5-2

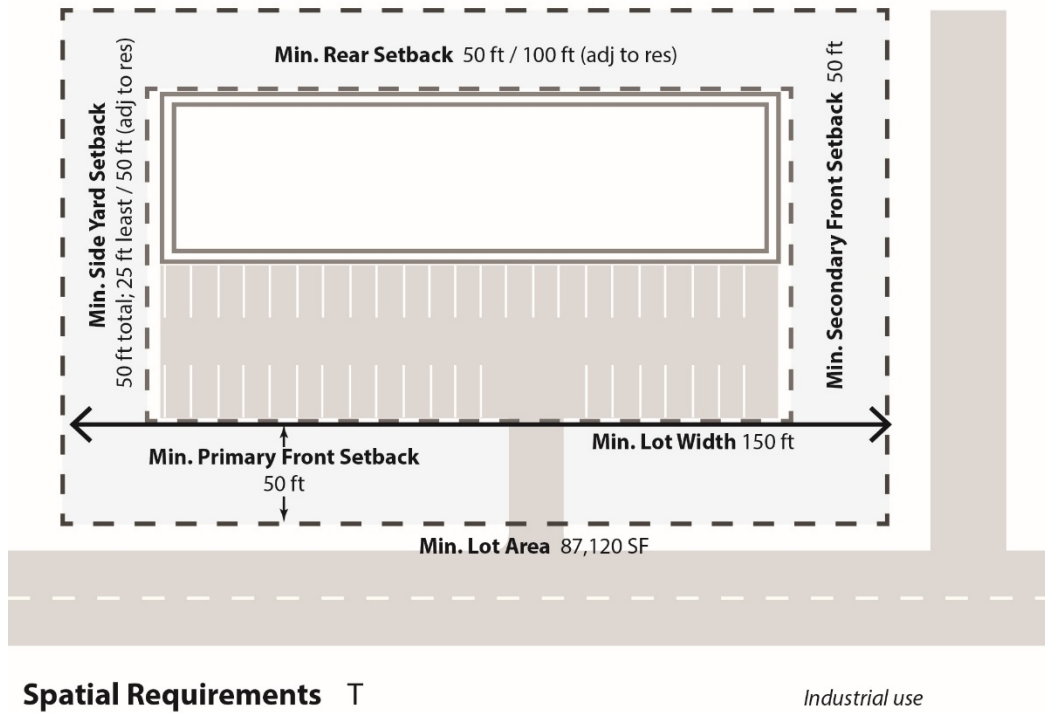


Figure 5-3

D. *Accessory Buildings.* All accessory buildings and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 5-3 B. Additional requirements can be found in Section 2-3.

TABLE 5-3 B SPATIAL REQUIREMENTS: COMMERCIAL AND INDUSTRIAL DISTRICTS- ACCESSORY BUILDINGS			
Requirement	GB	I	T
Separation between Buildings	10	10	10
Maximum Stories	1	1	1
Maximum Height	35	35	35
Maximum Yard Coverage	30%	30%	30%
Setbacks	See Table 5-3 A		

Section 5-4 Other Requirements

In addition to the requirements of this article, all development in the commercial and industrial districts shall meet the applicable requirements as listed elsewhere in this ordinance:

- A. *General Provisions.* Article 2, as applicable and if noted in the far right column in Table 5-2.
- B. *Specific Use Requirements.* Article 7, if noted in the far right column in Table 5-2.
- C. *Off-Street Parking and Loading.* Article 8.
- D. *Landscaping and Lighting.* Article 9.
- E. *Signs.* Article 10.
- F. *Site Plan Review.* Article 11, as applicable.

G. *Special Land Uses. Article 12*, if noted as “SLU” in *Table 5-2*.

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Planned Unit Development Districts

Article
6

Section 6-1 Intent and Purpose

- A. *Intent.* The intent of this article is to offer an alternative to conventional development by permitting flexibility in the regulations for development by authorizing planned unit development districts (PUD). The standards in this article are intended to promote and encourage development on parcels of land that are suitable in size, location and character for the uses proposed while ensuring compatibility with adjacent land uses.
- B. *Purpose.* The PUD rezoning process is provided as a design option to allow for one (1) or more of the following:
1. Encourage innovation in land development in terms of variety, design, layout and type of structures constructed;
 2. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities;
 3. Encourage the adaptive re-use of significant or historic buildings;
 4. Provide the opportunity to mix compatible uses or residential types;
 5. Preserve and protect significant natural features, open space and cultural/historic resources;
 6. Ensure that new development is consistent with the character of the community;
 7. Promote efficient provision of public services and utilities;
 8. Minimize adverse traffic impacts and accommodate safe and efficient pedestrian access and circulation;
 9. Encourage development of convenient recreational facilities; and
 10. Encourage the use and improvement of land where site conditions make development under conventional zoning difficult or less desirable.
- C. *Design Flexibility.* The PUD process and standards provide for flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of the Zoning Ordinance on the basis of the total PUD plan, subject to the approval of the PUD by the Township Board in accordance with the requirements set forth in this article. A PUD shall not be sought primarily to avoid the standards and requirements of other zoning districts.

Section 6-2 Qualifying Conditions

The following criteria shall apply to all PUDs:

- A. *Unified Control.* The PUD shall be under the control of one owner or group of owners and shall be capable of being planned and developed as an integral unit.
- B. *Minimum Acreage.* The gross area of a tract of land to be developed in a PUD district shall be a minimum of 20 acres.
- C. *Recognizable Benefit.* The applicant shall demonstrate that the PUD provides at least four (4) of the following site design elements, which could not be attained through a project designed under conventional zoning:

1. Mixed-use development with residential, and non-residential uses or a variety of housing types;
 2. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;
 3. High quality architectural design beyond the site plan requirements of this article;
 4. Extensive landscaping beyond the site plan requirements of this article;
 5. Preservation, enhancement or restoration of natural resources (trees, slopes, wetland areas, water views, etc.);
 6. Preservation or restoration of significant or historic resources;
 7. Provision of open space or public plazas or features;
 8. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g. topography, shape etc.);
 9. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allowing incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
 10. Shared vehicular and pedestrian access between properties or uses;
 11. Mitigation to offset impacts on public facilities (such as street improvements); or
 12. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.
- D. *Compatibility with Adjacent Uses.* The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, waste receptacles, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the perimeter of the PUD or so as to negatively impact the residential use of adjacent lands.
- E. *Master Plan.* The proposed PUD shall be consistent with the Township Master Plan.

Section 6-3 Permitted Uses

- A. *Uses.* Any use permitted by right or by special land use allowed in any district may be permitted in a PUD, provided that all of the objectives and standards of this article are determined to be met and there is compliance with the procedures of this article. Compatible residential, commercial, and public uses may be combined in PUD districts provided that the proposed location of the commercial or public uses will not adversely affect adjacent property, and/or the public health, safety and general welfare. Building site area and other setback requirements of the residential districts shall apply except as modified in this ordinance.
- B. *Public Use.* The actual amount of land devoted to commercial and public use in a residential/commercial development shall be determined by the Planning Commission and approved by the Township Board.

- C. *Mixed Use*. Residential and non-residential uses may be permitted in combination to create an integrated, mixed-use development.
- D. *Approval of Uses*. Approval of a PUD shall include the identification of the specific uses permitted within the PUD, and only those uses approved through this process shall be permitted.

Section 6-4 Open Space

- A. *Common Open Space*. A minimum of 20 percent of the land developed in any PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- B. *Disposition of Open Space*. The required amount of common open space land reserved under a PUD shall be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development and retained as common open space for parks, recreation, and related uses. The responsibility; for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

Section 6-5 Zoning Requirements

- A. *Residential Density*. For projects that include single-family dwellings, the PUD concept plan narrative shall state minimum spatial requirements for single-family lots. A PUD shall be compliant with base residential district spatial standards. Deviations from the minimum standards and requirements of the based zoning district shall be included in the Table of Modifications, as outlined in this section.
- B. *Dimensional Requirements*. The area, height and placement requirements for each portion of the PUD shall be based upon a stated zoning district, as provided in Article 4. The PUD concept plan narrative shall state the area, height and placement requirements for each portion of the PUD, based upon the appropriate zoning district and the residential density determined.
 - 1. Residential developments shall meet the area, height and placement requirements of the Residential districts, depending upon the type and character of the development.
 - 2. Non-residential developments shall meet the area, height and placement requirements of the Mixed Use and Commercial and Industrial Districts.
 - 3. Each use in a mixed-use development (containing both residential and commercial development) shall meet the height, area and placement requirements of the zoning district that corresponds to each element of the proposed development.
 - 4. Deviations from the minimums set forth above shall be included in the Table of Modifications as required in *Section 6-8*.
- C. *Deviations from Minimum Requirements*. District regulations applicable to a land use in a PUD may be altered from those of the district(s) in effect immediately prior to the PUD rezoning, which shall be limited to, modification from the lot area and width, building setbacks, height, lot coverage, minimum floor area, landscaping, lighting, signs and parking. The applicant for a PUD shall identify, in writing, all intended deviations from the prior zoning being proposed. Variations may be approved during the PUD Concept Plan review by the Township Board after the Planning Commission recommendation. These adjustments may be permitted only if they will result in a higher quality of development or better integration of the proposed use(s) with surrounding uses. The deviations shall also satisfy one (1) or more of the following criteria:

1. Preserves the best natural features of the site;
2. Creates, maintains or improves habitat for wildlife;
3. Creates, improves or maintains open space for the residents;
4. Enhances the views into the site as well as the view from dwellings to be built on site; and
5. Results in a better development, consistent with the purposes of PUD expressed in *Section 6-1* and the recommendations of the Coldwater Township Master Plan.

Section 6-6 Review Procedure

The PUD review and approval process includes the following steps:

- A. *Pre-Application*. Pre-application conference with the Administrator to review the PUD concept and discuss the review process.
- B. *PUD Concept Plan and Rezoning*.
 1. Planning Commission review of PUD Concept Plan and PUD Rezoning and scheduling of public hearing;
 2. Planning Commission public hearing; review and recommendation of the PUD Concept Plan and Rezoning;
 3. Township Board review and approval of PUD Concept Plan, PUD Rezoning and PUD Agreement.
- C. *PUD Final Site Plan*. Planning Commission approval of PUD Final Site Plan in accordance with the process for Level "B" Site Plan review.

Section 6-7 Pre-Application Conference

A pre-application conference shall be held with the Administrator for the purpose of determining the eligibility of the request for consideration as a PUD.

- A. *Conference Request*. A request for a pre-application conference shall be made to the Administrator. As part of the pre-application conference, the applicant shall submit a copy of a sketch plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation and land use for the entire site.
- B. *Guidance*. The Administrator shall advise the applicant of the conformance of the PUD concept with the objectives of the Township, whether the concept qualifies under the requirements of this article, and whether the general concept is substantially consistent with the Coldwater Township Master Plan. Formal action shall not be taken at a pre-application conference and statements made at the pre-application conference shall not be considered binding commitments or an approval of the concept.

Section 6-8 PUD Concept Plan Review

- A. *PUD Concept Plan Submittal*. Collectively, the materials listed below constitute the PUD Concept Plan.
 1. Preliminary Site Plan. The Preliminary Site Plan shall be drawn to an engineer's scale of not less than one (1) inch = 50 feet for property less than three (3) acres, or one (1) inch = 100 feet for property three (3) acres or more in size.

- a. The Plan shall include all of the elements included Preliminary Concept Plan Checklist (Appendix B-2).
 - b. For projects proposed to be developed in phases, the PUD Preliminary Site Plan for the entire site shall be submitted for PUD Concept Plan approval. A map showing boundaries of individual phases shall be submitted, along with a proposed timeline for development of each phase.
2. Narrative. A narrative shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) upon which the proposed density and the area, height and placement requirements are based, and documentation indicating how the qualifying conditions in *Section 6-2* and the standards of *Section 6-10* are met.
 3. Table of Deviations. The application shall include a table detailing all requested deviations identified in the concept plan narrative. This table shall clearly identify the requirement in comparison to the requested deviation.
 - a. In platted areas or site condominium projects, the building site area per dwelling unit may be reduced by not more than 40 percent of the minimum building site area required in the underlying zoning district(s).
 - b. Densities may not exceed 140 percent of that which is permitted in the underlying zoning district.
 4. Additional Information. Any additional information requested by the Planning Commission to better assist in the determination of PUD qualification such as, but not limited to market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.
- B. *Planning Commission Review of PUD Concept Plan and Rezoning.*
1. Initial Review. The Planning Commission shall review the draft PUD concept plan at a regular or special meeting. Upon determination by the Planning Commission that the application meets the requirements of this article, a public hearing shall be set for a date certain. Notice of the public hearing shall conform to the requirements of Section 103 of the State of Michigan Zoning Enabling Act.
 2. Public Hearing and Recommendation. The Planning Commission shall review the PUD concept plan in consideration of public hearing comments, technical reviews from Township staff and consultants, correspondence from applicable review agencies and compliance with the standards of this article and other applicable Township standards and requirements. The Planning Commission shall recommend approval, approval with conditions or denial of the PUD Concept plan and rezoning to the Township Board. The recommendation shall be based on the following:
 - a. Whether all applicable provisions of this article are met;
 - b. Whether the proposed PUD meets the intent of this article, as outlined in *Section 6-1*;
 - c. Whether the qualifying conditions in *Section 6-2* are met;
 - d. Whether the standards of approval in *Section 6-10* are met.

C. *Township Board Review of PUD Concept Plan and Rezoning.*

1. Township Board Action. Following receipt of a recommendation from the Planning Commission on the PUD Concept Plan and Rezoning, the Township Board shall review the application and approve, deny, or approve with conditions.
2. Conditions. In accordance with the Michigan Zoning Enabling Act, reasonable conditions may be attached to the approval of a PUD for the purpose of: ensuring 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; protecting the natural environment and conserving natural resources; ensuring compatibility with adjacent uses of land; promoting the use of land in a socially and economically desirable manner; and furthering implementation of the Coldwater Township Master Plan. Conditions attached to the approval shall be incorporated into the PUD agreement required to be submitted with the final PUD site plan.
3. Rezoning. Upon approval by the Township Board, the property subject to the PUD Concept Plan shall be rezoned to PUD, which shall become effective after notification and publication according to the Michigan Zoning Enabling Act.

Section 6-9 PUD Final Site Plan Review

- A. *Final Site Plan Submittal.* Following PUD Concept Plan and PUD Rezoning approval, the PUD Final Site Plan for the entire PUD or individual phases of the PUD shall be submitted in accordance with *Article 11*, Site Plan Review Submittal Requirements.
- B. *Conformance with PUD Concept Plan.* All PUD Final Site Plans subsequently submitted shall substantially conform with the PUD Concept Plan, all conditions attached to preliminary approval, the PUD agreement and the requirements of this article.
- C. *Changes.* Major or minor changes and deviations between the PUD Concept Plan and the PUD Final Site Plan shall be consider through the following processes:
 1. Minor changes. Minor changes may be approved according to *Section 6-11* below.
 2. Major changes. Any changes from the approved PUD Concept Plan not determined to be minor shall require that a new PUD Concept Plan be submitted and approved according to *Section 6-8*, above, before further consideration of the changed plan(s).
- D. *Approval.* If the Planning Commission finds that the PUD Final Site Plan is in substantial conformance with the approved PUD Concept Plan and the requirements of this article, it shall approve the plan.

Section 6-10 PUD Concept Plan and Rezoning Standards of Approval

A PUD shall only be approved if it complies with each of the following standards as well as applicable standards established elsewhere in this article:

- A. The proposed PUD complies with the Intent and all Qualifying Conditions of *Sections 6-1* and *6-2* of this article, respectively.
- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with the Coldwater Township Master Plan.

- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
- D. The PUD shall not change the essential character of the surrounding area.
- E. The PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
- F. The PUD shall not place demands on public services and facilities in excess of current or anticipated future capacity.
- G. Underground utilities, including telephone and electrical systems, are required within the limits of all PUDs. Appurtenances to these systems, which can be effectively screened, may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed unit development.

Section 6-11 Amendments

Changes to an approved PUD Concept Plan or deviations shown on a PUD Final Site Plan shall be permitted only under the following circumstances:

- A. *Minor Changes.* A minor change may be approved by the Administrator, according to the requirements of this section. A change that would alter any specified conditions imposed as part of the original approval not be considered as a minor change.
 - 1. Reduction of the size of any building and/or sign.
 - 2. Movement of buildings or signs by no more than 50 feet, provided that the required setbacks are not reduced.
 - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. Changes in floor plans of up to 10 percent of the total floor area that do not alter the character of the use or increase the amount of required parking.
 - 5. Internal rearrangement of a parking lot that does not affect the number of parking spaces, access locations or design.
 - 6. Changes required or requested by the Township, Branch County, or other state or federal regulatory agency to conform to laws or regulations.
- B. *Other Minor Changes.* A minor change that is not listed in Paragraph A above may be submitted to the Planning Commission to determine if the change is minor in scope and/or effect and that the change would not alter the basic design or intent of the approved PUD. If Planning Commission determines that the proposed change is minor, the Administrator shall be authorized to approve it administratively.
- C. *Major Changes.* A change that the Administrator or Planning Commission determines is not minor must be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application, *Section 6-8*.

Section 6-12 Expiration and Extension

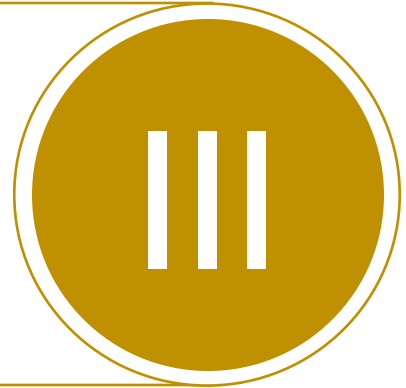
- A. *Expiration of Concept Plan Approval.* Approval of the PUD Concept Plan and Rezoning by the Township Board shall confer upon the owner the right to proceed through the subsequent final planning phase for a period not to exceed two (2) years from date of approval.
- B. *Expiration of PUD Final Site Plan Approval.* Each development shall be under meaningful construction within one (1) year after the date of approval of the final PUD site plan.
- C. *Termination of Rights.* If either plan expires, the PUD Concept Plan and PUD Final Site Plan, if approved, shall automatically become null and void and all rights of development based on the plan shall terminate.
- D. *Extension.* The Township Board may for good cause approve one (1) extension of up to one (1) year, if requested in writing by the applicant prior to the expiration date of the original PUD Concept Plan approval or PUD Final Site Plan approval.
- E. *Township Initiated Rezoning.* Upon expiration of a PUD Concept Plan, the Township Board may direct the Planning Commission to conduct a public hearing and make a recommendation to revoke the PUD zoning and rezone the property to its original designation or other district as appropriate.

Section 6-13 PUD Appeals and Variances

The Zoning Board of Appeals shall have no jurisdiction to hear appeals of or make interpretations of any decisions regarding this article or proposed PUD Concept Plan or PUD Final Site Plan. Additionally, no variances may be requested for requirements within an approved PUD.

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Part III
Development Provisions



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Specific Use Requirements

Article
7

Section 7-1 Intent and Purpose

- A. *Applicability.* Specific requirements apply to all of the uses listed in this article. These requirements apply in addition to all of the regulations of the zoning district in which the use is located, as well as all other applicable requirements in this ordinance.
1. Agritourism.
 2. Animal Services: Animal Clinic/Hospital.
 3. Bed and Breakfast.
 4. Dwelling, Attached Accessory.
 5. Dwelling, Single-Family.
 6. Dwelling, Temporary.
 7. Dwelling, Temporary Accessory.
 8. Essential Services.
 9. Farms, Farming and Farm Operation.
 10. Home Based Business.
 11. Home Occupation.
 12. Liquefied Petroleum Gas (LPG) Sales.
 13. Manufactured Home Community.
 14. Reserved.
 15. Mineral Extraction.
 16. Mini-Warehouses/Self-Storage.
 17. Outdoor Display, Sales and Storage.
 18. Place of Worship.
 19. Recreational Facility, Campground.
 20. Salvage and Impound Operation.
 21. Sexually Oriented Business.
 22. Temporary Construction Office.
 23. Temporary Sales Office.
 24. Vehicle Repair.
 25. Wind Energy Turbine.
 26. Wireless Communications.
 27. Solar Energy Collectors.
 28. Agricultural Labor Camps.
- B. *Special Land Uses.* A use identified in this ordinance as a Special Land Use shall be established only according to the procedures and standards of *Article 12*. All standards listed

in this article, in addition to the general standards for Special Land Uses listed in *Section 12-3*, shall be met.

Section 7-2 Agritourism

A. Uses Permitted by Right.

1. General and specialized farming or agricultural products, domestic or exotic animals and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuff. Any building or structure may be located on the property and used for the day-to-day operation of activities for storage or preservation of crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on the parcel or in the building or structure.
2. Storage, retail or wholesale marketing, or processing or agricultural products into a value-added agricultural product in a permitted use in a farming operation if more than 50 percent of the stored, processed or merchandised products are produced by the farm operator for at least three (3) of the immediately preceding five (5) years.
3. Cider mills, breweries or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least three (3) of the immediately preceding five (5) years.
4. Direct marketing of produce in a farm market, on-farm market or roadside stand no greater than 1,000 square feet in building area.
5. Seasonal U-pick fruits and vegetable operations.
6. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
7. Food sales or processing, processing any fruits and produce.
8. Uses 3 through 7 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 - a. Value-added agricultural products or activities such as education tours or processing facilities, etc.
 - b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
 - c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - d. Petting farms, animal display and pony rides.
 - e. Wagon, sleigh and hayrides.
 - f. Nature trails.
 - g. Open air covered picnic area with restrooms.
 - h. Educational classes, lectures, seminars.
 - i. Historical agricultural exhibits.
 - j. Kitchen facilities, processing/cooking items for sale.

- k. Gift shops for the sale of agricultural products and agriculturally related products.
- l. Gift shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

B. *Uses Permitted by Special Land Use Permit.*

- 1. Bed and Breakfast.
- 2. Direct marketing or produce, farm market, on-farm or roadside stand if the sales area is greater than 1,000 square feet in building area.
- 3. Restaurant operations related to the agricultural use on the site.
- 4. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a Special Land Use Permit:
 - a. Small-scale entertainment (e.g., music concert, car show, art fair).
 - b. Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
 - c. Organized meeting space for use by weddings, birthday parties, and corporation picnics.
 - d. Designated, permanent parking for more than 20 vehicles.
 - e. The sale of organic foods grown off the premises during the period of developing the organic foods production on the site; has a three (3) year limitation.

C. *Roadside Stands.*

- 1. The Planning Commission shall consider the following standards when considering roadside stands:
 - a. The proposed location of the roadside stand.
 - b. The size, nature and character of the building and/or structure to be utilized for the roadside stand.
 - c. The proximity of the roadside stand to adjoining properties.
 - d. The type and kind of produce and goods to be sold at the roadside stand.
 - e. The parking facilities provided for the roadside stand.
 - f. Any traffic congestion or hazards, which would result from, the roadside stand.
 - g. The effect of the roadside stand on adjoining properties and the surrounding neighborhood.
- 2. The roadside stand can only offer for sale farm goods grown and harvested on site, during the months of May through October.

Section 7-3 Animal Services: Animal Clinic/Hospital, Kennel

Animal care, grooming or boarding shall be conducted in a totally enclosed building housing no more than one (1) animal per 36 square feet of living space.

Section 7-4 Bed and Breakfast

- A. A bed and breakfast establishment shall be owned by the innkeeper. The innkeeper shall reside on-site.
- B. Sleeping accommodations are restricted to a maximum of five (5) rooms with a maximum of four (4) occupants per room.
- C. The use shall be operated in its entirety within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in use of a residential type garage.
- D. There shall be no exterior evidence of the use other than a permitted sign and parking area.
- E. The use does not involve alteration or construction not customarily found in residential dwellings.
- F. All bed and breakfast operations shall maintain on the premises a guest register and all guests shall be legibly registered. The register shall be subject to inspection during reasonable hours by the Administrator.
- G. Guests are not permitted to stay longer than 14 consecutive days or 30 days in any one (1) calendar year at a bed and breakfast location.
- H. All bed and breakfast permit holders shall be required to comply with all state and local regulations and laws concerning bed and breakfast operations.
- I. All required parking shall be screened from adjacent residential uses, consistent with *Section 9-6*.
- J. Restaurants, gift shops, stores or public meeting room or other sales, lease or rental operations are prohibited.
- K. Compliance shall be maintained with all requirements of initial and subsequent fire safety inspection reports.
- L. Boat rentals and other motor powered watercraft including jet ski type units, rowboats and fishing boats, sail boats, paddle boats, pontoon boats, and deck boats are limited to two (2) watercraft per bed and breakfast operation and are further limited to rental or lease by the guests only.
- M. Bed and breakfast operations are not permissible in conjunction with lake or water usage when access is shared or public. Private access is allowed provided the access lot has a minimum width of 50 feet, and does not contain a residence.

Section 7-5 Dwelling, Attached Accessory

- A. Only one (1) attached accessory dwelling unit shall be permitted per principal structure and per lot or parcel.
- B. The attached accessory dwelling unit shall be restricted to use by family members or guests of the owner or occupant of the principal dwelling, and shall not be made available for rental on a commercial basis.
- C. An attached accessory dwelling unit shall be integrated within or attached to the principal dwelling. Any attached accessory dwelling unit shall comply with all setback requirements applicable to the principal dwelling.

- D. The accessory dwelling may be designed as an independent housekeeping unit that can be isolated from the principal dwelling space, however, an internal connection to the principal dwelling must be maintained.
- E. The attached accessory dwelling shall not have a separate meter for public utilities, such as electric and gas service, or a separate mailing address.
- F. The attached accessory dwelling shall retain a residential appearance consistent with the design and materials of the principal dwelling portion of the building.

Section 7-6 Dwelling, Single-Family

- A. *Purpose.* The purpose of this provision of the zoning ordinance is to provide reasonable standards that ensure that all single-family homes, regardless of construction type (e.g. site-built, manufactured, prefabricated or modular), are safe and compatible and compare aesthetically within the same residential district.
- B. *Requirements for all Single-Family Dwellings.* Sufficient evidence must be submitted to the Administrator to assure that the following standards are met by single-family homes, including manufactured homes, prior to location on a site in the Township. The requirements contained in this subsection do not apply to manufactured homes located in manufactured home communities within the Township.
 - 1. Ground floor rooms shall have at least eight (8) foot sidewalls as measured from the floor to the ceiling inside. Building plans showing interior elevations demonstrating sidewall height will be required before issuing a zoning permit.
 - 2. All homes permitted under this section shall be firmly attached to permanent continuous foundations in compliance with the provisions of the State Construction Code required for on-site constructed single-family dwellings. Foundations shall consist of a continuous solid perimeter wall with adequate footings at least 42 inches in depth. The foundation shall have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required for on-site constructed single-family dwellings. Single-family dwellings that do not comply to this section must meet State Building Code requirements. Proof of compliance with these requirements must be presented prior to issuing a zoning permit. Slab foundations are permitted and must comply to State Building Codes.
 - 3. Additions shall be constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure.
- C. *Additional Requirements for Manufactured Homes in AG, R-2, and R-4.* A manufactured home shall be installed with the wheels removed. No manufactured home dwelling shall have any exposed towing mechanism, undercarriage, or chassis. However, this requirement does not apply to manufactured homes located in manufactured home communities allowed within the R-3 District within the Township. Manufactured homes that do not comply to this section must meet U.S. Department of Housing and Urban Development regulations, State Building Codes, and manufacturer installation recommendations. Proof of compliance with these requirements must be presented prior to issuing a zoning permit. Slab foundations are permitted and must comply to State Building Codes.
- D. *Floodplain Ordinance.* All homes shall be placed and constructed in compliance with the Township Floodplain Ordinance.

Section 7-7 Dwelling, Temporary

- A. *Applicability.* Manufactured homes may be permitted as a temporary use in cases where disaster results in substantial destruction of the principal dwelling.
- B. *Permit Validity.* A temporary dwelling use permit is valid for a period of one (1) year provided that the following conditions are found to exist:
 - 1. The dwelling is connected to an approved water well and septic tank system.
 - 2. Setback requirements of *Table 4-3 A* are met.
 - 3. The dwelling has at least 675 square feet of livable floor area.
- C. *Exception.* A manufactured home permitted and established in accordance with this section is not subject the requirements of *Section 7-6 B*.

Section 7-8 Dwelling, Temporary Accessory

- A. *Applicability.* The Planning Commission may approve the use of a manufactured home for a relative of the residing property owner upon a finding of physical hardship of the intended occupant and no other practical alternatives exist.
 - 1. A relative is determined to be a mother, father, daughter, son, father-in-law, mother-in-law, brother, sister, grandfather or grandmother of the property owner.
 - 2. Physical hardship is a condition in which an individual is incapable of taking care of himself or herself, as indicated by a physician's written statement of physical hardship.
- B. *Requirements.* A temporary accessory dwelling shall be subject to the following conditions and requirements:
 - 1. The principal dwelling shall be owner-occupied.
 - 2. The lot shall be of sufficient size to allow the manufactured home to comply with all applicable front, rear and side yard setbacks that apply to principal buildings. The manufactured home shall be separated from any existing building by a minimum of 10 feet.
 - 3. The manufactured home shall be installed in accordance with *Section 7-6*.
- C. *Validity.* An approval shall be valid for one (1) year. Renewals may be granted by the Planning Commission upon finding that the qualifying conditions continue to exist and conformance with the requirements of this section are maintained.
- D. *Revocation.* Upon discovery by the Administrator that the relative no longer occupies the approved manufactured home, or if it is discovered that the property owner no longer resides within the principal dwelling, the approval shall be revoked. Any other violations of this section shall be enforced in accordance with *Section 15.4*.
- E. *Removal.* The manufactured home must be removed from the property within three (3) months of permit revocation or expiration.
- F. *Continuation.* A manufactured home permitted and established in accordance with this section shall not be continued beyond the revocation or expiration of the approval.
- G. *Exception.* A manufactured home permitted and established in accordance with this section is not subject the requirements of *Section 7-6 B*.

Section 7-9 Essential Services

- A. *Review.* The Administrator shall determine that the yard, parking and landscaping (if any) requirements are met, and that all planned facilities are designed to have a minimal impact to surrounding uses.
- B. *Substations.* Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
- C. *Public Utility Facilities.* Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building, which is constructed, shall be landscaped and shall conform to the general character of the architecture of the surrounding neighborhood.

Section 7-10 Farms, Farming and Farm Operation

Farms and farm operations are defined in Appendix A and are regulated by the State of Michigan Department of Agriculture. Farms are permitted on lands that are classified as Category 1, 2 or 3 sites and are not considered “primarily residential” as classified by the latest Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities manual.

Section 7-11 Home Based Business

- A. *General Requirements.*
 - 1. A home based business shall only be permitted as an accessory use to the principal residential use of a property.
 - 2. Home based business operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings.
 - 3. A maximum of 50 percent of the gross floor area of a dwelling and accessory buildings may be devoted to home based business operations and indoor and outdoor storage.
 - 4. There shall be no physical evidence of the home based business from the exterior of the dwelling, other than the presence of a permitted sign, parking of one (1) commercial vehicle and trailer, and a screened outdoor storage area.
 - 5. All equipment and vehicles, aside from one (1) commercial vehicle and trailer, shall be stored indoors or stored outdoors and surrounded by a solid six (6) foot tall fence or wall, or a landscaping screen of at least six (6) feet at installation.
- B. *Uses.* Specific use restrictions apply to retail sales and independent trucking:
 - 1. Accessory retail sales shall only be allowed if incidental to authorized uses and shall be subject to the parking and visitation requirements of this section.
 - 2. Independent trucking operations shall not involve more than one (1) semi-truck and trailer.
- C. *Operation and Employees.*
 - 1. Home base businesses shall only be owned and operated by a full-time resident of the dwelling.
 - 2. Any occupant of the principal dwelling may be employed by the home based business.

3. A maximum of two (2) persons who are not residents of the dwelling may be employed at the home based business. This does not preclude additional employees who may be employed by the home based business, but who work off-site.
 4. A maximum of two (2) employees may pick up and return work vehicles during any one day.
- D. *Minimum Lot Area.* The minimum lot area for a home based business is two (2) acres. However, a minimum of five (5) acres is required for the following businesses:
1. Any business requiring 1,000 square feet of gross floor area or greater.
 2. Any business requiring outdoor storage.
- E. *Structure Requirements.* Buildings that must meet special building code requirements, such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of fuel, motor oil, lubricants, and anti-freeze), and other similar requirements are prohibited.
- F. *Access.* If applicable, an applicant proposing a home based business that is accessed from a private street shall prove that access to the street by heavy equipment or trucks has been approved by the entity or owners who are responsible for ownership and maintenance of the private street.
- G. *Parking and Visitation.*
1. Visitation of the site by clients, customers, or students shall be by appointment only.
 2. No more than two (2) individual appointments shall be scheduled at any one (1) time.
 3. Two (2) additional parking spaces are required if visitations are proposed.
 4. One (1) off-street parking space for each employee not residing on the premises is required, in addition to the parking requirement for the dwelling.
- H. *Conditions of Approval.* The Planning Commission may approve additional conditions, such as limiting the days and hours of operation, screening, buffering, limiting the amount and location of outdoor storage space, and any other conditions that are within the spirit of home based business regulation and the intent of the Zoning Ordinance.

Section 7-12 Home Occupation

A. General Requirements.

1. A home occupation shall only be permitted as an accessory use to the principal residential use of a property.
2. Home occupations shall only be owned and operated by a full-time resident of the principal dwelling.
3. Home occupations must be conducted entirely within the principal dwelling and not within an accessory building.
4. Up to 25 percent of the floor area of the principal dwelling may be devoted to a home occupation. Indoor storage of equipment and vehicles does not count against this maximum.
5. There shall be no physical evidence of the home occupation from the exterior of the dwelling, other than the presence of a permitted sign and parking of one (1) commercial

vehicle and trailer. Any other equipment beyond a vehicle and trailer shall be stored indoors.

6. Retail sales from the dwelling are not permitted.

B. *Parking and Visitation.*

1. Visitation of the site by clients, customers, or students shall be by appointment only.
2. No more than two (2) individual appointments shall be scheduled at any one (1) time.
3. Two (2) parking spaces are required if visitations are proposed.

Section 7-13 Liquefied Petroleum Gas (LPG) Sales

- A. *Licensing.* The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by applicable state and federal regulatory authorities.
- B. *Security.* Storage facilities shall provide adequate security and signage to notify the public of the hazardous materials and to prevent trespass. At minimum, a six (6) foot fence equipped with three (3) strands of barbed wire along the top is required around the dispensing facility and any area storing full tanks.
- C. *Signage.* If LPG storage tanks or structures are to be used as signs, they are subject to the requirements for signs in *Article 10*.

Setbacks. LPG storage shall located at least 500 feet from any Agricultural or Residential zoned property (AG, R-2, R-3, R-4).

Section 7-14 Manufactured Home Community

- A. *State Regulations.* Manufactured homes communities are permitted in the R-3 Zoning District and shall be in conformance with all applicable state regulations and permitting requirements.
- B. *Home Sites.* Manufactured home sites shall average 5,500 square feet. This average may be reduced by 20 percent, provided the individual site shall be equal to at least 4,500 square feet.
- C. *Open Space.* For each square foot of land gained through the reduction of a 5,500 square feet, at least an equal amount of land shall be dedicated as "open space", but in no case shall the "open space" be less than that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944, of the Michigan Administrative Code; and provided further that no manufactured home within a manufactured home community shall contain less than 720 square feet of floor area.
- D. *Homes.*
 1. All manufactured homes shall be in compliance with all state and federal laws including U.S. code of Federal Regulations, and U.S. Department of Housing and Urban Development regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended, and regulations pertaining to manufactured homes as well as local and state plumbing and fire codes.
 2. Manufactured homes shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

Section 7-15 Reserved

Section 7-16 Mineral Extraction

This section regulates earth removal, quarrying, gravel processing, mining and related mineral extraction businesses. Operations are subject to the following standards and requirements.

A. *Access and Roads.*

1. All operations shall be located on a primary road, as defined by Branch County, for ingress and egress on a road that does not create traffic through an area developed primarily for residential purposes.
2. Interior road surfaces may be gravel, crushed stone, or concrete or asphalt millings. When paving is required, it shall be completed prior to commencement of operations.
3. Internal roads shall be maintained to reduce potholes and ruts as reasonable.
4. Internal road signs shall be established, as required by the Township. Required signs may include, but are not limited to: No Engine Brake, Speed Limit, Slow, and Stop.
5. Operations shall incorporate internal circulation routes that minimize the need for truck reverse movements.

B. *Setbacks.*

1. No excavation shall occur within 50 feet of a road right-of-way and within 100 feet of any other property line. If the adjoining property is also used for mining and excavation operations then the Planning Commission may reduce or eliminate the required setback or temporarily reduced to 50 feet if reclamation of the land is promptly affected to increase the setback to at least 100 feet in accordance with the reclamation plan approved by the board, and adequate lateral support as set forth is at all times maintained
2. Excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
3. The permanent processing plant and its accessory structure shall not be located closer than 150 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus, to the stockpiling or loading of materials and to the location of transportation equipment.
4. No excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission of the state commission having jurisdiction. Mining operations shall not interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

C. *Sight Barriers.* Sight barriers shall be provided along all boundaries of the site adjacent to residentially zoned land, residential land uses and open spaces, which lack natural screening conditions through existing contours or evergreen growth. Barriers shall consist of one or more of the following:

1. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain

along interior property lines, as the case may be. Berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees, or shrubs.

2. Plantings or evergreen trees or shrubbery in row parallel to the boundaries of the property not less than four (4) feet in height at the time of planting and which grow to not less than eight (8) feet in height at maturity and sufficiently spaced to provide effective sight barriers within six (6) feet in height.
3. Masonry walls or attractive solid fences made of uniform new materials constructed to a height or not less than six (6) feet and maintained in good repair.

D. *Nuisance and Impact Mitigation.*

1. Noise and vibration shall not be a nuisance to the general health, safety, and welfare of the residents in Coldwater Township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, screen plantings and fences.
2. Air pollution in the form of dust and dirt shall be kept at a minimum. Regular dust control practices shall be implemented for general excavation, moving soils, screening and crushing and records of activities shall be kept on site. Upon a complaint-based inspection or regular scheduled inspection, the Administrator shall inspect the site for unacceptable dust levels. Whether higher dust levels are due to environmental factors (dry season, wind, etc.) or management practices, upon notice, the operator shall proceed with an appropriate and effective dust control action, including but not limited to:
 - a. As-needed watering or dust palliative application to unpaved travel surfaces.
 - b. As-needed sweeping of internal roads.
 - c. Paving additional segments of the internal roadway or applying millings.
 - d. As-needed watering during the crushing operations.
 - e. A temporary pause of operations, should excessive winds result in the ineffectiveness of all other dust control measures.
3. All equipment used for the mining operation shall be operated in a manner as to minimize, to the maximum extent practicable, dust, noise and vibration conditions that are injurious or substantially annoying to persons living in the vicinity.

E. *Hours of Operation.* The operation shall be restricted to the hours of 7:00 AM. until 7:00 PM. and no operations shall be allowed on Sundays. The operation hours, days, seasons or months may be further restricted by the Planning Commission in order to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads.

F. *Security and Safety.*

1. Upon commencement of mining operations, the active mining area shall be enclosed by a fence that is no less than four (4) feet in height and "No Trespassing" signs shall be placed along the fence at least every 100 feet. Fences shall be maintained in an upright position and in good repair.
2. A gate at the active mining area shall be locked when the mine is not in active operation.

G. *Submission of Operational and Reclamation Plans.*

1. Operational and Site Plan. With the application for a Special Land Use permit, an operational plan must be submitted for review by the Planning Commission and Township Board. At minimum, the operation plan shall include the following information:
 - a. The areas to be mined and proposed phases.
 - b. The location of permanent structures.
 - c. Locations for storage piles.
 - d. The points of access upon public roads and internal roads.
 - e. Screening and reclamation plans.
 - f. Hours of operation.
 - g. Estimated type and quantity of mineral materials to be removed.
 - h. Description of extraction and processing methods and location of processing plant.
 - i. Equipment to be placed on the site.
 - j. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this section.
 - k. A plan disclosing the final grades and elevation.
2. Testing. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site. Soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township Engineer. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in the within ordinance to the boundaries of the site.
3. Reclamation Plan.
 - a. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effective within one (1) year after termination of mining or excavation activity. In activity for a 12 month consecutive period shall constitute, for this purpose, termination of mining activity.
 - b. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-combustible solids to insure:
 - i. That the excavated area shall not collect stagnant water; or,
 - ii. That the surface of the area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion and which will be generally compatible with the adjoining land area.
 - c. The banks of all excavations shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.

- d. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water except where streets, beaches, or other planned improvements area to be completed within a one (1) year period. Where used, topsoil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
 - e. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion.
 - f. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, building(s), stockpiles and equipment, provided that building and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under the plan, may be retained.
- H. *Performance Guarantee.* A performance bond or cash shall be furnished the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to start of any mining or excavating operations. The amount of the guarantee shall be not less than \$10,000 per acre proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal for the purpose of this financial guarantee. The Administrator shall review the financial guarantee annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with these requirements. In no event shall the financial guarantee be less than \$10,000.
- I. *Standards of Approval.* In addition to review of requirements in this section and the General Standards of Approval in *Section 12-3*, the Planning Commission shall also consider the following factors when assessing the likelihood of very serious consequences resulting from the extraction of natural resources:
- 1. The relationship of extraction and associated activities with existing land uses.
 - 2. The impact on existing land uses in the vicinity of the property.
 - 3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - 4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - 5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - 6. The overall public interest in the extraction of the specific natural resources on the property.
 - 7. devastated and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
- J. *Inspections.* The operator shall be required to pay an annual fee to cover the cost of inspectors and additional meetings of the Planning Commission as may be established by the Township Board.

- K. *Liability Insurance.* All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists in the amount of not less than \$250,000 for each person or property injured or damaged and not less than \$500,000 for injury or damage to more than one person or one person's property arising out of one occurrence. The insurance shall cover injury or damage occurring upon the site of the operations as well as upon adjoining properties as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

Section 7-17 Mini-Warehousing/Self-Storage

A. General Requirements.

1. The minimum separation between self-storage buildings shall be 24 feet.
2. Internal drive aisles shall be at least 24 feet wide and shall be clearly marked to indicate the directions of traffic flow.
3. Site access shall be directly from a paved street.
4. All storage buildings without outdoor unit access shall be one story and shall not exceed a height of 14 feet. Other buildings are subject to the height requirement for the applicable zoning district.
5. Only storage uses are allowed at a facility. Auctions (except those authorized by Branch County for abandoned or seized assets), sales or businesses of any other type are prohibited. Limited sales of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc. are permitted. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials is prohibited.
6. No commercial, wholesale, retail, industrial or other business use shall be operated from individual storage units.

- B. *I District Requirements.* Except for recreational vehicles, motor homes and travel trailers, which may be stored outdoors, all other items shall be stored in an enclosed building. Outdoor storage areas shall be paved and completely screened from view from all adjacent residential uses.

C. GB District Requirements.

1. Minimum lot size shall be two (2) acres.
2. Outdoor storage is limited to operational travel trailers, trailers, vehicles, recreational vehicles, and watercraft, to cover no more than 25 percent of total property of a mini warehousing/ self-storage facility.
3. Buildings are subject to 50-foot setbacks when adjacent to agricultural or residential zoned property.
4. Type 1 buffers, as outlined in Table 9-5, are required in any yard adjacent to Agricultural or Residential zoned property.
5. Parking and drive aisles are prohibited within required setbacks when adjacent to agricultural or residentially zoned property. Parking within setback areas adjacent to non-residential districts is subject to all other applicable requirements in this ordinance.
6. When a buffer is required, fences shall be placed to the interior of the required buffer area.

7. Storage building design and materials shall be compatible with the existing and intended character of the area.

Section 7-18 Outdoor Display, Sales and Storage

- A. The minimum frontage shall be 200 feet.
- B. Loading activities shall not be permitted within 50 feet of a lot line abutting an Agricultural or Residential district or use.
- C. Outside storage and loading and dock areas shall be fenced and screened.
- D. Views of storage yards from public streets shall be completely screened.
- E. The site shall be kept neat and orderly.
- F. Not more than 50 percent of a site shall be covered by outdoor storage areas.
- G. Storage or display of goods and materials shall not occur within a setback area.
- H. If a public address system is employed, it shall not be audible from an abutting lot zoned or used for residential purposes.
- I. All flammable liquids, solvents, cleaners and other hazardous substances capable of contaminating groundwater shall be stored within a building and secondary containment measures shall be employed to prevent ground contact of any spilled materials.
- J. Soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent them from spilling onto or contaminating adjacent properties, water bodies, wetlands or drainage course.

Section 7-19 Places of Worship

- A. The entrances and exits to the place of worship shall connect to a state highway, a county primary road, or other traffic artery adequate to safely accommodate the traffic generated by the proposed use as determined by the Township Planning Commission.
- B. The site for the proposed use contains a minimum of 20 buildable acres for any middle school, high school or college; and a minimum of 10 buildable acres for any proposed church with or without any accessory parochial school involving not more than six (6) grades; and for a grade school not exceeding six (6) grades. Any church including more than six (6) grades shall require a site with a minimum of 20 acres.
- C. Outdoor activity areas are subject to 50-foot setbacks.

Section 7-20 Recreation Facility, Campground

- A. *Special Standards.* In addition to the general standard of approval for Special Land Uses, the Planning Commission shall consider the following standards:
 1. The location of the proposed campground and its impact to existing or potential future farming operation or activity within the immediate area.
 2. The present and future ability of the Township to provide public safety and other necessary public services to the proposed campground.
 3. The potential for preservation of significant tracts of trees or other natural or historical features.
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B. Requirements.

1. Campgrounds shall not be located closer than 500 feet from an area zoned R-2, R-3 and R-4.
2. Seasonal tent and recreational vehicle campgrounds, including recreational areas, must contain at least five (5) acres in area. Areas designated for travel trailers, camp trailers and/or tent trailer must meet the applicable requirements of the Michigan Campground Act No. 171 of 1970, as amended, and any other rules and regulations that may be promulgated by the State Health Department.
3. Any sale of foodstuff or merchandise shall be clearly incidental to the needs of the occupants and users of the seasonal camping grounds and recreation areas shall consist of packaged merchandise only.
4. Activities shall be adequately screened from adjoining residentially developed or residentially zoned property by an evergreen planting at least five (5) feet in height at the time of planting. The Coldwater Township Planning Commission may require privacy or security fencing on a case-by-case basis, based on the level of intensity and activities proposed and the potential impact to adjacent land use.
5. All facilities shall be provided with safe and adequate sanitation and drinking facilities constructed to meet the requirements of the Branch County Health Department.
6. Fires may be built only in picnic stoves or other equipment or space designated by the park owner.
7. Campgrounds must be maintained in a clean and orderly manner at all times.

Section 7-21 Salvage or Impound Operation

- A. *Operations.* Operations shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid noncombustible fence or wall at least six (6) feet in height; provided further, that no goods, materials or objects shall be stacked higher than the fence or wall.
- B. *Impact Mitigation.* Business operations will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to affect adjoining residential properties adversely.

Section 7-22 Sexually Oriented Business

- A. *Purpose.* Because some uses are recognized as having a deleterious effect on adjacent areas, causing blight, a chilling effect upon other businesses and occupants, and a disruption in neighborhood development, especially when concentrated in a confined area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of uses into a particular location and require, instead, their dispersal throughout the non-residential zoning districts of the Township to minimize their average impact on any specific neighborhood.
- B. *Location.* In order to prevent undesirable concentration of use, sexually oriented businesses shall not be located within 1,000 feet of any other existing sexually oriented business and not within 300 feet of any AG, R-2, R-3 or R-4 zoned district as measured along a line forming the shortest distance between any portion of the respective properties.

Section 7-23 Temporary Construction Office

- A. *Approval Authority.* The Administrator shall consider and approve a temporary construction office if it complies with all requirements of this section. The Administrator may also, at their sole discretion, forward an application to the Planning Commission for consideration. The Administrator or Planning Commission shall review the application and other submitted materials and shall approve, deny or approve it with conditions.
- B. *Permit.* Upon application, the Administrator shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located.
- C. *Timeframe.* Each permit shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
- D. *Removal.* Construction buildings and structures shall be removed from the lot within 30 days after an occupancy permit is issued for the permanent structure on the lot.
- E. *Report to Planning Commission.* The Administrator shall report all administrative approvals authorized in this section to the Planning Commission.

Section 7-24 Temporary Sales Office

- A. *Approval Authority.* The Administrator shall consider and approve a temporary sales office if it complies with all requirements of this section. The Administrator may also, at their sole discretion, forward an application to the Planning Commission for consideration. The Administrator or Planning Commission shall review the application and other submitted materials and shall approve, deny or approve it with conditions.
- B. *Permit.* Upon application, the Administrator shall issue a permit for a temporary office, which is incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- C. *Timeframe.* Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and shall be renewed by the Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- D. *Report to Planning Commission.* The Administrator shall report all administrative approvals authorized in this section to the Planning Commission.

Section 7-25 Vehicle Repair

Vehicle repair work shall be conducted within a completely enclosed building.

Section 7-26 Wind Energy Turbine

- A. *Description and Purpose.* The purpose of this section is to establish regulations for the location, installation and operation of Wind Energy Turbines (WETs). Among other goals, the regulations in this section are intended:
1. To promote the safe, effective and efficient use of WETs to produce electricity and reduce the consumption of fossil fuels.
 2. To preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of WETs.
 3. To establish standards and quantifiable procedures to direct the site location, engineering, maintenance and decommissioning of WETs.
 4. To define and delineate between various types of WETs in order to properly regulate the different WET technologies.
- B. *Applicability.* This section applies to all WETs proposed for construction after the effective date of the ordinance adding this section. All WETs constructed prior to the effective date of the ordinance adding this section shall not be required to meet the standards of this section; however, any physical modification to an existing WET that materially alters the size, type, equipment or location shall require approval per the standards of this section.
- C. *Temporary Uses.* Anemometers are permitted in all zoning districts, subject to the provisions of this subsection.
1. The construction, installation or modification of an anemometer shall require both a zoning compliance permit and county building permit;
 2. Anemometers must conform to all applicable local, state and federal safety, construction, environmental, electrical, communications and FAA requirements;
 3. Anemometers are subject to the requirements of this section for total height, setbacks, separation, location, safety and decommissioning that correspond to the size of the WET(s) proposed on the site;
 4. An anemometer without an accompanying WET shall not be located on a site for more than 12 months when testing for SSM-WET, STMWET or M-WET installation potential; and;
 5. An anemometer without an accompanying WET shall not be located on a site for more than three (3) years when testing for L-WET installation potential.
- D. *Permitted Uses and Requirements.* SSM-WETs and STMWETs are a permitted use in all zoning districts, subject to the following:
1. Permit. SSM-WETs and STM-WETs must receive a Township Zoning Compliance Permit and a Branch County Building Permit prior to construction, installation, relocation or modification. The Owner/Applicant or Operator must apply for and receive the required permits.
 2. Minimum Requirements. All SSM-WETs and STM-WETs shall be subject to the following minimum requirements:
 - a. "Upwind Turbines" shall be required unless otherwise approved by the Planning Commission, based on technical specifications and site-specific information.
 - b. Visual Appearance:

- i. SSM-WETs and STEM-WETs including accessory buildings and related structures, shall be a non-reflective, non-obtrusive color, such as white, gray or black.
 - ii. The appearance of the WET and all accessory structures shall be maintained throughout the life of the unit.
 - iii. Exterior lighting of a Tower, Rotor blades and Nacelle shall only be allowed in order to meet FAA mandatory requirements.
 - iv. Exterior lighting of accessory buildings or entrance points shall be permitted, provided that exterior lighting fixtures shall be full cutoff “shoebox” fixtures. These fixtures shall not be mounted on poles or other structures that exceed a height of 20 feet, as measured from the grade at the base of the fixture.
 - v. SSM-WETs and STM-WETs may not contain commercial signage, banners, flags or advertising logos, except for the identification of the turbine manufacturer and unit specifications for regulatory purposes.
3. Ground Clearance. The lowest extension of any rotor blade or other exposed moving component of an SSM-WET or STM-WET shall be at least 15 feet above the ground, as measured from the highest point of grade within 30 feet of the base of the WET. In addition, the lowest extension of any rotor blade or other exposed moving component of an SSM-WET or STM-WET shall be at least 15 feet above any outdoor areas intended for human use that are located below the WET. Examples include balconies, roof gardens, etc.
4. Noise Control.
 - a. Where an adjacent parcel contains any of the following: an existing residential use, residential zoning, a church, school, hospital or a public park; the noise produced by a SSM-WET or STM-WET may not exceed the lowest ambient sound level that exists between the hours of 9:00 PM and 9:00 AM along any adjacent property line used for residential purposes.
 - b. Where no adjacent parcel contains a residential use, the noise produced by a SSM-WET or STM-WET may not exceed the lowest ambient sound level that exists between the hours of 9:00 PM and 9:00 AM on the parcel, plus five (5) Decibels dB(A).
5. Vibration. AN SSM-WET or STM-WET shall not produce vibrations that are perceptible to humans beyond any property line upon which a WET is located.
6. Wire Supports. Guy wires or similar apparatus shall not be allowed as part of an SSM-WET or STM-WET installation.
7. SSM-WET Height: The mounted height of an SSM-WET shall not exceed 15 feet above the highest point of the adjacent roof or structure.
8. SSM-WET Setbacks.
 - a. An SSM-WET shall be setback a minimum of 15 feet from any property line, public right-of-way, and public easement or overhead utility lines.
 - b. If the SSM-WET is affixed by any extension to a structure’s walls, roof or other elevated surface then the setback from property lines, public rights-of-way, public easements or overhead utility lines shall be measured from the furthest outward extension of moving WET components.

9. SSM-WET Separation Distances. If more than one SSM-WET is installed on a property, then a distance equal to the mounted height of the adjacent SSM-WET must be maintained between the bases of each SSM-WET.
10. STM-WET Height. The Total Height of STM-WET shall not exceed 120 feet.
11. STM-WET Setbacks.
 - a. On a property containing occupied buildings, STM-WET's shall only be located in the rear yard.
 - b. An STM-WET shall be setback a minimum of 20 feet from all Occupied Buildings on the subject property. This setback shall be measured from the base of the Tower.
 - c. A minimum setback equal to the Total Height of the STM-WET shall be required to any property line, public right-of-way, public easement or overhead utility lines. This setback will be measured from the base of the Tower. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl or bend within a distance less than the Total Height of the WET.
12. STM-WET Separation Distances. If more than one STM-WET is installed on a property, then a distance equal to the Total Height of the tallest STM-WET must be maintained between the bases of each STM-WET.
13. Site Plan Review. SSM-WETs and STM-WETs are subject to site plan review by the Planning Commission, subject to the following:
 - a. SSM-WETs and STM-WETs shall be exempt from the site plan review standards found in *Section 11-5* of this ordinance but shall be subject to the standards and requirements contained in this section.
 - b. Owner/Applicants of SSM-WETs and STM-WETs proposed for installation shall provide the following to the Township:
 - i. A completed application for site plan review plus any applicable fees and/or escrow deposit approved by the Township Planning Commission;
 - ii. A scaled site plan drawing clearly illustrating the proposed WET(s) and all accessory structures/equipment in relation to all onsite and adjacent buildings, property lines, rights-of-way, public easements and overhead utility lines. Setbacks as required in this section shall be shown to scale on the site plan.
 - iii. A scaled site plan that clearly displays property dimensions, existing buildings on the subject property and on adjacent properties, sidewalks, non-motorized pathways and streets.
 - iv. A scaled site plan that includes existing and proposed onsite grading/topography at two (2) foot contour intervals.
 - v. Product-specific technical information from the manufacturer of the SSM-WET or STM-WET. This information shall include the proposed Total Height and type of WET, maximum noise output in Decibels, total rated generating capacity, product dimensions, rotor blade diameter and detail of accessory structures.
 - vi. Documented compliance with the noise and vibration generation requirements set forth in this section.

- vii. Documented compliance with applicable local, state and federal regulations including, but not limited to, public safety, construction, environmental, electrical, communications and FAA requirements.
- viii. Proof of liability insurance.
- ix. Documented evidence that the utility company has been informed of, and approved, the Owner/Applicant's intent to install as interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.
- x. A narrative that explains the proposed methods that will be used to perform maintenance on the WET(s) in compliance with the manufacturer's recommendations and requirements.
- xi. A narrative that explains how the WET will be tested after installation for compliance with the noise and vibration regulations of this section.

14. Safety Requirements.

- a. If the SSM-WET or STM-WET is connected to a public utility system for Net Metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any connection shall be inspected and approved by the appropriate utility company. The applicant(s)/owner(s) shall provide to the Township Clerk at any and all times the proper documentation proving compliance with all requirements.
- b. The SSM-WET or STM-WET shall be equipped with an automatic braking, governing, or feathering system in order to prevent uncontrolled rotation, over-speeding or excessive pressure on the WET.
- c. A clearly visible warning sign regarding voltage shall be placed at the base of the WET. Written and sealed documentation shall be provided to a Coldwater Township Official by a Wind Energy Engineering Firm assuring that the site is in compliance.
- d. The structural integrity of the WET shall conform to the design standards of the International Electrical Commission; specifically IEC 61400-1 "Wind Turbine Safety and Design," IEC 61400-2 "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," as amended or succeeded.

15. Signal Interference. The SSM-WET or STM-WET shall not interfere with communication systems, such as, but not limited to, radio, telephone, television, satellite or emergency services communications systems.

16. Decommissioning.

- a. The SSM-WET or STM-WET owner/applicant shall complete Decommissioning within 12 months after the end of the WET's useful life. The term "end of useful life" is defined as zero electricity generation for a period of 12 consecutive months from a particular WET.
- b. All Decommissioning expenses are the responsibility of the Owner/Applicant.
- c. The Township Planning Commission shall grant an extension of the Decommissioning for not more than one calendar year upon showing by the Owner/Applicant of (1) good cause why the decommissioning has not occurred within the 12-month period, and (2)

that the granting of an extension will not have a material adverse impact upon owners or occupants of adjoining properties.

- d. If the SSM-WET or STM-WET Owner/Applicant fails to complete the act of Decommissioning within the period described in this section, the SSM-WET or STM-WET shall thereafter be deemed a public nuisance and subject to abatement as provided by law.
- e. For STM-WETs, following removal of all items noted in the above, the site shall be graded and stabilized to prevent soil erosion in a manner consistent with the post-WET use of the property.

17. Public Noise Complaints.

- a. Should an aggrieved person allege that the SSM-WET or STMWET is not in compliance with the noise requirements of this section, the administrative enforcement procedure shall be as follows:
 - i. The complainant shall notify the Coldwater Township Zoning Administrator in writing regarding the noise level.
 - ii. The Zoning Administrator shall coordinate with other governmental agencies to test the Decibel level for compliance with the standards of this section.
 - iii. If the noise level test indicates that the noise level complies with the standards of this section, then the Township will notify the complainant within five (5) work days of the test results.
 - iv. If the noise level test indicates that the WET is in violation of this section, then the Township will take immediate action to bring the WET into compliance with this section. The Township may require the WET to be shut down until compliance can be achieved.
- E. *Special Uses.* Medium Wind Energy Turbines (M-WETs) shall be considered as special use within the Agricultural District (AG); Technology District (T); General Business District (C-2), Industrial District (I-1). Large Wind Energy Turbines (L-WETs) shall be considered a special use only within the Agricultural District (AG).
 1. Permits. M-WETs and L-WETs must receive a Township Zoning Compliance and a Branch County Building Permit prior to construction, installation, relocation, or modification. The Owner/Applicant or Operator must apply for and receive all permits.
 2. Minimum Requirements. All M-WET's and L-WET's shall be subject to the following minimum requirements:
 - a. "Upwind Turbines" shall be required unless otherwise approved by the Planning Commission, based on technical specifications and site-specific information.
 - b. Visual Appearance:
 - i. M-WETs shall be mounted on a tubular tower.
 - ii. M-WETs and L-WETs, including accessory buildings and related structures, shall be a non-reflective, non-obtrusive color, such as white, gray or black.
 - iii. The appearance of the WET and all accessory structures shall be maintained throughout the life of the unit.

- iv. Exterior lighting of a tower, rotor blades and nacelle shall only be allowed in order to meet FAA mandated requirements.
 - v. Exterior lighting of accessory buildings or entrance points shall be permitted, provided that exterior lighting fixtures shall be full cutoff “shoebox” fixtures. These fixtures shall not be mounted on poles or other structures that exceed a height of 20 feet, as measured from the grade at the base of the fixture.
 - vi. M-WETs and L-WETs shall not contain commercial signage, banners, flags or advertising logos, except for the identification of the turbine manufacturer and unit specifications for regulatory purposes.
3. Ground Clearance.
- a. M-WET. The lowest extension of any rotor blade or other exposed moving component of an M-WET shall be at least 15 feet above the ground, as measured from the highest point of grade within 50 feet of the base of the tower. In addition, the lowest extension of any rotor blade or other exposed moving component of an M-WET shall be at least 15 feet above any outdoor areas intended for human use that are located below the WET. Examples include balconies, roof gardens, etc.
 - b. L-WET. The lowest extension of any rotor blade or other exposed moving component of an L-WET shall be at least 50 feet above the ground, as measured from the highest point of grade within 150 feet of the base of the tower.
4. Shadow Flicker. The owner/applicant(s) or operator(s) shall conduct an analysis of potential shadow flicker onto any occupied building with direct line-of-sight to the M-WET or LWET. The analysis shall identify the locations of shadow flicker that may be caused by the WET and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed 30 hours per year.
5. Noise Control.
- a. Where an adjacent parcel contains any of the following: an existing residential use, residential zoning, a church, school, hospital or a public park; the noise produced by an M-WET or L-WET may not exceed the lowest ambient sound level that exists between the hours of 9:00 PM and 9:00 AM along any adjacent property line used for residential purposes.
 - b. Where no adjacent parcel contains a residential use, the noise produced by an M-WET or L-WET may not exceed the lowest ambient sound level that exists between the hours of 9:00 PM and 9:00 AM on the parcel, plus five (5) Decibels dB(A).
6. Vibration. An M-WET or L-WET shall not produce vibrations that are perceptible to humans beyond any property line upon which a WET is located.
7. Wire Supports. Guy wires or similar apparatus shall not be allowed as part of an M-WET or L-WET installation.
8. Electrical System. All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the M-WET or L-WET shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land

use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring area exempt from this requirement.

a. Quantity of WETs:

- i. No more than one (1) M-WET shall be installed for every two and one-half (2 ½) acres of land included in the subject parcel.
- ii. The number of L-WET's shall be determined based on WET setbacks and separation distances as required in this section.

9. Total Height.

- a. The total height of an M-WET shall not exceed 150 feet.
- b. The total height of an L-WET shall not exceed 400 feet.

10. M-WET Setbacks & Separation.

- a. **Occupied Building Setback.** An M-WET shall be setback at least 20 feet from all Occupied Buildings on the subject parcel, as measured from the base of the tower.
- b. **Property Line Setbacks.** With the exception of the locations of public roads and parcels with occupied buildings, all internal property line setbacks shall be equal to the total height of the M-WET, as measured from the base of the tower. This setback may be reduced by the Township Planning Commission as part of a Special Land Use Permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the total height of the WET.
- c. **Public Road Setbacks.** Each M-WET shall be set back from the nearest public road a distance equal to the total height of the M-WET, as measured from the nearest boundary of the road right-of-way to the base of the tower.
- d. **Communications and Electrical Lines.** Each M-WET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the total height of the M-WET, as measured from the base of the tower to the existing power line or telephone line.
- e. **Tower Separation.** M-WET separation shall be based on industry standards and the manufacturer's recommendations. This information shall be submitted to the Planning Commission any time the standards or recommendations change.

11. L-WET Setbacks & Separations.

- a. **Occupied Building Setback.** Each L-WET shall be setback from the nearest occupied building located on the same parcel as the L-WET a minimum of two (2) times its total height, or 1,000 feet, whichever is greater, as measured from the base of the tower.
- b. **Property Line Setbacks.** With the exception of the locations of public roads (see below) and parcels with occupied buildings (see above), all internal property line setbacks shall be a minimum of one and one-half (1 ½) times the total height of the L-WET, as measured from the base of the tower. This setback may be reduced by the Township Planning Commission as part of a Special Land Use Permit if the applicant provides a registered engineer's certification that the LWET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the total height of the WET.

- c. Wind Energy District (AG Zoned District Only) Setbacks. There shall be a setback distance equal to two times the total height of the L-WET, as measured from the base of the tower, to any border of the wind energy district.
 - d. Public Road Setbacks. Each L-WET shall be set back from the nearest public road a minimum of 400 feet or one and one-half (1 ½) times the total height of the L-WET, whichever is greater, as measured from the nearest boundary of the road right-of-way to the base of the tower.
 - e. Communications and Electrical Lines. Each L-WET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 400 feet or one and one-half (1 ½) times its total height, whichever is greater, as measured from the base of the Tower to the existing power line or telephone line.
 - f. Tower Separation. L-WET separation shall be based on industry standards and the manufacturer's recommendations. This information shall be submitted to the Planning Commission any time the standards or recommendations change.
12. Access Driveway. All L-WETs shall be accessible from an access road in order to offer an adequate means by which public safety vehicles may readily access the site in the event of an emergency. All access roads shall be constructed to standards approved by the Branch County Road Commission.
13. Signal Interference. An M-WET or L-WET shall not interfere with communications systems, such as, but not limited to; radio, telephone, television, satellite or emergency services communication systems.
14. Special Land Use Permit Required. M-WET and L-WET projects require a Special Land Use Permit prior to commencement of any on-site construction. As part of the application for a Special Land Use Permit, the owner(s)/applicant(s) of proposed M-WET and L-WET projects shall provide the following to the Township.
- a. A narrative explaining the proposed methods that will be used to perform maintenance on the WET(s) in compliance with the manufacturer's recommendations and requirements.
 - b. A copy of the lease, or recorded document, with the landowner(s) if the owner/applicant does not own the land for the proposed M-WET or L-WET.
 - c. A statement from the landowner(s) of a leased site that he/she will abide by all applicable terms and conditions of the Special Land Use Permit, if approved.
 - d. In the case of a condominium development, a copy of the condominium development's master deed and bylaws addressing the legal arrangement for the M-WET or L-WET.
 - e. The proposed number, representative types and total height of each M-WET or L-WET 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.
 - f. Documentation verifying the developer/manufacturer's confirming specifications for M-WET or L-WET Tower separation as proposed on the site plan.
 - g. Documented compliance with the noise, vibration and shadow flicker requirements set forth in this section.

- h. Engineering data concerning construction of the M-WET or L-WET and its base or foundation, including soil boring information.
- i. A certified, registered engineer's certification that certifies the M-WET or L-WET meets or exceeds the manufacturer's construction and installation standards.
- j. The anticipated construction schedule.
- k. 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.
- l. A copy of the WET maintenance and operation plan, including anticipated regular and scheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the M-WET or L-WET to conduct maintenance, if applicable.
- m. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications standards.
- n. Documented compliance with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any applicable overlay zone regulations.
- o. Proof of comprehensive liability insurance.
- p. A statement indicating if hazardous materials will be used and stored on the site.
- q. Evidence that the utility company has been informed of the customer-owned generator and that the connection has been approved. Off-grid systems shall be exempt from this requirement.
- r. A written description of the anticipated life of each M-WET or L-WET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the M-WET(s) or LWET(s) become inoperative or non-functional.
- s. A decommissioning plan that will be carried out at the end of the M-WET's or L-WET's useful life, which shall be submitted as a participating landowner agreement, regarding equipment removal upon termination of the lease.
 - i. As part of the participating landowner agreement, an independent and certified professional engineer shall estimate the total cost of decommissioning ("decommissioning cost") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment.
 - ii. When determining this amount, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
 - iii. M-WET and L-WET Owner(s) shall post and maintain decommissioning funds in an amount equal to 100 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or State chartered lending institution chosen by the owner(s) and participating landowner(s)

- posting the financial security. The bonding company or lending institution shall be authorized to conduct the business as approved by the Township.
- iv. Decommissioning funds shall be in the form of a performance bond made out to the Township.
 - v. A condition of the bond shall be notification by the bond company to the Township when the bond is about to expire or be terminated.
 - vi. Failure to keep the bond in effect while an M-WET or L-WET is in place will be a violation of the Special Land Use Permit. If a lapse in the bond occurs, the Township may take action, up to and including requiring the cessation of operations of the WET until the bond is reposted.
 - vii. The owner(s)/applicant(s) shall be responsible to record, at its sole expense, a copy of the approved participating landowner agreement with the Branch County Register of Deeds and supply a copy, after recording, to the Township.
 - t. A study assessing any potential impacts on the natural environment, including, but not limited to, assessing the potential impact on endangered species, bats, birds and/or other wildlife, wetlands and fragile ecosystems. The study shall conform to state and federal wildlife agency recommendations based on local conditions.
 - u. Other relevant information as may be requested by the Township to ensure compliance with the requirements of this section.
15. Site Plan Review Required. M-WETs and L-WETs are subject to site plan review by the Coldwater Township Planning Commission consistent with the following:
- a. Owner/applicants of proposed M-WET and L-WET projects shall provide the following to the Township:
 - i. A completed and signed application for site plan review by the Township Planning Commission plus any applicable fees and/or escrow deposit(s) approved by the Coldwater Township Board.
 - ii. A scaled site plan, sealed by a professional engineer, including:
 - (a) Contact information for the owner(s)/applicant(s) and operator(s) of the M-WET or L-WET as well as contact information for all property owners on which the M-WET or L-WET is located.
 - (b) A site location map with identification and location of the properties on which the proposed M-WET or L-WET will be located.
 - (c) The location and dimensions of all proposed WET(s) and all accessory structures/equipment, including security fencing, exterior lighting and power grid connectivity equipment, whether buried or above ground.
 - (d) The location of all on-site and adjacent property lines, rights-of-way, public easements and overhead utility lines.
 - (e) The location and dimension of all setbacks as required in this section.
 - (f) All property dimensions, zoning districts, existing buildings on the subject property and on adjacent properties, sidewalks, non-motorized pathways, large trees and streets.

- (g) Existing and proposed on-site grading / topography at two (2) foot contour intervals.
- (h) Soil erosion and storm-water drainage plans per State of Michigan DEQ Regulations.
- (i) Plan view and cross sectional details of all proposed access drives.

16. Safety Requirements.

- a. Public Utility System Connection. If the M-WET or L-WET is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. All connection shall be inspected and approved by the appropriate utility company prior to operation.
- b. Braking System. The M-WET or L-WET shall be equipped with an automatic braking, governing, or feathering system in order to prevent uncontrolled rotation, over-speeding or excessive pressure on the WET.
- c. Trespass. Security measures shall be in place to prevent unauthorized trespass and access. Each M-WET or L-WET shall not be climbable up to 15 feet above ground surfaces. All access doors to M-WETs or L-WETs and accessory electrical equipment shall be locked and/or fenced as appropriate.
- d. Safe Disposal of Materials. All spent lubricants, cooling fluids, and any other materials shall be properly and safely removed in a timely manner.
- e. Signage. Each M-WET or L-WET shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
 - i. A warning of high voltage
 - ii. Names of Manufacturer and owner/operator(s)
 - iii. Emergency contact numbers (list more than one number).
- f. Design Conformance. The structural integrity of the WET shall conform to the design standards of the International Electrical Commission; specifically IEC 61400-1 "Wind Turbine Safety and Design," IEC 61400-2 "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," as amended or succeeded.

17. Decommissioning.

- a. Lifespan. The M-WET or L-WET owner/applicant shall complete decommissioning within 12 months after the end of the WET's useful life. The term "end of useful life" is defined as zero electricity generation for a period of 12 consecutive months from a particular WET.
- b. Removal and Disposal. Decommissioning shall include the removal and disposal of each M-WET or L-WET, accessory buildings and structures, electrical components, and all foundations to a minimum depth of 60 inches.
- c. Access Drives. All access drives to the M-WET or L-WET shall be removed, cleared, and graded by the owner/applicant, unless the property owner(s) requests, in writing, a

desire to maintain the access drives. All access drives shall remain private and the Township shall have no duty to undertake any maintenance or repair of the drives.

- d. Site Grading. The WET site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner/applicant of the M-WET or L-WET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.
- e. Expenses. All decommissioning expenses are the responsibility of the owner/applicant.
- f. Extension. The Township Planning Commission may grant an extension of the Decommissioning period based upon a reasonable and explanatory request by the Owner. The extension period shall not exceed one (1) calendar year.
- g. Performance Bond. The performance bond agent shall release the decommissioning funds when the owner/applicant has demonstrated in writing, and the Township concurs in writing to the bond company, that decommissioning has been satisfactorily completed.
- h. Failure to Comply. If the M-WET or L-WET owner/applicant fails to complete the act of decommissioning within the period described in this section, then, consistent with the participating landowners' agreement, the Township may proceed as follows:
 - i. Coldwater Township may proceed to collect against the performance bond and request a release of the decommissioning funds.
 - ii. The Township Planning Commission shall designate a contractor to complete the decommissioning.
 - iii. All decommissioning expenses shall be charged to the performance bond of the owner/applicant, or its successors or assigns or other means available at law or equity.
 - iv. All decommissioning expenses shall become a lien against the premises/real estate.
 - v. Nothing in this ordinance shall limit the right of Coldwater Township to pursue all means of enforcement otherwise available at law for a violation of this section including, without limitation, seeking injunctive relief.

18. Certification & Compliance.

- a. Notification. The Township shall be notified in writing of a change in ownership of an M-WET or L-WET. The Township shall be notified in writing when a change in ownership of the property on which the M-Wet or L-WET is located within 60 days of a transaction.
- b. Inspection. The Township reserves the right to inspect any M-WET or LWET, in order to ensure compliance with this section. Any cost associated with the inspections shall be paid by the owner/applicant of the WET.
- c. Measurement. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any M-WETs or LWETs to demonstrate compliance with the requirements of this Section. Proof of compliance with the noise standards is required within 90 days of the date the M-WET or L-WET becomes operational. Sound shall be measured by a third party, qualified professional, with the associated fees being paid by the owner/applicant.

- d. Inspection Reports. The M-WET or L-WET owner/applicant or operator(s) shall provide the Township with a copy of the yearly WET maintenance inspection report(s).

19. Public Noise & Shadow Flicker Complaints.

- a. Noise. Should an aggrieved person allege that the M-WET or L-WET is not in compliance with the noise requirements of this Section, the administrative enforcement procedure shall be as follows:
- i. The complainant shall notify the Township Zoning Administrator in writing regarding the noise level.
 - ii. The Zoning Administrator shall coordinate with other governmental agencies to test the decibel level for compliance with the standards of this Section.
 - iii. If the noise level test indicates that the noise level complies with the standards of this section, then the township will notify the complainant within five (5) working days of the test results.
 - iv. If the noise level test indicates that the WET is in violation of this section, the township will take immediate action to bring the WET into compliance with the section. The Township may require the WET to be shut down until compliance can be achieved.
- b. Shadow Flicker. Should an aggrieved person allege that the M-WET or L-WET is not in compliance with the shadow flicker requirements of this section, the administrative enforcement procedure shall be as follows:
- i. The complainant shall notify the Township Zoning Administrator in writing regarding the shadow flicker level.
 - ii. The Zoning Administrator shall examine the shadow flicker complaint on the site.
 - iii. If the shadow flicker level indicates that the shadow flicker level complies with the standards of this section, then the Township will use the deposit to pay for the test.
 - iv. If the shadow flicker level test indicates that the WET is in violation of this section, then the owner/applicant shall reimburse the Township for the shadow flicker level test while taking immediate action to bring the WET into compliance with this section. The Township may require the WET to be shut down until compliance can be achieved. The Township Zoning Administrator will supply in writing an order to shut down the facility if so directed by the Township Planning Commission.

Section 7-27 Wireless Communications

- A. *Purpose.* The purpose of this section is to establish standards for the siting of wireless communication facilities based on the following goals:
1. Protect residential areas and land uses from potential adverse impacts of wireless communication facilities.
 2. Encourage the location of towers in non-residential areas.
 3. Minimize the total number of towers throughout the community.
 4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.

5. Encourage users of wireless communication facilities to locate, to the extent possible, in areas where the adverse impact on the community is minimal.
6. Encourage users of wireless communication facilities to configure them in a way that minimizes the adverse visual impact of the facilities through careful design, siting, landscape screening, and innovative camouflaging techniques.
7. Enhance the ability of the providers of telecommunications services to provide services to the community quickly, effectively, and efficiently.
8. Protect the public health and safety.
9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

B. *Location Requirements.*

1. Wireless communication equipment is a permitted use of property and is not subject to Special Land Use approval or any other approval under the Michigan Zoning Enabling Act if all of the following requirements are met:
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.
 - c. The proposed collocation will not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater.
 - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support
2. Wireless communications equipment that does not meet the requirements of subsection 7-27 B.1 c-d may be permitted as a Special Land Use in Agricultural (AG), General Business (GB), Industrial District (I) pursuant to *Article 12* and subject to the provisions of this section.

C. *Information Required for Special Use Application.* In addition to any information required for applications for Special Land Use Permits *Article 12* of the Zoning Ordinance, applicants for a Special Land Use Permit for a Wireless Communication facility shall submit the following information:

1. Site Plan. A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities). Land Use Plan Classification of the site and all properties within the applicable separation distances, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other

information deemed by the Zoning Administrator or Planning Commission to be necessary to assess compliance with the standards for approval in this Ordinance.

2. Legal Description. Legal description and ownership of the parent tract and leased parcel (if applicable).
 3. Setbacks. The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a Residential Zoning District.
 4. Location of Towers. An inventory of existing towers, antennas, or sites approved for towers or antennas, that are owned/used by the applicant or any affiliated entity within Branch County, or within one (1) mile of Coldwater Township. This inventory shall include the location, height, and design of each existing tower. The location of all existing towers, and sites approved for towers or antennas shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned/used by the applicant or any affiliated entity located within Coldwater Township or within one (1) mile of any boundary, and indicate the owner/operator of the towers if known.
 5. Landscape Plan. A landscape plan showing fencing and specific landscape materials.
 6. Color and Illumination. Finished color and, if applicable, the method of camouflage and illumination.
 7. Permits. The applicant is responsible for seeking and receiving any and all permits required for the site location, including but not limited to FAA, Michigan Aeronautics Commission, Branch County Road Commission, Branch County Airport Board, etc. and shall provide a description of compliance with all federal, state and local laws.
 8. Collocation. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 9. Identification. Identification of the entities providing the back-haul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
 10. Suitability of Existing Towers. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 11. Description of Desirable Characteristics. A description of the desirable characteristics justifying the suitability of the proposed location.
 12. Renderings. Point of view renderings of how the proposed tower will appear from the surrounding area. All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- D. *Standards for Approval*. Specific Standards for Approval of Special Land Use Permit for Wireless Communication Facilities. In addition to the generally applicable standards for approval of Special Land Use Permit applications pursuant to *Section 12-3*, the applicant for special exception use approval of a wireless communication facility shall present evidence demonstrating compliance with the following standards specific to this land use:
1. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. The applicant shall demonstrate that no existing tower, structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna. The applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or

alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireless system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
2. **Setbacks.** The tower base must be set back a distance equal to 110 percent of the height of the tower from any adjoining lot line. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the applicable zoning district.
3. **Separation.**
- a. Separation from off-site uses/designated areas. The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 7-27:

TABLE 7-27: SEPARATION DISTANCE	
Off-Site Use/Designated Area	Separation Distance
Single-Family, Two-Family or Multiple-Family Residential Buildings	200 feet or 300 percent of height of tower, whichever is greater, measured as a straight line from the base of the tower to the nearest exterior wall of the applicable residential building
Residential Zoned Property	200 feet or 300 percent of height of tower, whichever is greater, measured as a straight line from the base of the tower to the nearest lot line of residential zoned property
Non-Residential Zoned Property and Non-Residential Uses	None; only setbacks apply

- b. Separation distances between towers. There shall be no less than one (1) mile between a proposed tower location and existing towers, measured as a straight line between bases.
4. Maximum Tower Height. The maximum tower height is 250 feet.
5. Collocation. The tower shall be designed and constructed (structurally, electrically, and in all other respects) to accommodate the applicant's antennas and compatible antennas for at least three other uses, unless the Planning Commission determines pursuant to specific information submitted by the applicant that this multiple user requirement is not technologically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special use approval standards. Where a multiple user tower is proposed, or is otherwise required by the Planning Commission pursuant to this Ordinance, the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas of other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
6. Security. The base of the tower and structural support apparatus shall be enclosed by fencing or other suitable enclosure not less than (6) six feet in height, to be determined by the Planning Commission, sufficient to restrict access to authorized personnel only. Towers and structural support apparatus shall also be equipped with an appropriate anti-climbing device.
7. Landscaping and Site Maintenance. A six (6) foot tall landscape screen is required to effectively screen the tower compound from adjacent residential property, streets and public property, except in locations where the visual impact of the tower would be minimal. The tower site shall be mowed or otherwise maintained in such a manner as to effectively control undesirable or noxious weeds.
8. Lighting. The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surrounding property or roadways, shall be designed to cause the least disturbance to surrounding properties, and shall be designed to minimize bird collisions with the tower.
9. Signs. The use of any portion of a tower/antenna for signs other than warning or equipment information is prohibited.
10. Weather Resistance. The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area.
11. Non-Interference. The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
12. Abandonment of Unused Towers or Portions of Towers. The applicant shall be required by deed, land contract, lease, or license agreement provisions to remove the tower or portion of tower and associated facilities upon cessation of the use of same. A tower or portion of tower that has no users for a continuous period of at least one (1) year shall be considered abandoned, and shall be dismantled and removed from the premises within 90 days after receipt of notice of abandonment to the owner of the subject premises.

13. Aesthetics. Towers and antennas shall meet the following requirements:

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- b. The design of the buildings and related structures at a tower site shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- d. Notwithstanding the foregoing, the Planning Commission may also require tower and guy wire devices designed to minimize bird-tower collisions.

14. Accessory Buildings. All buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

15. Site Plan. No tower, antenna or accessory building shall be constructed or installed except in conformance with an approved site plan. An antenna may be installed on a tower in conformance with the tower's Special Land Use Permit and approved site plan.

16. Inspection and Maintenance. An approved tower/antenna shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain same in a safe and weather-withstanding condition. Reports of all inspections and maintenance shall be made available to the Township upon written request.

17. Minimum Lot and Yard Requirements. For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage, and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.

E. Installation of Antenna on Existing Tower. Unless permitted by *Section 7-27 B.1*, the following provisions govern the installation of antenna apparatus on an existing communication tower, and the construction of associated accessory buildings/structures on the site of an existing communication tower:

1. Conformance. Where the existing tower has been granted special use and site plan approvals, and the proposed antenna apparatus and, where applicable, proposed associated accessory buildings/structures, are in complete conformance with the underlying Special Land Use Permit and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and locations of associated accessory buildings/structures, no further zoning approvals are required.
2. Non-Conformance. Where the existing tower has been granted special use and site plan approvals, but the proposed antenna apparatus and, where applicable, proposed associated accessory buildings/structures, are not in complete conformance with the underlying Special Land Use Permit and approved site plan for the tower, as provided in

preceding subparagraph (1), the Township Supervisor/Zoning Administrator is authorized to administratively approve the proposed antenna apparatus and/or associated accessory buildings/structures upon determining that the proposed antenna apparatus and/or accessory buildings/structures constitute a minor modification of the underlying Special Land Use Permit and approved site plan for the tower. For purposes of this subparagraph a request shall be subject to administrative approval as a “minor modification” only if approval of the request is not in any manner contrary to the applicable standards for special use approval and site plan approval for the subject tower and any conditions imposed on such approvals. A determination by the Township Supervisor/Zoning Administrator pursuant to this subparagraph shall be subject to appeal to the Zoning Board of Appeals pursuant to *Article 17* and applicable provisions of law.

3. Antennas Subject to Approvals. Antenna apparatus and/or associated accessory buildings/structures that are not within the scope of either subparagraph (1) or (2) above shall be subject to the special use and site plan approval process and requirements as provided by all applicable provisions of *Article 12* and all other applicable provisions of the Zoning Ordinance.

Section 7-28 Solar Energy Collectors

- A. Applicability. This section applies to ground-mounted solar energy collectors and commercial solar energy systems. This section does not apply to smaller-scale solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than five (5) feet above the ground.
- B. General Requirements.
 1. Applications. In addition to all other required application contents, equipment and unit renderings or plans shall be submitted for review.
 2. Glare and Reflection. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
 3. Location. Solar energy equipment shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
 4. Installation.
 - a. A solar energy collector shall be permanently and safely attached to the ground. Solar energy collectors, and the installation and use thereof, shall comply with building codes and other applicable Township, County, State and Federal requirements.
 - b. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer’s directions. Upon request, a copy shall be submitted to the Township prior to installation.
 5. Abandonment. Solar energy collection systems that cease to produce energy on a continuous basis for 12 months will be considered abandoned unless the responsible party (or parties) with ownership interest in the system provides substantial evidence every six (6) months after 12 months of no energy production to the Township of the intent to maintain and reinstate the operation of that facility. The responsible party shall remove all equipment and facilities and restore the site to its condition prior to development of the facility within one (1) year of abandonment.

- C. *Ground-Mounted Solar Energy Collectors*. These systems may be established as accessory uses to principal dwellings. The following requirements apply:
1. Location.
 - a. The unit may be located in the rear yard and/or the side yard, but shall be subject to the setbacks for principal buildings.
 - b. The unit may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use provided that the unit is no less than 150 feet from the front lot line.
 2. Maximum Number. One (1) ground-mounted solar energy collector structure per whole acre.
 3. Maximum Size. 1,500 square feet of collector panels per ground-mounted solar energy collector structure.
 4. Minimum Spacing. 15 feet between ground-mounted solar energy collector structures, when multiple structures are established on a parcel.
 5. Maximum Height. 16 feet, measured from the natural grade below the unit to the highest point.
 6. Minimum Acreage. Two (2) acres.
 7. Screening. Screening may be required in cases where ground-mounted units impact views from adjacent residential properties.
- D. *Commercial Solar Energy System*. Commercial systems may be established as principal or accessory uses. The following requirements apply:
1. Minimum Setbacks. 100 feet minimum.
 2. Maximum Height. 16 feet, measured from the natural grade below the unit to the highest point.
 3. Minimum Acreage. Five (5) acres.
 4. Screening. Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of materials, colors, textures, screening walls, and landscaping, that will blend the facility into the natural setting and existing environment.
 5. Decommissioning. A decommissioning plan signed by the responsible party and the landowner (if different) addressing the following shall be submitted prior to approval:
 - a. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.)
 - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
 - c. Restoration of property to condition prior to development of the system.
 - d. The timeframe for completion of decommissioning activities.
 - e. Description of any agreement (e.g. lease) with landowner regarding decommissioning, if applicable.
 - f. The entity or individual responsible for decommissioning.

- g. Plans for updating the decommissioning plan.
- h. A performance guarantee shall be posted in the form of a bond, letter of credit, cash, or other form acceptable to the Township, to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval.
- i. The owner and responsible party shall agree to the decommissioning plan, and the Township's requirements for decommissioning, in the form of a written agreement with the Township that shall be filed with the Branch County Register of Deeds office.

Section 7-29 Agricultural Labor Camps

- A. *Minimum Acreage.* An agricultural labor camp shall be located on a parcel 10 acres or greater.
- B. *Occupancy.* State of Michigan rules, regulations, and standards governing the licensing, occupancy, and operation of agricultural labor camps shall apply to all camps in Coldwater Township.
- C. *Security.* Buildings shall be secured to prevent unauthorized access when not licensed or occupied.
- D. *Setbacks, Separation, and Spacing.*
 - 1. Agricultural labor camp buildings and amenities shall be located at least 300 feet from the public right-of-way and at least 100 feet from any other property line.
 - 2. The minimum distance between residential buildings in the camp shall be 30 feet.
 - 3. Residential buildings in agricultural labor camps shall be located within 30 feet of an internal farm road or driveway to preserve direct access.
- E. *Building Size.* Agricultural labor camp buildings shall not exceed one story, and each residential building is limited to six bedrooms.
- F. *Density.* One (1) residential building is permitted on the minimum acreage required for agricultural labor camps (subparagraph A). Agricultural labor camps with multiple residential buildings may not exceed an overall building density of one (1) building per 10 acres.
 - 1. To determine overall building density, any contiguous combination of parcels under common ownership may be counted toward the total acreage considered in the density calculation, provided the parcels are not used for non-agricultural purposes.
 - 2. For the purpose of this requirement, contiguous parcels qualify for determining total acreage if they share common boundary lines, or would share common boundary lines, if not for a dividing surface water feature or right-of-way.
 - 3. Actions by the landowner such as transfer of ownership of a qualifying contiguous parcel, land division, or non-agricultural development, that result in the reduction of the total acreage will affect residential building density. The minimum parcel size and total acreage of qualifying contiguous parcels, if applicable, shall not be reduced to result in nonconforming residential building density required by this section.

G. *General Requirements for Driveways and Parking.*

1. Plans shall be drawn and sealed by a civil engineer licensed in the State of Michigan.
2. Two-foot maximum existing and proposed contour intervals shall be shown on submitted site plans.
3. Clear and unrestricted access for emergency vehicles shall be maintained, and site plans shall be subject to Fire Department review and approval. Driveways and parking areas shall be designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles in all weather conditions.
4. The applicant shall demonstrate that regular dust control practices will be implemented, including but not limited to as-needed watering, paving high-use areas, or the application of millings.
5. Unpaved driveways, parking areas, and maneuvering lanes shall be gravel, stone, crushed rock, or a similar aggregate material acceptable to the Planning Commission, subject to the following depth requirements. The Planning Commission may modify this requirement based on anticipated traffic generation and the proposed scale of the agricultural labor camp.
 - a. Aggregate surface: Six (6) inches minimum.
 - b. Sand sub-base: 12 inches minimum.

H. *Driveway Requirements.*

1. The minimum width of the aggregate driveway surface shall be 20 feet with a sand sub-base minimum width of 22 feet.
2. Passing lanes may be required by the Planning Commission or Fire Department.
3. Aggregate surface and sand sub-base shall have a two (2) percent slope.
4. Driveways shall not exceed a maximum longitudinal grade of six (6) percent.
5. A minimum 30-foot horizontal clear area shall be maintained with a vertical clearance of 14 feet over the roadbed.

I. *Parking Requirements.*

1. Parking areas shall be set back at least 100 feet from property lines and public right-of-way.
2. Parking lots shall be graded and/or properly drained to dispose of all surface and storm water and to prevent drainage onto abutting properties.

J. *Compliance.* Any deficiencies that arise shall be corrected by the agricultural labor camp operator or owner within 30 days of notification by a Township official.

K. *Validity and Removal.* If an agricultural labor camp is not licensed by the State of Michigan for five consecutive seasons, the associated residential buildings shall be removed by the landowner at the end of the calendar year of the fifth season. The agricultural labor camp operator owner may request an extension of this timeframe if the buildings are maintained, stabilized, safe, and if the site is not considered a blighted premise.

- L. *Inspections.* As a condition of approval, the Township may require an annual report from the applicant or may inspect the premises to ensure compliance with the special land use permit, conditions of approval, and the provisions of this section.

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Off-Street Parking and Loading

Article
8

Section 8-1 Intent and Purpose

The purpose of this article is to prescribe regulations for off-street parking and loading of motor vehicles in residential and non-residential zoning districts and to ensure that adequate parking and access are provided in a safe and convenient manner. These regulations are designed to alleviate or prevent congestion of streets by establishing minimum requirements for on-site parking, access, storage, loading, and/or unloading. Off-street parking and loading facilities shall be provided and maintained for all buildings, structures, or premises used for purposes permitted by this ordinance in accordance with the provisions of this article.

Section 8-2 General Requirements

A. *Applicability of Parking Requirements.*

1. Required Parking Spaces. In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, or changes use, off-street parking spaces for motor vehicles, consistent with Table 8-3.
2. Nonconforming Parking. No parking or loading area lawfully established prior to the adoption of this ordinance and which meets the requirements of the prior regulations in effect at the time of construction shall be required to provide and maintain the parking and loading requirements of this article.
3. Parking Permitted. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings; provided, all requirements of Section 8-3 are met.

B. *Limitations on Parking Areas.*

1. Use of Parking Areas. Required off-street parking facilities shall be used solely for the parking of passenger vehicles or light trucks for patrons, occupants, or employees of specified uses. Parking facilities shall not be used for the storage, display, sale, repair, dismantling, or wrecking of any vehicle, equipment, or material. Further, no repair work, sales, or service of any kind shall be permitted in association with off-street parking facilities, unless those facilities are enclosed in a building and the work or service is otherwise permitted in the district. Inoperable vehicles shall not be stored in an off-street parking area for more than 24 hours, except for areas approved for outdoor storage.
2. Commercial Vehicles in Residential Areas. Parking on residential lots is restricted to passenger vehicles and no more than one (1) commercial truck or van with trailer, unless approved as a home occupation or home-based business.

Section 8-3 Required Off-Street Parking

A. *Location of Facilities.* Off-street parking facilities shall be located as specified by this section. When a distance is specified, it shall be the nearest normal entrance to the building or use that such facility is required to serve.

1. For all residential buildings and for all non-residential buildings and uses in Agricultural and Residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
2. For Commercial and Industrial zoning districts, required parking shall be provided within 300 feet of the building it is meant to serve, unless otherwise stated in this article.

- B. *Computing Required Spaces.* In determining the minimum required number of off-street parking spaces, the following instructions shall apply:
1. Determining Floor Area. Off-street parking requirements shall be calculated based on usable floor area (UFA) of the use to which the parking is accessory, or as otherwise provided in *Table 8-3*.
 2. Fractions. If the calculation of required parking spaces results in a fraction, the fraction shall be considered as being the next unit and counted as one (1) additional space.
 3. Public Assembly Seating. In sports arenas, churches, and other places of assembly in which patrons occupy benches, pews, or similar seating facilities, each 24 inches of such seating shall be counted as one seat for the purpose of determining requirements.
 4. Determining Parking Requirements for Unlisted Uses. For uses not specified in *Table 8-3*, the minimum number of required parking spaces shall be determined by the Administrator, on the basis of requirements for similar uses, the square footage of the use, and the relationship between the size of the use and the number of persons served or employed.
- C. *Parking Requirements by Use.* Minimum parking requirements are as follows (unless the shared and common parking option in *Section 8-5* is elected).

TABLE 8-3 PARKING REQUIREMENTS BY USE	
Use	Number of Parking Spaces
ACCESSORY USES	
Dwelling, accessory	1 space per dwelling unit.
ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT	
Banquet hall, private clubs, lodge hall	1 for every 3 persons allowed within the maximum occupancy load as established by the Township fire and building codes.
Bed and breakfast	2 for the owner/operator and 1 per leasable room.
Hotel/motel	1 per room, plus 1 per employee. In addition, spaces required for ancillary uses such as lounges, restaurants or places of assembly shall be provided and determined on the basis of the individual requirements for that use.
Marina	1 per 2 boat slips plus 1 per 4 dry storage spaces.
Restaurant	1 per 100 square feet of UFA.
Restaurants with carry-out or limited seating for eating on premises	6 per service or counter station, plus 1 per employee.
Restaurant with drive-through	1 for every 2 employees plus 1 for every 2 seats intended for patrons within the building, plus 1 for every 30 square feet of building floor area within the waiting area, plus 10 stacking spaces per food pickup window.
Recreation facility, commercial indoor, athletic club, exercise establishment, health studio, sauna bath, martial art schools and other similar uses	1 per 3 persons allowed within the maximum occupancy load as established by Township fire and building codes, plus 1 per employee. In those instances where memberships are provided, not less than 1 per each 5 memberships shall be provided plus 1 per employee, or 1 per 2 clothing lockers plus 1 per employee, whichever is the larger.
Recreation facility, commercial indoor, billiard parlor	1 per 3 persons allowed within the maximum occupancy load as established by Township building and fire codes or 1 per 300 square feet of GFA, whichever is greater.
Recreation facility, commercial indoor, bowling alley	8 per bowling lane plus additional for accessory uses such as bars.

TABLE 8-3 PARKING REQUIREMENTS BY USE	
Use	Number of Parking Spaces
Recreation facility, commercial indoor, gymnasium, tennis court and handball, roller or ice-skating rink, exhibition halls, dance hall, and banquet hall	1 space for every 3 persons allowed within the maximum occupancy load as established by the Township fire and building codes.
Recreation facility, commercial outdoor, golf courses open to the public, excepting miniature or "par-3"	6 per 1 golf hole plus 1 per employee plus additional for any bar or restaurant.
Recreation facility, commercial outdoor, miniature or "par-3" course	3 per 1 hole plus 1 per employee.
Recreation facility, commercial outdoor, stadium, sports arena, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 for every 3 seats or 1 for every 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
Tavern	1 per 75 square feet of UFA.
Theater	1 for every 3 seats in the main place of assembly or 1 for every 6 feet of pew or bench.
INDUSTRIAL	
Industrial, general	1 for every 1½ employees or 550 square feet of UFA, whichever is greater.
Warehousing	1 per employee computed on the basis of the greatest number of persons employed at any one time during the day or night, or 1 for every 1,500 square feet of UFA, whichever is greater.
Mini warehouses/self-storage	Unobstructed parking area equal to 1 for every 10 door openings, plus parking for other uses on site such as truck rental.
INSTITUTIONAL/CIVIC	
Community oriented cultural facility	1 space per 300 square feet of UFA plus 1 space per person working on the premises.
Meeting facility	1 space per 3 seats, based on maximum seating capacity in the main place of assembly therein, as established by the Township fire and building codes
Place of worship	1 for every 3 seats in the main place of assembly or 1 for every 6 feet of pew or bench.
School, elementary or middle	1 per teacher, employee, or administrator, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
School, specialized/training, high school	1 per teacher, employee, or administrator, and 1 for every 10 students, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium.
OFFICES AND SERVICES	
Animal services, animal clinic/hospital	1 for every 300 square feet of UFA.
Animal services, kennel	1 for every 300 square feet of UFA.
Child care center	1 per 350 square feet of UFA, plus 1 per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions.

TABLE 8-3 PARKING REQUIREMENTS BY USE	
Use	Number of Parking Spaces
General offices and services	1 per 300 square feet of UFA.
General offices and service with a drive through facility	1 per 300 square feet of UFA, plus 3 per walkup ATM, and drive-up windows/drive-up shall be provided with 4 stacking spaces per window or drive-up ATM.
Offices and services, such as a landscaping and tree removal company, exterminator, carpet cleaner, contractors' office.	1 per 350 square feet of UFA.
Medical service, clinic and medical office	1 for every 300 square feet of UFA.
Mortuary establishment, funeral home	1 for every 50 square feet of assembly room or parlor floor space.
Personal services, beauty parlor, barber shop; body branding, piercing and tattoo facility	3 parking spaces per chair/station.
Personal services, dry cleaner	1 per 500 square feet of UFA.
Personal services, laundromat	1 per 2 combinations of washer-dryer machines plus 1 space per employee.
Vehicle repair, major and minor	2 per service stall, plus 1 per employee.
Vehicle quick oil change	2 stacking spaces per service stall, rack or pit plus 1 per employee.
Vehicle wash, full-service	4 spaces, plus 1 per employee. 15 stacking spaces for every washing stall or line, plus a minimum 30-foot long drying lane to prevent water from collecting on street.
Vehicle wash, self-service (coin operated)	4 spaces plus 4 stacking spaces for every washing stall.
RESIDENTIAL	
Day care, adult	1 per 350 square feet of UFA, plus 1 per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions.
Dwellings, multiple-family residential dwellings	2 spaces per dwelling unit, plus 1 guest parking space for every 4 units, which may be met through on-street parking.
Dwellings, multi-family, independent and assisted living	1.5 spaces per unit, and 1 space per employee. Should units revert to general occupancy, the requirements for multiple family residential dwellings shall apply.
Dwellings, single-family	2 spaces per dwelling unit.
Dwellings, two-family	2 spaces per dwelling unit.
Dwellings, units on upper floors of buildings with non-residential uses at street level (single or multiple)	1 space per dwelling unit.
Home, convalescent or nursing	2 per 3 beds or occupants and 1 space per staff member or employee on the largest shift.
RETAIL	
General retail	1 for every 300 square feet of UFA.
General retail (outdoor)	1 for every 500 square feet of lot area for retail sales, uses, and services.
General retail, grocery store/supermarket	1 for every 200 square feet of UFA.
General retail, home improvement or hardware store	1 for every 300 square feet of UFA.

TABLE 8-3 PARKING REQUIREMENTS BY USE	
Use	Number of Parking Spaces
Service station	1 per pump plus requirement for general retail.
Vehicle sales and rental, automobiles, light trucks, boats	1 for every 300 square feet of floor space of sales room and 1 per automobile service stall, plus 1 per employee.

Section 8-4 Off-Street Parking Facility Location and Design Requirements

- A. *Dimensions and Layout.* Each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such additional width and design, as required by *Table 8-4*, to provide safe and efficient vehicular access to the parking spaces. All aisles or driveways shall be unobstructed and allow for the passage of emergency vehicles at all times.

TABLE 8-4 MINIMUM DIMENSIONAL REQUIREMENTS (FEET)				
Parking Pattern	Parking Space		Maneuvering Lane Width	
	Width	Length	One-Way	Two-Way
0° (parallel)	8.5	22	12	22
30° to 53°	9	18	14	22
54° to 74°	9	18	18	22
75° to 90°	9	18	24	24

- B. *Driveway Surface.* Driveways and drive aisles shall be surfaced with asphalt, bituminous, portland cement binder pavement or similar material to provide a durable and dustless surface. Gravel, crushed rock and other alternative surfaces may be considered and permitted by the decision-making authority.
- C. *Parking Surface.* Parking spaces shall be paved with asphalt or concrete or an approved pervious surface. Pervious parking spaces are encouraged in order to reduce the amount of impervious cover on developed sites and may be used to reduce post-construction stormwater runoff rates, volumes and pollutant loads. The use of permeable surfaces shall be subject to approval by the Administrator. This requirement does not apply to home occupations and home based businesses.
- D. *Drainage or Runoff.* Parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto adjacent property or public sidewalks. Any runoff generated by parking areas shall be disposed of in appropriate drainage facilities. This requirement does not apply to home occupations and home based businesses.
- E. *Striping of Parking.* Parking areas shall be striped to identify each parking space. The striping shall be maintained at all times. This requirement does not apply to home occupations and home based businesses.
- F. *Wheel and Bumper Guards.* Each parking space shall be equipped with wheel or bumper guards, so no part of a parked vehicle will extend beyond the parking area onto a street right-of-way or adjacent property and to protect landscaped areas, unless a raised curb serves the same function. This requirement does not apply to home occupations and home based businesses.
- G. *Accessible Parking.* Pursuant to the Michigan Barrier Free Act, as amended, accessible parking shall be provided for any building or use initiated after the effective date of this

ordinance according to the minimum requirements of the Act and other requirements that may be adopted by federal, state, or local law.

- H. *Temporary and Overflow Parking.* It is recognized that there may be special events or situations that occur infrequently which would result in the temporary reduction in the availability of required parking spaces or the need for temporary or overflow parking arrangements. Such events could include festivals, recreation and sporting activities, fairs, carnivals, church/school car washes, garage sales or other community or special events. The Administrator may authorize temporary parking arrangements subject to the requirements below while permanent overflow parking for special land uses and other uses that require site plan review shall be approved by the Planning Commission. Temporary and overflow parking areas are subject to the following requirements:
1. Parking areas shall be located and designed to ensure safe and efficient circulation for both pedestrians and vehicles, including designated maneuvering lanes, ingress and egress.
 2. Aisles and parking rows shall meet the minimum widths required in this section.
 3. Maneuvering lanes and parking rows shall be designated by temporary markings, such as paint, cones, flags or ribbons.
 4. The Township may require supervision by attendants or staff during major events.
 5. Overflow parking lots shall only be permitted if parking projections for periodic events or uses exceed the off-street parking requirements listed in *Section 8-3* or the existing availability of on-site parking. Overflow lots are subject to the following additional requirements:
 - a. Parking areas and maneuvering lanes shall be gravel, stone or a similar material, or shall be grassed. Grassed lots shall be maintained, mowed and seeded to ensure a passable and stable surface.
 - b. Parking lots shall be graded and/or properly drained to dispose of all surface and storm water and to prevent drainage onto abutting properties.
 - c. Overflow parking areas may not be used to satisfy minimum parking requirements for a site, excluding parking for fairgrounds and similar uses.

Section 8-5 Shared and Common Parking

- A. *Definition.* The shared parking option is defined as the dual function of off-street parking spaces where operating hours or parking needs associated with individual buildings or uses occur at distinctly different times, for instance office and restaurants or places of worship and retail businesses.
- B. *Justification.* To take advantage of this option the developer is required to explain in detail, as part of the site plan and to the satisfaction of the Planning Commission, how the shared parking option would function in a specific application to receive an exemption.
- C. *Requirements.*
1. Facilities located on adjoining separate properties must be within 600 feet of each other.
 2. A convenient pedestrian connection shall be provided between the properties.
 3. The availability of parking for all affected properties or uses shall be indicated by directional signs.

4. Interior vehicular access shall be provided to interconnect all properties sharing the parking facility(ies).
- D. *Change in Conditions.* Any change to the conditions giving rise to the shared parking option exemption shall require a review by the Planning Commission in order for the exemption to remain in force, such uses that have conflicting hours of operation.
- E. *Agreements.* Prior to establishing shared use of parking, the property owner or owners shall submit to the Administrator a written agreement providing for the shared parking use. All shared parking agreements shall run with the land and such deed restrictions shall be filed with the Register of Deeds. If any party to the agreement withdraws, that party shall be responsible to provide the required parking individually, in accordance with the provisions of this article.

Section 8-6 Parking Reduction

- A. *Permitted Reductions.* Parking minimums may be reduced when it is demonstrated to the approving authority that parking demand is expected to be lower than the requirements of *Table 8-3* and the following standards are met:
- B. *Single Building or Use.*
 1. Convenient municipal off-street parking or on-street spaces are located within 500 feet of the subject property.
 2. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.
 3. The applicant has provided a parking study, conducted by a qualified traffic engineer or parking expert, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
- C. *Mixed Occupancy or Multiple Buildings.* Parking may be reduced for shared/common parking lots by multiple uses where:
 1. There will be a high proportion of multipurpose visits.
 2. Uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:
 - a. Parking facilities at a church or place of worship may be used to meet up to 50 percent of the off-street parking required for theaters, stadiums, other places of public assembly, retail stores, personal services establishments, office buildings, and industrial facilities lying within 600 feet of the church or place of worship. Distance shall be measured from the nearest point of public entrance to the building to the nearest point of the parking lot.
 - b. There is no conflict between times when the uses are in need of the parking facilities.
 - c. The church or place of worship makes the spaces available and enters into a recordable agreement with the owners of the affected uses who will be sharing the parking, as provided in *Section 8-5*.

Section 8-7 Deferred Parking

- A. *Intent.* Where a reduction in the number of required parking spaces may not be warranted, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the Planning Commission may defer some of the required parking.
- B. *Requirements.* Deferred parking plans shall be in accordance with the following:
1. Site Plan. A site plan shall be presented showing all required parking, but identifying those spaces that will not be constructed until needed. All deferred parking spaces and aisles shall meet the design and dimensional requirements of this article.
 2. Landscaping. Any area designated for deferred parking shall be maintained in a landscaped appearance and not occupy required buffers, greenbelts or parking lot setbacks, or be used for any other purpose such as outdoor storage or accessory buildings. Landscaping, such as parking lot trees, that would otherwise be required for the deferred spaces shall be installed within the deferred parking area.
 3. Timeframe. Construction of all or a portion of the deferred parking spaces may be initiated by the owner or required by the Township, based on parking needs or as required by *Table 8-3*. The deferred parking shall meet all requirements of this in effect at the time of construction.

Section 8-8 Off-Street Loading Requirements

- A. *Applicability.* For every use required to receipt or distribution in vehicles of materials or merchandise, loading zones must be provided.
- B. *Requirements.* Loading zones and maneuvering lanes are subject to the following requirements:
1. An area or means adequate for maneuvering and ingress and egress for delivery vehicles.
 2. Maneuvering space for trucks using the loading spaces shall be provided on premise, and shall not necessitate the use of public right-of-way.
 3. The number off required off-street loading spaces are included in *Table 8-8*.

TABLE 8-8 MINIMUM OFF-STREET LOADING REQUIREMENTS	
Less than 20,000 square feet	1 space
20,000 to 50,000 square feet	2 spaces
Each additional 50,000 square feet, or fraction of that amount.	1 additional space

4. Each such loading space shall be at least 10 feet in width, 35 feet in length with at least 14 feet of vertical clear space. No such space shall be located closer than 50 feet to any lot in any R-2, R-3 and R-4 districts.
- C. *Modification.* The approval authority may modify the required size of loading spaces for uses, such as offices, that will involve smaller delivery trucks.

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Landscaping, Screening and Lighting

Article
9

Section 9-1 Intent and Purpose

It is the purpose of this article to require landscaping to minimize the adverse effects of certain land uses and outdoor activities upon their surroundings and to improve the appearance of parking areas and street frontages within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy and land values of property within the Township.

Section 9-2 General Landscaping Requirements

A. Applicability.

1. Site Plan Approval. These requirements apply to all new buildings and parking lots and the affected area of expansions to existing buildings and parking lots requiring site plan approval.
2. Installation. Required landscaping shall be installed before occupancy, unless the approving authority authorizes occupancy prior to complete landscape installation, due to unforeseen weather conditions or the timing of construction as it relates to the planting season. In cases where deferment is approved, a performance guarantee may be required.

B. Materials.

1. Type. All plant materials shall be hardy, free of disease and insects, and indigenous to Branch County.
2. Restriction. Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, lava rock or similar accent materials within planting beds.

C. Number.

1. Substitution. No substitution of plant species or sizes shall be allowed unless approved by the Administrator in writing.
2. Existing Trees and Shrubs. Existing plant material that complies with the standards and intent of this article may be credited toward meeting the landscape requirements.
3. Variety. The overall landscape plan shall not contain more than 33 percent of any one (1) tree species.
4. Rounding. Where this article requires landscaping based on a particular distance measured in feet along a property boundary and a dimension results in a fraction of the given requirement, any fractional result less than 25 percent of the required distance may be disregarded.

- D. Size at Installation. When landscaping is required, it shall be installed at the following minimum sizes.

TABLE 9-2 A LANDSCAPING MINIMUM INSTALLATION SIZE	
Type	Minimum Size
Canopy Tree	2 ½ inch diameter (dbh)
Ornamental Tree	1 ½ inch diameter (dbh)
Evergreen Tree	6 feet high
Shrub	24 inch wide spread

- E. *Credit for Existing Trees.* When landscaping is required and existing trees within front yards or buffer areas can be preserved, healthy and desirable trees may be counted to satisfy the requirements of this section, according to *Table 9-2 B*.

TABLE 9-2 B CREDIT FOR EXISTING LANDSCAPING		
Type	Minimum Size	Tree Type Credits
Canopy Tree	4 to 8 inches	1
	Greater than 8 inches	2
Ornamental Tree	6 to 10 feet	1
	Greater than 10 feet	2
Evergreen Tree	6 to 12 feet	1
	Greater than 12 feet	2

G. *Placement and Maintenance.*

1. Setback. Plant material shall not be placed closer than three (3) feet to any fence or property line.
2. Placement. Where trees are placed in two (2) or more rows, planting shall be staggered for a more natural appearance.
3. Utilities. All plant material shall be installed in a manner that will not cause damage to utility lines (above and below ground) and public roadways.
4. Drainage. All plant material shall be installed in a manner that does not alter drainage patterns on site or on adjacent properties, and shall not obstruct the clear vision area.
5. Maintenance. All landscaping shall be maintained after planting and regularly watered, fertilized, pruned and kept free from disease. The land owner or controlling party shall be responsible for maintenance.
6. Replacement. Diseased or dead plants, trees or shrubs shall be replaced within one (1) growing season.
7. Groundcover. All landscaped areas shall be mulched and those not containing trees and shrubs shall be planted with ground cover. Mulch, of any type, is not considered groundcover, nor is it a substitute for ground cover. However, mulch (including shredded bark, wood chips, lava rock, decorative stone and similar generally accepted landscape accent materials) may be used around planting beds.
8. Berms. Berms shall be designed to vary in height and shape to create a more natural flowing appearance. The maximum slope for a berm shall be one (1) foot vertical to three (3) feet horizontal.

H. *Modifications.* The approval authority may vary the landscaping requirements of this article only under the following circumstances:

1. When existing natural or topographic features render compliance with the requirements unnecessarily difficult; or
2. When adherence to the requirements result in the loss of significant natural or cultural features; or
3. Where a variation clearly results in a superior landscape that could not be achieved under the requirements of this article.

Section 9-3 Landscape Plans

- A. *Landscape Plans.* When required, landscape plans shall include the following:
1. Landscape plans shall be prepared by a registered landscape architect and sealed.
 2. A separate plan sheet shall be drawn at the same scale as the required site plan. To ensure that landscaping is not affected by, nor interferes with utilities, the plans shall indicate all existing or proposed utilities and easements.
 3. Plans shall show all landscaped areas and plants listed in a table by common and scientific name, including quantities, size at installation, and anticipated mature height and spread. Anticipated mature height and spread shall be shown on the plan with circles indicating anticipated plant size at maturity.
 4. Text shall accompany the landscape plan that provides calculations for the proposed landscaping and describes how the plan complies with the regulations of this article.
 5. Existing natural and man-made landscape features and proposed buildings and structures, as required for the overall site plan, shall be clearly indicated.
 6. Landscape plans shall show all existing trees (four inch caliper or greater) located in portions of the site that will be built upon or otherwise altered. Trees shall be labeled "To Be Removed" or "To Be Saved" on the plan.
 7. Measures to protect existing trees to be saved shall be noted on the plans.
- B. *Guarantee.* The developer may be required to post a financial guarantee in accordance with *Section 15-3* with the Administrator to ensure that any trees or other landscaping plantings that die within two (2) years of planting shall be replaced.

Section 9-4 Front Yard Landscaping

- A. *Applicability.* For all uses within the Commercial and Industrial districts and all non-residential and non-agricultural uses in the Agricultural and Residential districts, general front yard landscaping is required.
- B. *Requirements.* For every 100 linear feet of road frontage along the right-of-way line, or percentage of 100 feet, the following minimum landscaping shall be provided in the front yard, in addition to any other requirement in this article.
1. Any combination of five (5) canopy, evergreen or ornamental trees. At least one (1) must be a canopy tree and at least one (1) must be an evergreen tree.
 2. Six (6) shrubs.
- C. *Placement.* The required front yard landscaping shall be planted between the parking area and the road right of way. If there is no front yard parking, the landscaping may be placed anywhere within the front yard.
- D. *Spacing.* The required landscaping may be spaced along the frontage according to the number of plants required based on the linear frontage; or may be planted in informal groupings, provided that the plants are distributed along the frontage so that there are no gaps greater than 50 feet, relative to the front lot line, between trees.

Section 9-5 Buffers

A. General Requirements.

1. A landscape buffer area is required when any use in a Commercial or Industrial district (GB, I, T) is adjacent to Agricultural and Residential zoning districts (AG, R-2, R-3, R-4). Additionally, any principal non-residential and non-agricultural use permitted in the agricultural and residential zoning districts is subject to buffering requirements when adjacent to properties within the same districts.
2. A buffer area is not required if the qualifying adjacent zoning districts are separated by a public right-of-way.
3. The buffer area shall abut the applicable property line and plantings shall fall within the required buffer area width.
4. A buffer area shall be required even when the adjacent property is undeveloped.
5. Buildings, structures and parking lots may not encroach into the buffer area. Driveways may cross the required buffer areas perpendicular.
6. Stormwater management measures, such as areas for infiltration or retention, may be located in the buffer area, provided, the planting requirements in *Table 9-5* can still be met.

B. Buffer Requirements. Buffer area types applicable to the following zoning districts are indicated in *Table 9-5*.

TABLE 9-5 BUFFER AREA LANDSCAPE REQUIREMENTS			
District	Type	Min. Width	Min. Landscaping Requirements per 50 Linear Ft.
AG ¹ , R-2 ¹ , R-3 ¹ , R-4 ¹ ,	1	10 ft.	<ul style="list-style-type: none"> ▪ 1 canopy tree or 1 evergreen tree ▪ 1 ornamental tree or 12 shrubs
GB, T	2	10 ft.	<ul style="list-style-type: none"> ▪ 1 canopy tree ▪ 1 evergreen tree or 1 ornamental tree ▪ 8 shrubs
I	3	25 ft.	<ul style="list-style-type: none"> ▪ 2 canopy trees ▪ 1 evergreen tree or 1 ornamental tree ▪ 12 shrubs

C. Buffer Alternatives.

1. Plants may be arranged formally or informally for a more natural effect.
2. Berms may be constructed in a buffer area to supplement landscaping. Minimum landscaping requirements shall be reduced by 50 percent where a berm at least three (3) feet in height is constructed for at least 85 percent of the length of the buffer area. Minimum buffer width shall be maintained.
3. A privacy fence maybe be used to supplement landscaping. For the linear footage a privacy fence is used, the minimum landscaping requirement shall be reduced by 75 percent. Minimum buffer width must shall be maintained. To qualify for the reduction, privacy fences must meet the following requirements:
 - a. Six (6) foot minimum height.

¹ Requirement only applicable to a non-residential or non-agricultural principal use.

- b. Placed at least five (5) feet from the property line.
 - c. Gaps between pickets must be no greater than one-half ($\frac{1}{2}$) of an inch.
4. Where the distance between the building, parking area or use is more than 200 feet from a side or rear lot line, the minimum landscaping requirement along that lot line may be reduced by 50 percent.

Section 9-6 Screening

A. Outdoor Trash Storage.

1. All trash storage areas shall be screened from view from the streets by means of a fence constructed of wood, comparable wood substitute or masonry that is a minimum of four (4) feet in height for garbage cans and six (6) feet in height for dumpsters.
2. A screen may consist of berms or landscaping either in combination, or as a substitute for a fence or wall. It must be determined that the alternate design shall either provide the same degree, or enhanced screening as required by this section.

B. Off-Street Parking. Except for entrance/exit areas, all off-street parking areas will be screened from view from adjacent public streets.

1. Shall be screened from view along the right-of-way and residential property line by a continuous two and a half ($2\frac{1}{2}$) to three (3) foot tall screen.
2. The screen shall consist of shrubs, hedges, evergreens, berms, a screen wall or any combination of these elements.

Section 9-7 Parking Lot Landscaping

A. Purpose. To provide shade and to break up the visual appearance of large paved areas, parking lot landscaping is required.

B. Requirement. Parking lots more than 12 spaces shall be landscaped, based on the following requirements:

1. One (1) tree for every 10 parking spaces shall be planted within the parking lot. Trees shall be canopy species. While drought tolerant native species are preferred, other species may be planted within parking areas if approved by the Township.
2. Parking lots shall contain landscape islands or peninsulas. Each shall be a minimum of 10 feet wide, although islands may be combined to ensure a better environment for tree and plant growth. Each island shall be planted with a minimum of one (1) tree to provide shade and to break up the visual monotony of large paved parking lots while each peninsula planted with a minimum of one (1) tree. Trees shall be planted at least three (3) feet from the edge to avoid contact with vehicles.
3. Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
4. All landscape areas shall be protected by raised curbs, parking blocks or other similar methods to prevent damage. Notwithstanding this requirement, alternative Low Impact Design solutions shall be encouraged, such as areas for stormwater infiltration.

Section 9-8 Exterior Lighting Requirements

- A. *General Requirements.* Outdoor light fixtures shall be subject to the following regulations:
1. Direct or directly reflected light shall be confined on-site.
 2. Under-canopy lighting shall be mounted flush or recessed.
 3. Wall pack and pole-mounted light fixtures shall be a down-lighted type and 100 percent cut off. Light fixtures shall be constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the lowest light-emitting part.
 4. Light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
 5. Government flag lighting shall only illuminate the flag and shall be placed so lighting or glare is not directed toward streets or adjacent properties.
- B. *Prohibited Lighting.* The following lighting types and methods are prohibited:
1. Laser lights, searchlights or any similar high intensity light for outdoor advertisement or entertainment.
 2. Any lighting where the light source creates glare and is a hazard to travelers on an adjacent street.
 3. Lighting that flashes, moves, or is intermittent.
 4. Lighting that is similar to that used for traffic control devices or emergency vehicles.
- C. *Commercial Requirements.*
1. Applicability. Lighting shall be provided throughout any non-residential parking lot. Lights to illuminate parking lots shall not be attached to any building. This requirement does not apply to home occupations and home based businesses.
 2. Height. Light fixtures shall have a maximum height of 20 feet when in or adjacent to a Agricultural or Residential district. All other light fixtures shall have a maximum height of 25 feet. The height of a fixture shall be measured from the parking lot grade to the nearest portion of the light source. No portion of the fixture may extend more than one (1) additional foot higher than the maximum heights.
 3. Illumination Levels. Light levels on commercial sites shall meet the requirements in *Table 9-8* for the developed portion of the site containing buildings, drives and parking lots.
 - a. Sites are not subject to minimum lighting levels during closed hours.
 - b. *Table 9-8* shall not apply to ornamental street lighting, public street lights or driveway/intersection lighting necessary for pedestrian and traffic safety.
 - c. The light level along a non-residential lot line may be increased to the maximum in cases where there is shared access/vehicular connections or the adjacent use is a similar use.

TABLE 9-8 REQUIRED SITE ILLUMINATION		
Location on Site	Minimum Footcandles	Maximum Footcandles
Parking Lots and Building Entrances	0.5 (at any point) 2.0 (average)	10.0
Walkways	0.2 (at any point) 1.0 (average)	10.0
Along Front Lot Line Adjacent to the Street Frontage	0.0	2.0
Along a Lot line Adjoining a Non-Residential Use or District	0.0	1.0
Along a Lot line Adjoining a Residential Use or District	0.0	0.5

- D. *Demonstration of Compliance.* Compliance with the lighting design criteria shall be demonstrated by submitting the following information as part of the required site plan:
1. Lighting plan showing light fixture locations and type designations.
 2. Lighting equipment specifications and data sheets, including fixture height.
 3. Manufacturer's cut-sheets and any other materials or information required to convey the intent of the lighting design.
- E. *Photometric Plans.* The Administrator or Planning Commission may require a photometric plan to ensure that the intent and requirements of this section are met. When required, a photometric plan (lighting grid) shall be prepared by an electrical engineer. The photometric plan shall show horizontal luminance levels (footcandles) in a point-by-point format.

Signs

Article
10

Section 10-1 Intent and Purpose

The intent and purpose of this article is to:

- A. Allow signs designed to be visible to the public while recognizing that the number, placement and size of signs may be distracting or obstructive to motorists and pedestrians and may create a traffic hazard.
- B. Balance the public and economic need for sign communication and free speech with preservation of the appearance of the rural landscape and neighborhood character.
- C. The sign regulations in this section are not intended to censor speech or to regulate viewpoints but instead are intended to regulate the adverse secondary effects of signs. Approval or denial of a sign shall not be based upon its message.

Section 10-2 Sign Permits

- A. *Sign Permit Required.* No person shall erect, replace, apply, structurally alter or add to any sign without first obtaining a permit, unless specifically exempted by this article.
- B. *Application Procedure.* Application for a permit to erect, replace, apply, structurally alter or add to a sign shall be made to the Administrator, by submission of the required forms, fees, exhibits and information by the owner of the property on which the sign is to be located, or by an owner-authorized agent or lessee. The application shall contain the required checklist information in *Table B-3*.
- C. *Permits Not Required.*
 - 1. Maintenance. Painting, repainting, cleaning, maintenance, repair and change of sign a sign face, message or graphics shall not be considered an activity that requires issuance of a sign permit, provided that no structural alterations or additions to the display area are made.
 - 2. Re-lettering and Rewording Changeable Copy. Changing copy or message of signs that are specifically designed for changeable copy, shall not require a permit.

Section 10-3 Nonconforming Signs

- A. *Intent.* It is the intent of this section to permit the continuance of legal nonconforming signs until they are removed or destroyed and to encourage overall compliance with this article.
- B. *Nonconforming Signs.* A lawfully established sign that does not conform to the height, size, area, location or other requirements of this article as of the effective date of the Zoning Ordinance is determined to be nonconforming. Nonconforming signs shall be permitted to remain unless otherwise required to conform by this section.
- C. *Illegal Nonconforming Signs.* Signs installed without a sign permit shall be considered illegal nonconforming signs and shall be either removed or made to conform to this article and a permit shall be required. Nothing in this section shall be construed to give a nonconforming status to any illegal nonconforming sign erected without a sign permit.
- D. *Damage.* Any nonconforming sign, sign structure, frame or standard damaged by any means shall not be restored or rebuilt if the damage exceeds 50 percent of present day replacement value considering a sign of equal and similar size, building materials, construction and quality. The sign owner shall provide an estimate acceptable to the Administrator for an official determination concerning restoration and repair eligibility.

- E. *Alterations.* A nonconforming sign shall not be structurally expanded, altered, enlarged or extended. However, the face of a nonconforming sign may be replaced as long as the nonconforming nature of the sign is not expanded or increased.
- F. *Maintenance.* Legal nonconforming signs may be painted, cleaned, maintained and repaired. Messages, graphics and face changes may be permitted if compliant with this article.
- G. *Relocation.* Nonconforming signs shall not be moved completely or in part to another location unless the sign at the new location conforms to this article.

Section 10-4 Disrepair

Signs that are no longer functional or are in disrepair for more than 30 days shall be repaired or removed, at the expense of the property owner, within 30 days following notice of non-compliance. Notice shall be given to the property owner by U.S. mail. Failure to comply within the stated 30-day period shall result in automatic revocation of the permit after noncompliance has been determined by the Administrator and notice has been given to the property owner as reflected by the records of the Administrator. If the sign is not removed or repaired within the stated timeframe, the Administrator shall cause the sign to be removed and assess the cost of removal against the property.

Section 10-5 General Requirements

A. *Sign Structure and Placement.*

1. Signs shall be constructed to withstand all wind and vibration forces which can normally be expected to occur.
2. Signs shall not be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by the Branch County Road Commission or Michigan Department of Transportation.
3. A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.

B. *Measurement of Sign Area.* No sign shall exceed the maximum sign area allowed for the district in which it is located. The sign area is to be expressed in square feet, computed to the nearest tenth of a square foot, and shall be calculated as follows:

1. Area. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign (*Figure 10-1*).

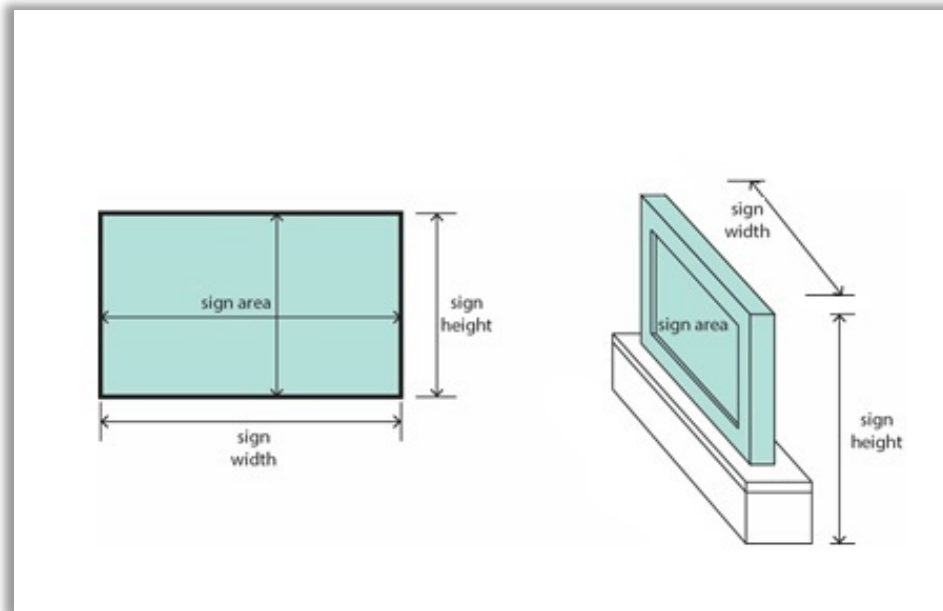


Figure 10-1

2. **Double-Faced Sign.** The area of a freestanding, ground or projecting sign, other than a billboard, that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are no more than two (2) feet apart at any point, the area of only one (1) face shall be counted toward the maximum size requirement. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one face.
3. **Roof and Wall Signs.**

- a. For a sign consisting of individual letters and/or a logo affixed directly onto a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
- b. For buildings with multiple tenants, the sign area for wall, projecting, canopy or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall (*Figure 10-2*).

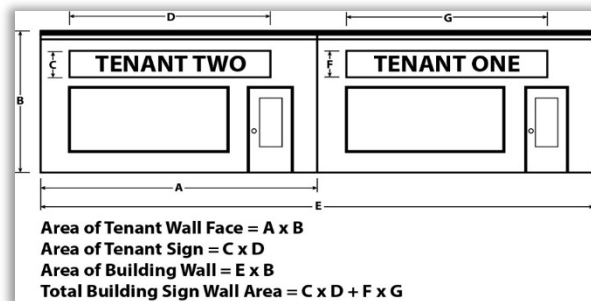


Figure 10-2

- C. *Clear Vision Area.* No sign is permitted in clear vision areas, per *Section 2-18.*
- D. *Freestanding Sign Height.* The height of a freestanding sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign, including the sign standard. Artificially constructed earthen berms shall count against the maximum height (*Figure 10-3*).



Figure 10-3

Section 10-6 Exempt Signs

The following sign types are exempt from the permitting requirements of this article but are subject to all other applicable requirements of this article and the specific requirements listed in the table.

- A. Address sign. Numeral height no greater than six (6) inches for residences and 18 inches for businesses and other nonresidential uses.
- B. Barber poles.
- C. Device sign. The total sign area of each device shall not exceed three (3) square feet in area.
- D. Directional sign. On-site directional signs not exceeding two (2) square feet in area and three (3) feet in height.
- E. Essential service signs.
- F. Governmental Signs.
- G. Historic marker. Maximum of 20 square feet in area; provided, an officially designated state or federal historical marker shall not be subject to a size limitation.
- H. Incidental sign.
- I. Interior signs.
- J. Memorial signs.
- K. Menu boards.
- L. Murals and art.
- M. Placards. Placards shall not exceed two (2) square feet.
- N. Public flags.
- O. Temporary yard signs. For properties in Agricultural and Residential zoning districts, the maximum size of any individual sign shall be 15 square feet, and the total area of temporary yard signs shall not exceed 48 square feet. There shall be no more than four (4) temporary yard signs per parcel at any one (1) time. The following signs shall be included in this subsection: Banner signs.
- P. Religious symbols. Symbols incorporated into the architecture on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied by text.
- Q. Vehicle sign. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle

displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.

- R. Window sign. The total area of all signs within one (1) foot of the window shall not obscure more than 25 percent of the window area. Painted messages, text, graphics, posters, balloons, paper advertisements and similar items affixed to the window shall constitute a window sign.
- S. Flags and flag signs.
- T. Banner signs as regulated by this section in subsection O.

Section 10-7 Prohibited Signs

The following sign types are prohibited:

- A. Any sign which is not expressly permitted.
- B. Bench signs.
- C. Bulletins, bills, flyers, posters, and any other display which is tacked, pasted or otherwise affixed to walls of buildings, barns, sheds, trees, poles, fences, signs, and sign posts.
- D. Distracting signs, or any sign which, by reason of its size, location, coloring or manner of illumination constitutes a traffic hazard or a detriment to traffic safety, by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic control device on public streets and roads.
- E. Feather signs, inflatable signs, sock signs and air dancers.
- F. Electronic changeable message (ECM) signs.
- G. Hazardous signs, such as those signs and sign structures that are structurally unsafe, constitute a hazard to safety and health, that are not kept in good repair or have bare bulbs exposed. Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- H. Offensive or profane signs, such as signs displaying images of nudity, semi-nudity, specified anatomical areas or specified sexual activity. This requirement shall not be used to limit the freedom of speech. The Administrator shall also consider the following criteria when providing a determination:
 - 1. An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest, is offensive or profane; and
 - 2. The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law.
- I. Internally illuminated signs.
- J. Moving Signs. Signs having any visible portion either in motion or having the appearance of being in motion, whether on a continuous basis or at intervals, and regardless of whether the motion or appearance of motion is caused by natural or artificial sources,
- K. Roof signs.
- L. Signs that are not securely affixed to a substantial structure that will hold the sign in a fixed position under normal weather conditions.
- M. Signs that are attached to any natural growth, such as trees, shrubs or other natural foliage.

Section 10-8 Sign Requirements by District

The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in *Table 10-8*, permitting procedures, and all other applicable regulations.

TABLE 10-8 SIGNS PERMITTED BY DISTRICT	
AGRICULTURAL AND RESIDENTIAL DISTRICTS	
Home Occupation and Home Based Business Sign	
Number	One (1) wall or projecting sign per dwelling or one (1) ground sign
Size	Six (6) square feet maximum.
Location	For wall and projecting signs, on the façade of dwelling or accessory structure
Setback	For ground signs, 15 feet from the right-of-way
Height	Six (6) feet maximum
Farm Property Signs	
Number	One (1) ground sign or pole sign per street frontage, two (2) maximum.
Size	48 square feet maximum in AG, nine (9) square feet maximum in any other district.
Setback	15 feet from the right-of-way.
Height	Six (6) feet maximum.
Development Gateway and Entry Sign	
Number	Two (2) per development entry, one (1) per side of the entry drive
Size	48 square feet maximum.
Setback	½ of the required building setback.
Height	Six (6) square feet maximum.
Ground Sign for Non-Residential Principal Use	
Number	One ground sign (1) per street frontage, two (2) maximum.
Size	48 square feet maximum.
Setback	½ of the required building setback.
Height	Six (6) feet maximum.
Wall Sign for Non-Residential Principal Use	
Number	One (1) per street frontage, two (2) maximum.
Size	20 percent of wall area to which it is attached but not to exceed 48 square feet.
Other	A wall sign shall not extend past the edge of the wall to which it is affixed and no wall sign shall extend above the roofline of a building.
COMMERCIAL AND INDUSTRIAL DISTRICTS	
Pole Sign	
Number	One (1) pole sign or ground sign per street frontage, two (2) maximum.
Size	64 square feet maximum.
Setback	2 feet from the right-of-way.
Height	25 feet maximum.
Ground Sign	
Number	One (1) ground sign or pole sign per street frontage, two (2) maximum.
Size	64 square feet maximum.
Setback	15 feet from the right-of-way.
Height	Eight (8) feet maximum.
Roof, Wall, and Projecting Signs	
Number	No limit
Size	For a single business located on a lot, 20 percent of wall area to which it is attached,

TABLE 10-8 SIGNS PERMITTED BY DISTRICT	
	not to exceed 64 square feet.
	For each business located within the same structure, 20 percent of the individual façade, not to exceed 64 square feet per business.
Other	<ul style="list-style-type: none"> • Wall signs shall be mounted flat against the building wall. • Wall signs and roof signs shall not extend past the edge of the wall or roof to which it is affixed • No wall sign shall extend above the roofline of a building. • No roof sign shall extend more than two (2) feet above the highest point of the roof. • All other signs shall be a minimum of eight (8) feet above the sidewalk or grade.
Business Center Ground Sign	
Number	One (1) per street frontage, two (2) maximum, no other freestanding signs allowed for individual businesses.
Size	48 square feet maximum.
Setback	15 feet from the right-of-way.
Height	10 feet maximum.
Development Gateway and Entry Sign	
Number	One (1) per development entry.
Size	48 square feet maximum.
Setback	½ of the required building setback.
Height	Six (6) feet maximum.

Section 10-9 Billboard Signs

- A. *Conformity.* Billboards are permitted only in the GB and I Districts and on interstate highway fronting parcels within the AG and R-2 zoning districts.
- B. *Requirements.* All billboards shall comply with the requirements of included in Table 10-9.

TABLE 10-9: BILLBOARD REQUIREMENTS	
Sign Element	Requirement
Height	Maximum of 65 feet above the grade of the ground on which a billboard structure is located or the grade of the abutting street right-of-way, whichever is higher (such maximum height shall not include a billboard sign face extension that complies with this article).
Number	One (1) billboard structure with up to two (2) static, trivision or digital billboard sign faces.
Area	<ul style="list-style-type: none"> ▪ 672 square foot maximum for static and trivision billboard sign faces. ▪ 378 square foot maximum for digital billboard sign faces. ▪ Measurement of a sign area does not include the billboard structure apron under the billboard sign face, nor any advertising company name and/or logo affixed to this portion of the billboard structure.
Setback	Two (2) foot minimum but all parts of the billboard structure and billboard sign face(s) shall be located no further than 150 feet from the nearest street right-of-way line.
Separation	<ul style="list-style-type: none"> ▪ A billboard structure shall be at least 1,000 feet from any other billboard structure on either side of the street or highway, including any billboard structure located outside of the Township, unless a stricter State requirement applies. ▪ A maximum of three (3) billboard structures shall be permitted within any linear mile of a street or highway, regardless of the spacing of the billboard structures.
Other	<ul style="list-style-type: none"> ▪ The angle of a V-type billboard sign face configuration shall not exceed 75 degrees.

TABLE 10-9: BILLBOARD REQUIREMENTS

Sign Element	Requirement
	<ul style="list-style-type: none"> ▪ A billboard sign face shall be a standard quadrilateral shape with four (4) right angles, such as a square or rectangle, with the bottom edge thereof being level with the street. ▪ Billboard configurations shall be limited to single-face, V-type or back-to-back configurations. Stacked or staggered-height billboard sign faces are prohibited. ▪ A billboard sign face shall be perpendicular to, or angled toward, the highway right of way. ▪ On a billboard structure with two (2) billboard sign faces, no more than one (1) sign face shall be oriented toward the same direction of motor vehicle traffic. ▪ A billboard sign face extension may project no more than five (5) feet from the top and no more than two (2) feet from either side of the billboard sign face, and no more than one and one half feet (1 ½) from the bottom of the billboard sign face. The total area of a billboard sign face extension shall be not greater than 50 square feet; the area and height of any lawful extension shall not be included in the maximum permitted sign face area or the maximum permitted billboard structure height. A billboard sign face extension shall be temporary only; it shall be removed when the advertising copy on the billboard is changed, and shall not become a permanent modification of the billboard structure. A permit is not required for a billboard sign face extension. ▪ All billboards (including digital billboards) shall be constructed in such a manner as to withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
Digital Billboards	<ul style="list-style-type: none"> ▪ Messages shall be stationary and the use of animation, flashing, traveling, scrolling or blinking characters is prohibited. ▪ The message copy on electronic changeable message signs shall appear in intervals of no less than eight (8) seconds and transition between messages shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, dissolve, exploding, scroll and other methods of transition between messages shall not be permitted. ▪ The illuminative brightness shall not impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle. ▪ A digital billboard shall not resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light. ▪ A digital billboard shall not be permitted to operate unless it is equipped with a default mechanism that shall freeze the sign face in one position or static message if a malfunction occurs and a mechanism able to automatically adjust the display's illuminative brightness according to ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.

Section 10-10 Temporary and Portable Signs

- A. *Permitting.* A temporary or portable sign shall not be placed on any lot, parcel or premises, with the exception of single-family, two-family and multiple-family residential uses, unless a permit authorizing such temporary sign has been issued by the Administrator.
- B. *Requirements.* The following requirements shall apply to display of temporary signs for all nonresidential uses, in all zoning districts:
1. A maximum of five (5) permits authorizing display of a temporary sign for nine (9) consecutive days shall be issued in any calendar year for any individual business premises.
 2. The beginning of the display period for a temporary sign shall not be more than 14 calendar days from the date of the issuance of the permit.

3. There shall not be more than one (1) temporary sign displayed per business on a property at any one time.
4. A temporary sign over three (3) feet in height above grade shall be set back a minimum of 10 feet from any right-of-way line and not within the clear vision triangle as per *Section 2-17*.
5. Temporary and portable signs shall not exceed 32 square feet.
6. Portable signs shall be subject to the following additional standards:
 - a. Illuminated portable signs shall be installed in conformance with all state and Township electrical codes. No flashing or moving lights shall be used on any portable sign.
 - b. All portable signs and components shall be firmly anchored to the ground in a manner that ensures that the sign will not constitute a safety hazard in the event of high winds, as determined by the building official.
 - c. Any portable sign displayed in violation of this article may be impounded by the Township.

Section 10-11 Illumination

A. *Prohibited Illumination.*

1. Flashing, moving, oscillating, blinking, intermittent illumination, or variable intensity light is prohibited.
2. A sign shall not contain any moving or animated parts, nor have the appearance of having moving or animated parts.
3. Illumination levels exceeding 0.3 foot-candles over the ambient illuminance levels are prohibited. Any applicant proposing an illuminated sign shall demonstrate compliance with this requirement by providing a photometric plan or by other means to show resulting lighting levels.

B. *External Illumination.* Externally illuminated signs are allowed in all Commercial and Industrial districts and for non-residential uses in the Agricultural and Residential districts, subject to the following requirements:

1. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face.
2. The light source shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.

C. *Internal Illumination.* Internally illuminated signs are allowed in the GB, I, and T Zoning Districts. Sign faces shall be opaque so that individual lamps are muted and cannot be distinguished behind the sign face.

D. *Electronic Changeable Messages.* One (1) ECM display may be located on freestanding signs in the GB Zoning District, subject to the following restrictions:

1. No more than 40 percent of the area of the sign may be dedicated to an ECM display. The remainder of the sign shall consist of a static sign face.
2. Each image shall be static and shall not move, flash, or otherwise be animated.
3. Each message shall be displayed for a period no less than six (6) seconds.

4. Transitions between images shall be instantaneous and shall not scroll, fade, or otherwise be animated.
 5. An electronic display sign shall be equipped with automatic dimming technology to adjust the brightness of the sign relative to ambient light conditions.
 6. A nonconforming freestanding sign may not be altered to include an ECM display sign unless it is first made conforming to all requirements of this Article.
 7. ECM components are not permitted within 200 feet of any dwelling unit except in those instances where dwelling units are located on the same parcel as an office or commercial use.
- E. *Illuminated Window Signs*. Indoor electronic, LED, digital, and neon-illuminated window signs are restricted to the GB District and are subject to the following requirements.
1. Signs are limited to four (4) square feet.
 2. A building is limited to one (1) indoor illuminated sign per tenant or business entity.

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Part IV
Review Processes
and Standards



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Site Plan Review

Article
11

Section 11-1 Intent and Purpose

The purpose of this article is to establish a uniform set of requirements and standards for the planning and design of developments within the Township to achieve the following objectives:

- A. To determine compliance with the provisions of this ordinance.
- B. To promote the orderly development of the Township.
- C. To prevent depreciation of land values.
- D. To ensure a consistent level of quality throughout the community.
- E. To ensure a harmonious relationship between new development and the existing natural and manmade surroundings.
- F. To achieve the goals of the Coldwater Township Master Plan.
- G. To promote consultation and cooperation to ensure applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the master plan.

Section 11-2 Permits

- A. *Building Permits and Establishment of Use.* No building permit shall be issued until a site plan has been approved and any required performance guarantees have been received or conditions satisfied. A development permit shall be issued after the site plan has been approved.
- B. *Permits.*
 - 1. Zoning Permit- Building Compliance. All structural alterations (except for wholly interior alterations), single-family dwellings, two-family dwellings, and residential accessory buildings must be issued a zoning permit for building compliance by the Administrator. An application for a permit shall be in writing and upon duplicate printed forms furnished by the Township. A permit issued by the Administrator is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Administrator and shall be furnished upon request. If the application is approved, the Administrator shall so mark both copies of the application over his signature and file one copy with the Township Clerk and return the other copy to the applicant. The Administrator shall also provide the applicant with a construction card signed by the Administrator stating the extent of the work authorized. This card shall be attached to and remain on the lot or premises during the progress of the work authorized.
 - 2. Zoning Permit- Use Compliance. All change of use or establishment of a new use, is subject to use compliance review. A use shall not be changed or established without a Zoning Permit for Use Compliance.
 - 3. Site Plan. A site plan shall be required for any permitted use involving site development and any special land use, other than a single-family or two-family residential dwelling or residential accessory building.

Section 11-3 Site Plans

Site plan reviews are classified by two levels based on the extent of the proposed development.

- A. *Level "A" Review.* The Administrator shall review site plans in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
1. Principal and accessory buildings less than 2,000 square feet that will accommodate a use permitted by right.
 2. Additions to existing buildings less than 2,000 square feet or expansion of parking areas five (5) spaces or less.
 3. Exceptions:
 - a. When, in the opinion of the Administrator, a project which otherwise qualifies for level "A" site plan review may have a negative impact on surrounding properties, the Administrator may, at his/her discretion, submit the site plan to the Planning Commission for review. In such cases, the Planning Commission shall follow the review procedure for level "B" site plans and may require any additional information needed to make an informed decision.
 - b. When, in the opinion of the Administrator and Planning Commission Chairman, a project which otherwise qualifies as level "B" for site plan review, does not necessitate additional stormwater management, major site preparation, landscaping or major utility expansion, the plan may be reviewed and approved administratively.
- B. *Level "B" Review.* The Planning Commission shall act upon all site plans, other than those provided for as level "A" review, in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
1. Buildings 2,000 square feet or more.
 2. Any special land use in any district.
 3. Any Planned Unit Development.
 4. Any condominium project.
 5. Multi-family development and buildings.
 6. As otherwise required by this ordinance.

Section 11-4 Site Plan Review Procedure

- A. *Pre-Application Meeting.* Prior to submitting a formal application, a landowner or project application shall schedule a pre-application meeting with the Administrator. A site development sketch plan shall be provided for review during this meeting. The purpose of this meeting will be to discuss the proposed development project as it relates to the zoning requirements and review standards. Additionally, the Administrator shall outline the site plan review and approval process.
- B. *Submittal.* The applicant shall submit a site plan application along with fees and all materials required as part of the site plan. All materials shall be submitted to the Administrator by the deadline for Planning Commission consideration, a schedule of meeting dates and deadlines published annually.

- C. *Completeness Review and Agenda Setting.* The Administrator shall review the application against the checklist for site plan review.
1. If deemed complete, the application shall be reviewed and processed forward. Should the site plan be associated with a special land use permit, a public hearing shall be advertised in accordance with *Section 15-5*.
 2. If deemed incomplete, the applicant shall be informed of the outstanding submittal requirements that resulted in the determination. If not submitted at least 30 days prior to the Planning Commission meeting in which the application is to be considered, the request will not be scheduled on the agenda and the application will be returned.
- D. *Review.* The Administrator and all applicable reviewing authorities, including but not limited to the Township's attorney, engineer, fire marshal and building official, shall review the application and associated materials and the Administrator shall prepare final report for Planning Commission's review. The staff report and application materials shall be distributed to the Planning Commission prior to the meeting.
- E. *Planning Commission Action.* The Planning Commission shall review the application against the requirements of this ordinance, the review standards of this article, and the review standards for special land use permits, if applicable. The Planning Commission shall table, deny, approve or approve with conditions.

Section 11-5 Standards for Site Plan Approval

Approval of the site plan shall be granted only if the site plan meets all applicable requirements set forth in this ordinance. Unless a more specific design standard is provided for in this ordinance, all uses, sites and structures subject to plan review shall comply with the following standards:

- A. *Master Plan.* Proposed uses and development activity shall be substantially consistent with the Coldwater Township Master Plan.
- B. *Connectivity.* Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties.
- C. *Traffic Circulation.* The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.
- D. *Interior Street Connectivity.* Public or private streets may be required to be extended to exterior lot lines in order to allow connection to existing or planned streets on adjacent parcels, to provide for secondary access, continuity of the circulation system and to reduce traffic and impact to the transportation network.
- E. *Natural Resource Preservation.* Site design shall prioritize the preservation of natural features, such as steeper slopes, wetlands, significant hardwood tree stands, streams and other significant site characteristics. Applicants must demonstrate how alternatives were considered during the planning process.
- F. *Stormwater.* Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems and shall mimic predevelopment conditions.

- G. *Landscaping*. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.
- H. *Screening*. Where commercial uses abut residential uses, appropriate screening consisting of attractively designed, opaque fencing or equivalent landscaping shall be provided to shield residential properties from noise, headlights and glare.
- I. *On-Site Treatment*. Land use intensity shall be scaled appropriately based on the capability of on-site systems to adequately accommodate usage. On-site treatment systems shall be designed to protect groundwater and surface water quality to the maximum extent possible.
- J. *Utility Service*. All utility service shall be underground, unless impractical.
- K. *Exterior Uses*. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.
- L. *Emergency Access*. All buildings and structures shall be readily accessible to emergency vehicles. Prior to approval or as a condition of approval, building layouts, internal circulation and other site characteristics that affect life safety shall be reviewed and approved by the appropriate public safety official or fire marshal.
- M. *Water and Sewer*. Water and sewer installations shall comply with all Township, county and state specifications and requirements.
- N. *Signs*. Permitted signs shall be located to avoid the creation of distraction and visual clutter and designed to be visually compatible with the architecture of the principal structure. Sites with multiple signs should incorporate a common design theme.
- O. *Building Design*. To the maximum extent reasonable, new or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity or development.

Section 11-6 Conditions of Approval

- A. *Criteria*. Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the Township may be imposed on site plan approval. Conditions imposed shall be based on the following criteria:
 - 1. Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
 - 2. Ensure that the use is compatible with adjacent land uses and activities.
 - 3. 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.
 - 4. Ensure compatibility between the proposed use or activity and the rights of the Township to perform its governmental functions.

5. Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 6. Ensure compliance with the intent of other Township ordinances that are applicable to the site plan.
 7. Ensure compatibility with other uses of land in the vicinity.
- B. *Protective Fencing.* As a condition of any site plan approval, prior to any development or site clearing, barrier fencing shall be installed at the limits of soil disturbance and adjacent to priority protection areas, such as significant trees to be saved. Barrier fencing shall be a minimum of four (4) feet in height and shall remain in place and in good condition until the Administrator authorizes removal of the fencing. No filling, excavating or storage of materials, debris or equipment shall take place within the fenced area, except where permitted by the Planning Commission.

Section 11-7 Amendments

Amendments to an approved site plan shall be permitted only under the following circumstances:

- A. *Application.* The owner of property for which a site plan land use has been approved shall notify the Administrator of any desired change to the approved site plan. The revised site plan shall contain a list of all proposed amendments and changes shall be shown on the plans.
- B. *Level "A" Site Plan.* Changes to a Level "A" site plan may be approved by the Administrator.
- C. *Minor Changes to Level "B" Site Plan.* Minor changes may be approved by the Administrator upon determining that the proposed revisions will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 1. Reduction of the size of any building and/or sign.
 2. Movement of buildings and/or signs by no more than 10 feet.
 3. Landscaping approved on the site plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans that do not exceed five (5) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 5. Internal re-arrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
 6. Changes related to subsections 1-5 above, required or requested by state or federal regulatory agencies in order to conform to 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.
 7. A proposed change to a Level "B" site plan, not determined by the Administrator to be a minor change, shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.
- D. *Major Changes to Level "B" Site Plan.* A proposed change to a Level "B" site plan, not determined by the Administrator to be a minor change, shall be submitted to the Planning

Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

Section 11-8 Validity and Expiration

- A. *Site Plan Approval.* Site improvements shall be completed within one (1) year after the date of approval of the site plan.
- B. *Extension.* The Administrator (Level “A” permit) or Planning Commission (Level “B” permit) may, for good cause, approve one (1) extension of up to one (1) year, if requested in writing by the applicant prior to the expiration date of the original approval. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

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Special Land Use Permits

Article
12

Section 12-1 Intent and Purpose

- A. *Intent.* Special Land Uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics or specific circumstances surrounding the use, may not be desirable or compatible in all locations. Factors such as traffic, hours of operation, noise, odor or similar potential effects require that the special use be evaluated relative to its appropriateness on a case-by-case basis.
- B. *Purpose.* Special Land Uses may be permitted within a zoning district, with Planning Commission approval, following a review of the use and its potential impact on its surroundings. This article establishes the review procedures for special uses and the general standards that must be met for all special uses.
- C. *Permit.* Special Land Uses shall be established through a special use permit.
- D. *Standards and Requirements.* This article establishes the review procedures for special uses and the general standards that must be met for all special uses. Some specific uses are also subject to additional standards and requirements outlined in Article 9 to mitigate potential negative impacts.

Section 12-2 Review Procedures

- A. *Procedure.* The Special Land Use permit application and associated site plan is reviewed in the same manner as site plan review in *Section 11-5*, except that the submittal deadline may include additional time to ensure public notice requirements are satisfied, per *Section 15-5, Noticing*.
- B. *Public Hearing.* Prior to any action on the application, the Planning Commission shall hold a public hearing to solicit input from the general public and surrounding landowners.
- C. *Planning Commission Action.* The Planning Commission shall review the application against the requirements of this ordinance, the review standards of this article, and the review standards for site plans. The Planning Commission shall table, deny, approve or approve with conditions.

Section 12-3 General Standards of Approval

- A. *Standards of Approval.* The Planning Commission shall review the particular circumstances and facts applicable to each proposed Special Land Use with respect to the following standards:
 - 1. The use is designed and constructed, and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed.
 - 2. The use is, or as a result of the Special Land Use approval, will be served adequately by public services and facilities, including, but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.
 - 3. The use will not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.

4. The Special Land Use will be consistent with the intent and purposes of this ordinance and the most recent updates to the Coldwater Township Master Plan.
 5. It will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 6. It will not create excessive additional requirements at public cost for infrastructure and will not be detrimental to the economic welfare of the community.
 7. It will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.
 8. It shall conform with all specific requirements applicable to the proposed use.
- B. *Approval.* If the Planning Commission finds that all standards have been met, in addition to confirming compliance with all other zoning requirements, the permit shall be issued.

Section 12-4 Conditions of Approval

- A. *Intent.* Reasonable conditions may be required with the approval of a Special Land Use permit. These may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner
- B. *Requirements.* Conditions imposed shall meet all of the following requirements:
1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

Section 12-5 Permits, Validity and Compliance

- A. *Permit.* A special use permit, with any and all associated benefits, conditions and required security shall run with the land. Any change of property ownership does not invalidate the special use approval; provided, all conditions of approval continue to be met.
- B. *Validity.* A special use permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The special use permit shall expire on the occurrence of one (1) or more of the following conditions:
1. If replaced or superseded by a subsequent special use permit.

2. If replaced or superseded by a permitted use.
 3. If the applicant requests the rescinding of the special use permit.
- C. *Compliance.* A compliance inspection shall occur on an annual basis, to ensure ongoing conformance with the terms and conditions of the approved permit.

Section 12-6 Amendments

Amendments to an approved special use permit, and any site plan associated with the permit, shall be considered by the provisions of this section.

- A. *General.* The site plan approved in conjunction with the Special Land Use permit shall become part of the approval record. Any improvements relative to the authorized use shall be consistent with the approved site plan, unless a change is approved, in accordance with this article. Any change in use shall be subject to the applicable requirements of the zoning district in which the property is located and site plan review in accordance with *Article 11*.
- B. *Minor Amendments.* Minor amendments are those changes that do not alter the basic design and character of the Special Land Use nor any conditions of the original approval. Minor amendments to the site plan are those meeting the conditions in *Section 11-7*.
- C. *Major Amendments.* Changes to the Special Land Use or its associated site plan that do not qualify as minor amendments shall be processed in accordance with the review and approval procedures of this article as if it were a new application.
- D. *Amendments of Reclassified Uses.* Any use lawfully established by right but subsequently reclassified as a Special Land Use on or after the effective date of this ordinance is not a nonconforming use. Minor and major site plan amendments are subject to all zoning regulations, including any applicable specific use standards, and shall be processed in accordance with this article.

Section 12-7 Revocation

The Planning Commission shall have the authority to revoke a special use permit when the applicant has failed to comply with any of the applicable requirements of this article, other applicable sections of this ordinance, or the conditions of approval. The Planning Commission may revoke a previous approval if it finds that a violation exists and has not been remedied. The special use permit may be suspended or revoked according to the following procedures:

- A. *Conditions for Revocation.* Conditions that may result in a suspension or revocation include, but are not limited to, the following:
1. The Special Land Use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special use, or
 2. Compliance with the special use permit and any conditions have not been consistently demonstrated, and administrative attempts to secure compliance have been unsuccessful; or
 3. The Special Land Use permit has been issued erroneously based on incorrect or misleading information supplied by the applicant and/or his/her agents; or
 4. The operation of the use granted by the special use permit has created a risk or danger to the public health, safety or welfare; or

5. The special use violates any provision of this ordinance or other Village, county, state or federal regulations.

B. Procedure.

1. If the Administrator determines that a special use permit should be suspended or revoked he/she shall prepare a report specifying the factual details of the violation and the reasons to suspend or revoke the permit.
2. The Administrator shall file the report with the Planning Commission and provide a copy to the owner, authorized agent or employee by certified mail, return receipt requested.
3. Within 30 days of filing the report with the Planning Commission, a hearing date will be set for the Planning Commission to consider the alleged violation(s) to determine if the Special Land Use permit should be suspended or revoked. The owner or authorized agent shall be notified personally or by certified mail, return receipt requested, not less than 15 days before the scheduled hearing.
4. The owner shall have an opportunity to respond to any allegations made by: questioning adverse witnesses; presenting witnesses on his/her behalf; and presenting arguments, personally or through legal counsel in his/her own behalf.
5. The Planning Commission shall prepare a written report of its findings within 30 days of completing all hearings and provide them to the owner either personally or by certified mail, return receipt requested. If the Planning Commission concludes that the Special Land Use permit must be suspended or revoked, the owner shall immediately cease to conduct, operate or carry on the business or use for which the Special Land Use permit was granted.

Section 12-8 Appeals

The Planning Commission's decision regarding approval or denial of a special use application may not be appealed to the Zoning Board of Appeals. However, prior to consideration of a Special Land Use, a variance to a dimensional requirement related to the building or property in question may be filed with the Zoning Board of Appeals.

Section 12-9 Restrictions on Resubmittal

A Special Land Use application that has been denied may not be re-submitted for one (1) year from the date of denial, except when new evidence or information found sufficient by the Administrator justifies an earlier re-application.

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Condominium Regulations

Article
13

Section 13-1 Intent and Purpose

This article provides a review process for condominium projects within the Township, establishes comparable regulations to guide development of projects in a manner similar to comparable development allowed within the zoning ordinance, and establishes development standards and submittal requirements to ensure compliance with the purposes of this ordinance including:

- A. Orderly growth and harmonious development of the community as planned for in the Coldwater Township Master Plan.
- B. To secure adequate traffic circulation and safety through coordinated street systems with relation to the county state paved road system, future development, public services and facilities.
- C. To provide for development which can be timed in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for present residents of the Township.
- D. To secure adequate provisions for water supply, storm drainage, sanitary sewage disposal and other public health and safety needs, including safe and coordinated interconnection with existing and planned paved roadways and to provide for the achievement of these purposes.
- E. To provide for an environment assessment and when necessary to evaluate the impact of proposed developments to ensure minimum impact of the natural environment including but not limited to the wetlands, surface waters, groundwater, flora and fauna of the community.

Section 13-2 Required Information

- A. *Submittal.* Concurrently with notice required to be given the Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the information required in *Table B-5*.
- B. *Certificate of Occupancy.* All information shall be furnished to the Administrator and shall be kept updated until a Certificate of Occupancy has been issued.
- C. *Fees.* Fees for reviews shall be submitted with the application.

Section 13-3 Plan Review

Prior to recording of the master deed required by Section 72 of the Condominium Act, as amended (MCL 559.108), the condominium project shall undergo site plan review by the Planning Commission and shall be approved by the Township Board. In addition, the Township shall require appropriate engineering plans and inspection prior to the issuance of any Certificate of Occupancy. Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval.

Section 13-4 Monuments Required- Site Condominium Projects

All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this section:

- A. Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a

street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

- B. All monuments used shall be made of solid iron or steel bars at least one-half ($\frac{1}{2}$) inch in diameter and 36 inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at all intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in all side lines of streets and alleys; at all angles of a intermediate traverse line and at intersections with elements and all common elements.
- D. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half ($\frac{1}{2}$) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable and marked with the required surveyor's cap.
- G. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half ($\frac{1}{2}$) inch in diameter, or other approved markers.
- H. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount set by resolution of the Township Board. Such as, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 13-5 Monuments Required- All Condominium Projects

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of *Section 13-4*.

Section 13-6 Compliance with Federal, State and Local Law

All condominium projects shall comply with federal and state statues and local ordinances.

Section 13-7 State and County Approval

The developer or proprietor of the condominium project shall establish that appropriate State and County approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

Section 13-8 Temporary Occupancy

The Administrator may allow occupancy of the condominium project before all improvements required by this ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

Section 13-9 Street Standards, Site Plan Submittal, Inspections

All streets located within a condominium project shall be constructed and paved in accordance with the standards and specifications of the Branch County Road Commission and Township Subdivision Ordinance for developments comparable in use, frontage, etc., to the condominium project. All condominium roads shall be designated and remain common elements as specified in the master deed. The master deed shall contain a clause approved by the Township Board, which allows an assessment against condominium owners for road maintenance for the purpose of public safety and welfare. Where standards differ, the more restrictive standard shall apply. After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet 24 inches by 36 inches with an image not-to-exceed eight and one-half (8½) inches by 14 inches. Prior to issuance of a final certificate of occupancy by the Township, the Township Engineer shall inspect all site improvements, including roads, water, sanitary and storm sewer facilities, grading and road signs, and determine compliance with all applicable Township ordinances and requirements.

Part V
Administration



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Nonconformities

Article
14

Section 14-1 Intent and Purpose

A. Purpose.

1. The purpose of this article is to permit legal nonconforming lots, but not to encourage their permanent existence. It is recognized that in certain circumstances it is appropriate to authorize restoration, reconstruction, extension, or substitution of nonconforming uses and structures.
2. The intent of this article is to permit these nonconformities to continue until they are removed or abandoned, but not to encourage their survival. Nonconforming uses are structures that are declared by this article to be incompatible with the permitted uses in the zoning districts involved. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.
3. Nonconforming uses are considered to present a greater public burden than nonconforming lots and structures, therefore the intent of this ordinance is to gradually over time eliminate nonconforming uses. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from the premises or by the addition of other uses of a nature which would be prohibited generally in the zoning district involved.

B. *Continuation of Use.* In accordance with *Section 208 of the Michigan Zoning Enabling Act*, if the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment.

C. *Declaration and Regulation.* Any lot or lawful use of land or a structure existing on the effective date of this ordinance, or on the effective date of any future amendments which may be made to this ordinance, and located in a zoning district in which it would not be permitted, prohibited, regulated, restricted, or otherwise unlawful as a new use or otherwise under the regulations of this ordinance, is declared to be a nonconforming lot, use, or nonconforming use shall be subject to, and the owner shall comply with, the regulations of this ordinance.

Section 14-2 Change in Tenancy or Ownership

There may be a change in tenancy, ownership, or management of an existing nonconforming use, provided there is no change in the nature or character of the nonconforming use.

Section 14-3 Completion

- A. *Permitted Projects.* When plans for a building or site development have been filed which would conform with the zoning regulations in effect at the time of filing, but not with subsequently enacted regulations, and when permits have been issued, the building may be constructed and site developed in accordance with the approved plans. In accordance with *Section 11-8*, the building and site development shall be completed within one (1) year after the date of approval of the site plan, unless an extension is permitted.
- B. *Construction Commenced.* Nothing in this article shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date or amendment of this article, and upon which actual building construction has been diligently carried on.
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Section 14-4 Nonconforming Use

A. Continuation and Discontinuation.

1. Continuation. Existing lawfully established nonconforming uses may be continued, provided all other regulations and ordinances governing the use are met.
2. Illegal Nonconforming Use. Nonconforming uses which cannot be proved to have been lawfully established prior to the effective date of this ordinance, or future amendment, shall be declared illegal nonconforming uses and shall be discontinued.
3. Removal or Destruction. Where a conforming use status applies to the use of a building and premises in combination, the removal or destruction of the entire building shall eliminate the nonconforming use status.
4. Discontinuation.
 - a. When a nonconforming use is discontinued through vacancy, lack of operation, abandonment, or other similar conditions for a period of one (1) year or more, or for a total of 18 months during any three (3) year period, the nonconforming use may not be re-established.
 - b. Nonconforming Use Discontinued. In the event any nonconforming use is determined to be discontinued it shall be presumed that the land owner intended to abandon the right to continue or resume the nonconforming land use. If a request is submitted prior to the end of the timeframe noted in this subsection, the owner of the property upon which the nonconforming use is located shall be entitled to submit proof of the intent not to abandon the use to the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the owner did not intend to abandon the right of continuation of the nonconforming use, the owner shall be entitled to resume the nonconforming use. If it is determined that the use will negatively affect public health, safety, and welfare and nearby property, the Zoning Board of Appeals shall deny the request.
5. Seasonal Uses. Buildings occupied by seasonal uses shall be excepted from this paragraph.

B. Change of Nonconforming Use.

1. Change to other Nonconforming Use. If no structural alterations are made, any nonconforming use of a building may be changed to another nonconforming use, provided the Zoning Board of Appeals determines that the proposed use is equally appropriate or more appropriate to the zoning district than the existing nonconforming use.
2. Change to Conforming Use. Any nonconforming use of a building which is changed to a conforming use, shall thereafter conform to the regulations of the applicable zoning district.

C. Restrictions. Unless authorized by the Zoning Board of Appeals in accordance with this section, nonconforming uses are subject to the following restrictions:

1. Additional Structures. No additional structures or buildings, not conforming to this ordinance, shall be erected in connection with the nonconforming use of land.
2. Enlarging a Nonconforming Use. No nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of this ordinance, or future amendments.

3. Moving a Nonconforming Use. No nonconforming use shall be moved in whole or in part to any portion of a lot other than that portion occupied by the use on the effective date of this ordinance, or future amendments.
4. Altering of Buildings Devoted to Nonconforming Use. No existing building devoted to a use not permitted by this ordinance in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building to a use permitted in the zoning district in which it is located.
5. Extension of Nonconforming Uses. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged, designed, or designated for the use at the time of adoption of this ordinance or future amendment, but no use shall be extended to occupy any land outside the building.

D. *Nonconforming Use Expansion*.

1. Expansion. Where a nonfarm use is nonconforming because the use is not permitted in the zoning district, the Zoning Board of Appeals may permit, by approval of a special consideration:
 - a. An expansion of the building, structure, or land occupied by the use up to, but not more than, a 50 percent increase of the area, subject to all other zoning requirements for the district.
 - b. A new building or structure up to, but not more than, 50 percent of the square footage of the principal building, subject to all other zoning requirements for the district.
2. Applicability. This subsection does not apply extension of nonconforming uses within existing buildings, per Section 14-4 C.5.
3. Limitation. The Zoning Board of Appeals shall have no authority to increase square footage or land area by more than 50 percent of the size. Original square footage and land area is the amount devoted to the use at the time it became nonconforming.
4. Plot Plan. A plan plot shall be provided with an application for nonconforming use expansion and the plan shall show the following:
 - a. The location of the proposed construction or the outside area proposed for expansion.
 - b. The dimensions, building footprint, and height of proposed additions to buildings or new buildings.
 - c. Setback measurements.
 - d. Narrative describing the nature of the proposed building expansion or new building construction.
5. Findings. The Zoning Board of Appeals shall make all the following findings when approving the expansion of building area or land area devoted to a nonconforming use:
 - a. There will be no danger to the safety, health, or welfare of the persons residing in the vicinity;
 - b. The expansion will be done in such a manner as to safeguard the character of the zoning district in which the land, building, or structure is located;
 - c. There is no history of land use conflicts or incompatibility between the nonconforming use and conforming uses on abutting parcels;

- d. The use has been maintained and has operated in a manner harmonious with the area since becoming nonconforming;
- e. For nonconforming commercial uses, there are no other conforming buildings within 100 feet of the proposed extension (measuring from building line to building line); or, in the case of a proposed expansion of a nonconforming use in land area, the proposed extension shall be at least 200 feet from any conforming building (measuring from the building line of the conforming building to the nearest point of the area which will compose the extended portion of the nonconforming use); and
- f. There is a reasonable need for the extension of the nonconforming use.

Section 14-5 Nonconforming Structures

- A. *Non-Conforming Structures.* Where a lawful structure exists on the effective date of this ordinance or amendment thereof, which structure could not be built under this ordinance by reasons of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, the structure may be continued as long as it remains otherwise lawful, subject to the following:
1. Enlargement or Alteration. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure, or portion of the structure, may be altered to decrease its nonconformity. Should the structure be altered or modified so as to eliminate, remove, or lessen any or all of its nonconforming characteristics, then the nonconforming characteristics shall not be later reestablished or increased.
 2. Movement. If a structure is moved for any reason, it shall conform to the regulations for the zoning district in which it is located it is moved.
 3. Discontinuation. If any nonconforming structure ceases being used for any reason for a period of more than one (1) year, any subsequent use shall conform to the regulations specified in this ordinance for the zoning district in which the structure is located.
 4. Destruction. Should a nonconforming structure be destroyed by any means to an extent greater than 50 percent of its replacement cost at the time of the destruction; it shall not be reconstructed except in conformity with the provisions of this article.
 5. Nonconforming Residential Structure. A residential nonconforming structure may be allowed to be removed and rebuilt or expanded providing the expansion does not increase the size of the established footprint or the expansion is within a yard which retains compliance with the required setback and height (e.g., a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming). Provided further that the following are met for the subject structure:
 - a. The only nonconforming situation on the parcel shall be dimensional ones related to the house and/or garage.
 - b. Any other expansion shall be prohibited unless a Special Use Permit would be required by the Planning Commission for the removal or expansion of a nonconforming structure.
- B. *Restoration and Repair.*
1. Repairs. On any conforming structure or on any portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repairs or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not to exceed 25 percent of the current state equalized valuation of the

nonconforming structure or portion thereof, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

2. Deterioration. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repair and maintenance, and is declared by the Township or the County to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- C. *Restoration of Damaged Building*. Nothing in this ordinance shall prevent the reconstruction, repair, restoration, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of public enemy, subsequent to the effective date of this ordinance, and the expense of reconstruction does not exceed 30 percent of the State Equalized Valuation of the entire building or structure at the time the damaged occurred, provided that all of the following apply:
1. Approval. Valuation shall be subject to the approval of the Planning Commission.
 2. Time Requirement. Restoration and resumption shall take place within six (6) months of the time of the damage and it shall be complete within one (1) year from the time of the damage.
 3. Identical Use. The use shall be identical to the nonconforming use permitted and in effect directly preceding damage.
 4. Extension of Time. Where damage to a lot or structure of record, pending insurance claims requires an extension of time, the Planning Commission may grant a time extension, provided that the property owner submits a certification from the insurance company attesting to the delay. Until a time as the debris from the damage is removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.
- D. *Extensions; Enlargements; Moving*. No nonconforming use of any land or structure shall hereafter be enlarged or extended. No nonconforming building or structure shall be moved in whole or in part to another location unless a building or structure and the off-street parking spaces, yards, and other open spaces provided are made to conform to all the regulations of the zoning district in which the building or structure is to be located.

Section 14-6 Nonconforming Lots

- A. *Zoning Lot*. Any lot or combination of lots or portions of lots, with continuous frontage in single ownership, are of record on the effective date of this ordinance, and if total area of these land(s) does not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance.
- B. *Agricultural and Residential Districts*. A use may be established on a legally nonconforming lot or lots of record in existence as of the effective date of this ordinance, or the effective date of any subsequent amendment that makes the lot nonconforming, subject to conformance with all other spatial requirements for the applicable zoning district and any other applicable requirement for the specific land use.
- C. *Commercial and Industrial Districts*. A use may be established on a legally nonconforming lot or lots of record in existence as of the effective date of this ordinance, or the effective date of any subsequent amendment that makes the lot nonconforming, subject to conformance with all

other spatial requirements for the applicable zoning district and any other applicable requirement for the specific land use. However, if the lot is less than 12,000 square feet, then a use may only be established if approved as a special use land use. When considering a special land use that is required by this subsection, the Planning Commission shall consider the following standards, in addition to those listed in *Section 12-3*:

1. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
2. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
3. The effect of the proposed use on light and air circulation of adjoining properties.
4. The effect of increased density of the intended use on the surrounding neighborhood.

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Administration and Enforcement

Article
15

Section 15-1 Administrator

The Administrator or designee shall enforce and administer the provisions of the zoning ordinance.

Section 15-2 Fees and Development Review Escrow Fund

- A. *Administrative Fee.* For each permit issued, a fee based on a fee schedule set and posted by the Township Board shall be paid to the Administrator, who shall remit the same to the Township Treasurer. In addition, special fees according to the current fee schedule on file with the Township Clerk shall be paid to the Administrator, who shall remit the same to the Township Treasurer. The payment of all fees is a condition precedent to the validity of permit.
- B. *Development Review Escrow Fund.* In addition to regularly established fees, the Administrator may also require an applicant to submit to the Township an amount of money determined to be a reasonable estimate of the fees and costs which may incurred by the Township in reviewing and acting upon the review of development proposals, in accordance with an escrow policy adopted by resolution by the Township Board.
1. Purpose. The fund shall cover reasonable costs and expenses incurred by the Township during and in connection with the review process, such as outside planning, legal and engineering fees.
 2. Deposit. The estimated fee shall be submitted prior to any Township review of an site plan, PUD, private street, subdivision, condominium or special land use application. Fees shall be placed in a separate escrow fund, from which the above costs will be paid.
 3. Balance and Reimbursement. The applicant shall maintain a minimum amount in this fund. Any unused balance shall be refunded to the applicant upon final approval or satisfaction of any conditions of approval.

Section 15-3 Performance Guarantee

Per Section 505 of the Michigan Zoning Enabling Act, to ensure compliance with the zoning ordinance and any imposed conditions, the Township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond covering the estimated cost of improvements be deposited with the clerk of the legislative body to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the permit.

Section 15-4 Violations and Penalty

- A. *Nuisance Per Se.* Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of this ordinance is a nuisance per se and may be abated by order of any court of competent jurisdiction.
- B. *Stop Work Order.*
1. Notice to Owner. Upon notice from the Administrator that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this ordinance, the work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or

to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.

2. **Unlawful Continuance.** Any person who shall continue to work in or about the structure, land or building, or use after having been served with a stop work order, except the work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this ordinance.
- C. **Sanctions.** Any person, firm, association, partnership, corporation, or governmental entity that violates any of the provisions of the Coldwater Township Zoning Ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

TABLE 15-4 FINES		
Offense	Minimum Fine	Maximum Fine
First	\$100.00	\$500.00
Second	\$200.00	\$500.00
Third	\$350.00	\$500.00
Fourth or More	\$500.00	\$500.00

- D. **Reoccurrence.** Any reoccurrence of a civil infraction requiring an increase in the minimum civil fine shall be interpreted to apply to the same or reasonably similar civil infractions to that previously punished by a civil fine.
- E. **Failure to Obtain a Required Zoning Permit.** In the event a required zoning permit is not obtained prior to the commencement of any construction or use of premises under the Township Zoning Ordinance, shall further cause an additional sanction requiring the violator to obtain the permit and pay triple the initial fee of the permit.
- F. **Assessment of Cost.** In addition, to the foregoing sanctions, any violator shall pay cost which the Township has incurred in connection with the prosecution of the municipal civil infraction and which may include all expenses both direct and indirect. In no case, however, shall cost of less than \$9.00 nor more than \$500.00 be ordered.
- G. **Additional Remedies.** In addition to the foregoing sanctions, the Township shall have the right to initiate and pursue in any court of competent jurisdiction proceedings for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with the Township Zoning Ordinance. Initiating proceedings under one of the foregoing remedies shall not preclude initiating proceedings under a separate remedy. Each day that a civil infraction exists shall constitute a separate violation.

Section 15-5 Noticing

- A. **Public Notices.** All applications requiring a public hearing or public notice shall comply with the *Michigan Zoning Enabling Act, PA 110 of 2006*, as amended, and the other provisions of this section with regard to public notification.
- B. **Content.** All mail, personal and newspaper notices for public hearings shall:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created

and listed if no addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

C. *Personal and Mailed Notice.*

1. General. When the provisions of this ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for a zoning amendment or rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Coldwater Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (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 shall 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.
 - c. Other persons which have requested to receive notice.
2. Notice by Mail/Affidavit. Notice shall be deemed given by its deposit with the U.S. Postal Service, or other public or private delivery service, or personally delivered during normal business hours.
3. Record of Notice. The 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.

- D. *Timing of Notice*. Unless otherwise provided in the *Michigan Zoning Enabling Act, PA 110 of 2006, as amended*, or this ordinance where applicable, notice of a public hearing shall be provided as follows: For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than 15 days before the date the application will be considered for approval.

Planning Commission and Township
Board

Article
16

Section 16-1 Planning Commission Established

The Planning Commission is established in accordance with Section 11 of the Michigan Planning Enabling Act.

Section 16-2 Planning Commission Powers and Duties

In addition to the powers and duties granted by state statute, the Planning Commission shall have the following powers and duties:

- A. The Planning Commission and Township staff shall carry on a continuous review of the effectiveness and appropriateness of this ordinance and recommend to Township Board any appropriate changes or amendments in accordance with *Section 18-4*.
- B. The Planning Commission shall hear and make recommendations to the Township Board regarding amendments to this ordinance, including PUD and rezoning requests, following the procedures outlined in *Article 6* and *Article 18*, respectively.
- C. The Planning Commission shall render decisions on special land use permits, private streets, condominiums and site plans.
- D. The Planning Commission shall keep minutes of its proceedings showing the official action of the Commission and the vote of each member upon each question or, if absent or failing to vote, indicating as such. The Planning Commission shall act by resolution. Minutes and the records of all official actions shall be filed with the Township Clerk and kept as a public record.
- E. The concurring vote of the majority of Planning Commission members present during a quorum shall be necessary to take any action authorized by the zoning ordinance.
- F. The Planning Commission shall adopt rules and procedures governing its activities.

Section 16-3 Public Notice and Hearings

Whenever a public hearing before the Planning Commission is required, the Township shall provide public notice in accordance with the requirements of the Zoning Act and *Section 15-5* of this ordinance.

Section 16-4 Powers and Duties of the Township Board

Upon receipt of a recommendation by the Planning Commission, the Township Board shall decide upon the following:

- A. Zoning Ordinance amendments.
- B. Zoning Map amendments.
- C. Planned Unit Developments.

Zoning Board of Appeals

Article
17

Coldwater Township Zoning Ordinance

Section 17-1 Intent and Purpose

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Map, and may adopt rules to govern its procedures. The Zoning Board of Appeals shall also hear and decide on matters referred to it or upon matters which it is required to pass under the Zoning Ordinance adopted under *Michigan Planning Enabling Act*. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under the *Michigan Planning Enabling Act*.

Section 17-2 Creation and Membership

- A. *Membership*. The Zoning Board of Appeals shall consist of five (5) members and shall be appointed by majority vote of the members of the Township Board as follows:
1. One (1) member is to be from the Planning Commission. This member 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.
 2. Four (4) members appointed from the electors of the Township in a manner that is representative of the population distribution and the various interests present in the Township. An employee or contractor of the legislative body may not serve as a member of the Zoning Board of Appeals.
 3. One (1) member or alternative member may be a member of the Township Board. A Township Board member shall not serve as chairperson.
- B. *Terms*. The terms of office shall be three (3) years except when first appointed they may be for such terms as will effect staggered terms.
- C. *Alternates*. The Township Board may appoint to the Zoning Board of Appeals not more than two (2) alternate members for the same term as regular members. An alternate member may be called as specified in the zoning ordinance to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.

Section 17-3 Procedures and Public Hearings

- A. *Meetings and Records*. All Zoning Board of Appeals meetings shall be called by the Chairperson and at such times as determined by the Zoning Board of Appeals. All meetings shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question and shall also keep records of its hearings and other official actions.
- B. *Rules and Procedures* The Zoning Board of Appeals shall fix rules and regulations governing its procedures in conformance with the terms of this ordinance and the *Michigan Zoning Enabling Act*.

- C. *Conducting Business.* The Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present.
- D. *Public Hearings.* If the Zoning Board of Appeals receives a written request seeking an appeal of an administrative decision (*Section 17-5*), a variance of the zoning ordinance (*Section 17-6*), or an interpretation (*Section 17-7*), it shall conduct a public hearing on the request. Notice shall be given as required under *Section 103 of the Michigan Zoning Enabling Act*. However, if the request does not involve a specific parcel of property, notice need only be published as provided in *Section 103(1)* and given to the person making the request as provided in *Section 103(3)* of the Act.

Section 17-4 Powers and Decisions

- A. *Jurisdiction.* The Board of Appeals shall have all powers and jurisdiction granted by the *Michigan Zoning Enabling Act*, all powers and jurisdiction prescribed in other articles of this ordinance and the following specific powers and jurisdiction:
 - 1. Appeals. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Administrator or the Planning Commission in the enforcement of this ordinance.
 - 2. Variances. To approve dimensional variances in circumstances involving a practical difficulty and the other conditions required for the approval of a dimensional variance.
 - 3. Interpretations. To act upon all questions as they may arise in the administration and enforcement of the Zoning Ordinance, including interpretation of the Zoning Map.
 - 4. Other Matters. To hear and decide on all matters referred to it, based on this Zoning Ordinance.
- B. *Planned Unit Developments and Special Land Uses.* Appeals for decisions relating to Planned Unit Developments or special land use permits may not be taken to the Zoning Board of Appeals.
- C. *Decisions.*
 - 1. Majority Vote of Members. The concurring vote of a majority of the Zoning Board of Appeals membership shall be necessary to reverse any order, requirement, decision or determination by the Administrator or other administrative body, or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision.
 - 2. Certification of Decision. The decision of the Zoning Board of Appeals shall become final upon certification of the decision in writing, signed by the Chairperson, or the approval of the minutes for the meeting at which the decision was reached, whichever occurs first.
 - 3. Effect on Permitting. A zoning compliance permit or building permit for a project that is reliant on the decision of the Zoning Board of Appeals shall not be issued until the decision is final.
- D. *Conditions of Approval.* In hearing and deciding an appeal, the Zoning Board of Appeals may impose and attach conditions, restrictions and requirements as it shall determine are necessary and/or appropriate. Conditions, restrictions and requirements may impose greater or more restrictive conditions, restrictions and requirements than are included in this ordinance. Violations of approved conditions, restrictions and requirements shall be deemed a violation of this ordinance. Conditions, restrictions and requirements may include the provision of financial security to guarantee performance.

Section 17-5 Administrative Appeals

- A. *Filing Deadline and Distribution.* An appeal from any decision or action shall be filed no later than 30 calendar days after the decision or action being appealed. Where an appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action being appealed was made.
- B. *Stay of Proceedings.* An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the zoning board of appeals or a circuit court.
- C. *Decision.* In exercising this power, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or a determination being appealed and may make an order, requirement, decision or determination as it should be made. The Zoning Board of Appeals may reverse an order of an administrative official or the Planning Commission only if it finds that the action or decision appealed meets one (1) or more of the following requirements:
1. Was arbitrary or capricious.
 2. Was based on an erroneous finding of a material fact.
 3. Constituted an abuse of discretion.
 4. Was based on erroneous interpretation of the zoning ordinance or zoning law.

Section 17-6 Variances

- A. *Application.* A dimensional variance request shall be accompanied by a drawing to scale, which includes all buildings and their individual front, rear and side yard distances from the property lines and any other structure on the property. the requested variance location clearly identified on the drawing and additional information which demonstrates practical difficulties which supports the request for a variance.
- B. *Criteria.* A variance request shall be considered by the Zoning Board of Appeals and its decision made, based on the following criteria:
1. Practical difficulties or dimensional zoning requirements cannot be met on an existing lot due to the following physical characteristics: narrowness, shallowness or irregular shape or topography or natural characteristics of the site such as a wetland, floodplain, bedrock condition, location of existing principal or accessory structure or location of septic system etc., and are not shared by neighboring properties in the same zoned district.
 2. The practical difficulty of this request was not created by an action of the applicant (it either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental such as a road widening). A self-created hardship is not a valid basis for a variance.

3. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district or cause an unnecessary hardship under the terms of this ordinance.
 4. The variance requested will:
 - a. Not create a public safety issue such as traffic congestion;
 - b. Not be contrary with the intent and purpose of the zoning ordinance;
 - c. Not cause substantially adverse effect upon adjacent properties;
 - d. Relate only to the property under control of the appellant;
 - e. Not essentially alter the character of the surrounding area;
 - f. Not increase the hazard from fire, flood or similar dangers; and
 - g. Not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
 5. That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures or buildings in the same district.
 6. The requested variance will not be contrary to the spirit and purpose of the zoning ordinance.
- C. *Use Variances.* Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the area involved, or any use expressly or by implication prohibited by the terms of this ordinance.

Section 17-7 Interpretations

- A. *Authority.* The Zoning Board of Appeals shall have the power to hear and decide the following interpretation matters:
1. Ambiguity. To determine the meaning of ordinance provisions when ambiguity exists in those provisions.
 2. District Boundaries. To determine the precise location of the boundary lines between zoning districts.

Section 17-8 Official Record and Findings of Fact

- A. *Official Record.* The Zoning Board of Appeals shall record all relevant findings, conditions, facts and other relevant factors, including the vote of each member upon each question and all of its official actions. To this end, the Zoning Board of Appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall, at a minimum, include the following items:
1. The relevant administrative records and orders issued relating to the appeal, variance or interpretation;
 2. The notice of the appeal, variance, or interpretation, if required;
 3. Documents, exhibits, photographs or written reports, as may be submitted to the Zoning Board of Appeals for its consideration;

4. The findings of the Zoning Board of Appeals, stating the facts of the application, the decision, any conditions of the decision and the reasons for reaching such a decision, including any applicable standards of review.
- B. *Certification.* A decision of the Zoning Board of Appeals shall also be certified in writing, either by a certification denoting the decision for a specific request, signed by the Chair, or by approval, by majority vote of the Zoning Board of Appeals, of the official minutes of the meeting at which the decision was made.

Section 17-9 Rehearing and Reapplication

- A. *Rehearing.* A rehearing on an application denied by the Zoning Board of Appeals shall not be considered, except upon the grounds of newly discovered evidence or a falsehood previously relied upon that is discovered to be valid by the Zoning Board of Appeals. A rehearing shall be processed in the same manner as the original application, including payment of the required fee.
- B. *Reapplication.* An application for a variance, interpretation or appeal that has been denied, wholly or in part, by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions, found by the Zoning Board of Appeals to be valid.

Section 17-10 Appeals to Circuit Court

A decision of the Zoning Board of Appeals is final. A party aggrieved by the decision may appeal to the Branch County circuit court.

Amendments and Validity

Article
18

Section 18-1 Intent and Purpose

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise the area boundaries or the provisions and regulations in this ordinance whenever the public necessity and convenience and the general welfare require such amendment.

Section 18-2 Initiation

Amendments may be initiated by the Township Board, the Planning Commission, Township staff or by petition of a Township property owner owner-authorized applicant.

Section 18-3 Application Procedures

- A. *Process and Notice.* Amendments shall be processed as provided for in the *Michigan Zoning Enabling Act*, including notification to adjoining property owners and occupants, where applicable, and a public hearing. The notices for all public hearings before the Planning Commission concerning amendments shall comply with all of the requirements set forth in *Section 15-4*.
- B. *Application and Fee.* If an amendment is requested by a person, firm or corporation, the request shall be filed on a form provided for that purpose and accompanied by an application fee, as set by the Township Board.

Section 18-4 Criteria for Zoning Map and Text Amendments

- A. *Criteria for Map Amendments.* The following guidelines shall be used by the Planning Commission, and may be used by the Township Board when considering amendments to the Zoning Map:
 - 1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Coldwater Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, and the map change would be consistent with recent development trends in the area.
 - 2. Whether the proposed district and the uses allowed are compatible with the physical, geological, hydrological and other environmental features of the site. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
 - 3. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting.
 - 4. Other factors deemed appropriate by the Planning Commission or Township Board.
- B. *Criteria for Text Amendments.* The following guidelines shall be used by the Planning Commission, and may be used by the Township Board when considering of amendments to the Zoning Map:
 - 1. The proposed text amendment would clarify the intent of the ordinance.
 - 2. The proposed text amendment would correct an error or oversight in the ordinance.

3. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
5. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.
6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.
7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
8. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
9. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.

Section 18-5 Conditional Rezoning

It is recognized that there are certain instances where it could be in the best interests of the Township as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions proposed by the property owner could be approved as part of a rezoning request. Therefore, a conditional rezoning request may be considered by the Planning Commission and Township Board, in accordance with the following:

- A. *Materials.* All materials required for Zoning Map amendments shall also be required for conditional rezoning offers.
- B. *Offer.* A voluntarily offer of use and development restrictions on the land, as a condition of rezoning, must be submitted in writing by the property owner. It is the intent of this section to permit a process consistent with the provisions of *Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405)*, by which an owner seeking a rezoning may voluntarily offer conditions regarding the use and development of land as part of the Zoning Map amendment request.
- C. *Compliance.* The conditions pertaining to conditional rezoning, as stated in the Michigan Zoning Enabling Act, shall be met.
- D. *Considerations.* The Township Board may consider voluntarily offered conditions to best protect the best interests of the public and community.
- E. *Recording.* If approved, the conditions shall be recorded as a deed restriction on the property.

Section 18-6 Administrative Liability

No officer, agent, employee or member of the Planning Commission, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this ordinance.

Section 18-7 Severability

This ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses within the ordinance are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected.

Section 18-8 Effective Date

- A. *Effective Date.* The rewrite and overhaul of the Coldwater Township Zoning Ordinance was approved by the Township Board on May 2, 2016, and shall take effect seven (7) days after the publication of notice of adoption in accordance with State statutes. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Such repeal, however, shall not effect existing violations, which may continue to be prosecuted or prohibited by civil proceedings where they remain unlawful under the Ordinance.
- B. *Repeal of Ordinance.* The Coldwater Township Zoning Ordinance adopted in October of 1974, and subsequent amendments, are repealed as of the effective date of this ordinance.
- C. *Pending Applications.* All applications for permits, appeals and variance requests pending before the Administrator, the Planning Commission, or the Appeals Board on the effective date of this ordinance shall be acted upon only in conformance with the zoning ordinance in effect at the time the application, appeal, or variance was found complete.

Appendices



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Definitions

Appendix
A

Section A-1 Construction of Language

- A. *Words, Terms and Phrases.* The following words, terms and phrases, when used in the Zoning Ordinance, shall have the meanings assigned to them in this appendix, except where the context clearly indicates a different meaning.
- B. *Rules of Construction.* The following rules of construction apply to this Appendix:
1. The particular shall control the general and the use of a general term shall not be taken to have the same meaning as another specific term. For example, a “dry cleaning retail establishment” shall not be interpreted to be the same as a “retail business supplying commodities on the premises,” if each term is listed as a separate and distinct use.
 2. In case of any difference of meaning or implication between the text of this article and any caption or illustration, the text shall control.
 3. A building or structure includes any and all of its parts.
 4. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
 5. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
 6. The word “person” includes any individual, corporation, partnership, incorporated association, limited liability company or any other similar entity.
 7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows: a. "And" indicates that the connected items, conditions, provisions or events apply. b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination. c. “Either . . . or” indicates that the connected items, conditions, provisions or events apply singly but not in combination.
 8. Terms not defined in this Appendix shall have the meaning customarily assigned to them.

Section A-2 General Definitions

ACCESSORY BUILDING means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal building. Accessory buildings also include portable sheds that are not stick-built and not affixed to the ground.

ADDITION means any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area, such as a porch, attached garage or carport, or a new room or wing.

ADMINISTRATOR means the Township official authorized to administer, interpret and enforce the Coldwater Township Zoning Ordinance, also known as the Zoning Administrator.

AGRICULTURAL LABOR CAMP OPERATOR means a person who owns, establishes, operates, conducts, manages, or maintains an agricultural labor camp or who causes or permits the occupancy or use of an agricultural labor camp whether or not rent is charged for housing and facilities.

ALLEY means a secondary right-of-way that provides a means of access to the rear of a lot and/or building.

ALTERATIONS, STRUCTURAL means any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

ANIMAL, DOMESTIC means an animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.

ANIMAL, FARM means an animal or fowl customarily raised on a farm such as equines, cattle, swine, sheep, goats, llamas, alpacas, poultry, waterfowl, rabbits, mink and exotic animals, such as emus, and ostriches.

ANIMAL, WILD means an animal not domesticated by humans or any animal which a person is prohibited from possessing by local, state or federal law.

BASEMENT The part of a building between a floor and ceiling, which is partially below and partially above ground level, but with a vertical distance from grade to the floor below that is greater than the vertical distance from grade to the ceiling. A basement is not counted as a story.

BLOCK- The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets and un-subdivided acreage, lake; or between any of the foregoing, and any other barrier, to the continuity of development.

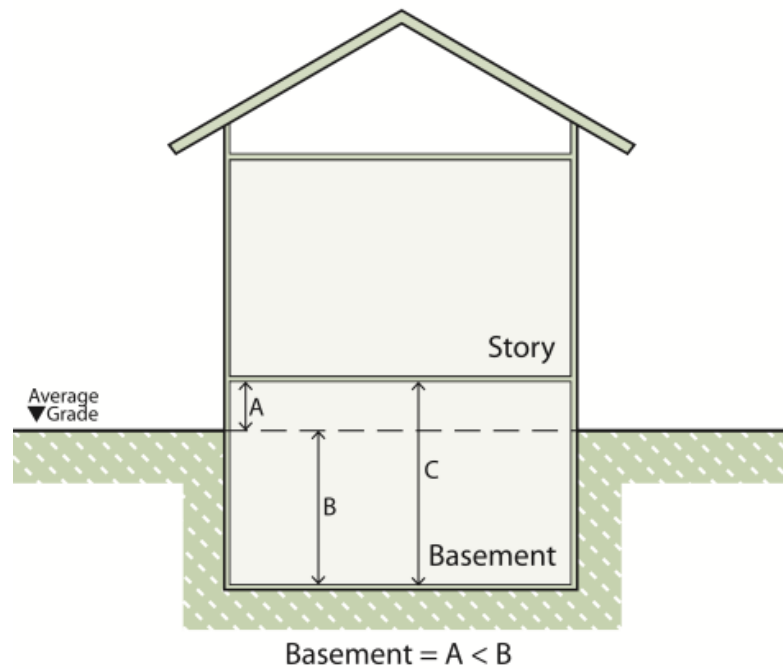
BUFFER means a strip of land which provides visual separation and aesthetic relief between potentially incompatible uses or provides protection to natural resources through the use of landscaping, preservation of existing vegetation, berms, or screening, or a combination of materials.

BUILDING means a permanent independent structure with a roof supported by walls, columns or other supports that is designed for the shelter, housing or enclosure of persons, animals, possessions or property of any kind, or to conduct business activities.

BUILDING AREA means the total exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios and steps, and of awnings and nonpermanent canopies.

BUILDING COVERAGE means the area of a parcel covered by a principal and accessory buildings, porches, and decks.

BUILDING ENVELOPE means the maximum three-dimensional volume on a lot within which a structure can be built, as permitted by applicable height and setback requirements.



BUILDING, PRINCIPAL means a building in which is conducted the main or principal use of the lot on which the building is located.

BUILDING HEIGHT means the vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

BUILDING INSPECTOR means that person and designated by the Township Ordinance to enforce P.A. 230 of 1972, otherwise known as the BOCA Code which is the governing building code for Coldwater Township.

BUILDING SITE means the condominium unit including the building envelope and contiguous limited common area or element. The functional equivalent of a lot when lot is used as a reference in the Zoning Ordinance, the regulation shall also refer to building site.

CODE ENFORCEMENT OFFICER means the person(s) appointed by the Coldwater Township Board to enforce any and all reported violations of the Coldwater Township Zoning Ordinance.

CONDITIONAL REZONING means a rezoning that is conditioned by a specific use and/or other restrictions, voluntarily offered by the applicant and recorded with the property.

CONDOMINIUM

- A. **CONDOMINIUM ACT** means Public Act 59 of the 1978 Acts of the Michigan Legislature, as amended (Section 559.101 et seq. of the Michigan Compiled Laws).
- B. **CONDOMINIUM PROJECT** means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act.
- C. **CONDOMINIUM UNIT** means that portion of the condominium project designed and intended for separate ownership and use as described in the master deed and shall be equivalent to the term "lot" as used in Township Ordinances.
- D. **SITE CONDOMINIUM** means a condominium development in which each condominium unit consists of an area of vacant land and a volume of vacant air space, within which a building or other improvements may be constructed.

CUL-DE-SAC means a circular vehicle turn-around area constituting the terminus of a street that has only one outlet to another street.

DENSITY, GROSS means the number of dwelling units meeting the minimum area requirements of the district to be located on a parcel of property, divided by the total acreage of that property.

DENSITY, NET means the dwelling unit density of a particular area measured by the number of dwelling units meeting the minimum area requirements of the district divided by the total number of acres, excluding public rights-of-way and private easements.

DRIVEWAY, PRIVATE COMMERCIAL means a privately owned and maintained access extending from a public or private right-of-way road to serve a commercial use.

DRIVEWAY, PRIVATE NON-COMMERCIAL means an improved or unimproved path or road extending from a public or private right-of-way to at least a single building, structure, or dwelling including its accessory buildings, intended to provide ingress and egress for the owners/occupants thereof.

DRIVE THROUGH means any commercial use that by the way of site layout or building design encourages or permits patrons to remain in their vehicle while receiving goods or services.

DWELLING UNIT means a building or portion of a building, designed for use and occupancy by one family, having permanent provisions for living, sleeping, cooking and sanitation. A recreational vehicle, portable building, tent or other transient residential use, such as hotels/motels and bed and breakfasts, are not considered a dwelling.

EASEMENT means the legal right for a person, government, agency or public utility company to use public or private land owned by another for a specific purpose.

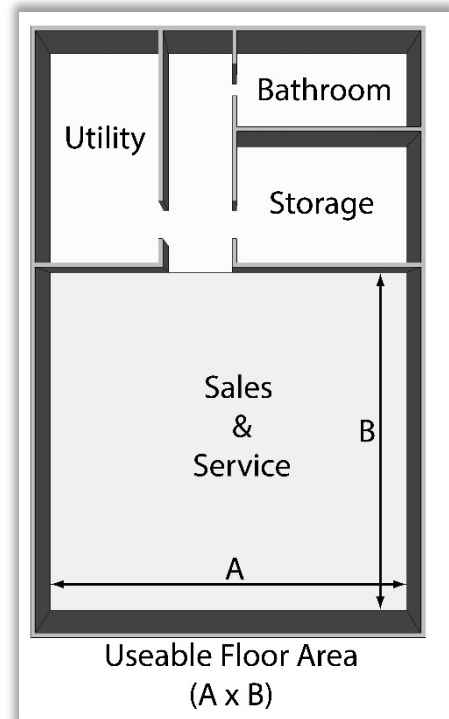
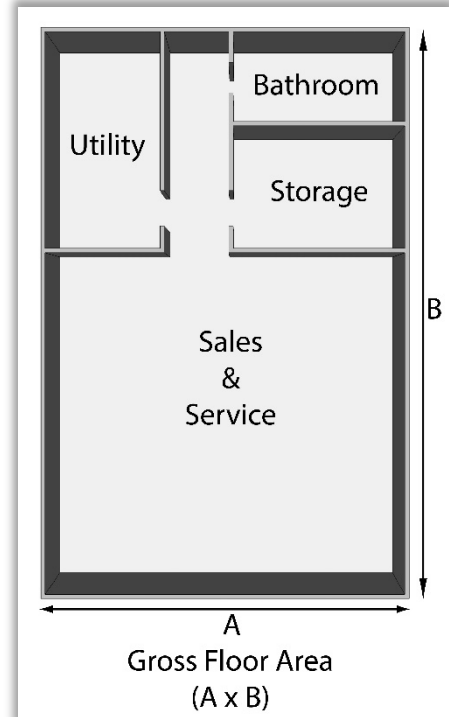
FAMILY means an individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling, or a collective number of individuals domiciled together in one dwelling whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. 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.

FARM PRODUCT means 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.

FENCE means a barrier intended to prevent escape or intrusion or to mark a boundary, a structure used as an enclosure other than a building.

FLOOR AREA, GROSS means the sum of the horizontal area of all building floors, excluding basements, measured from the interior faces of exterior walls.

FLOOR AREA, LIVABLE means the total area of all floors whose height is more than half above finished grade, having a minimum floor to ceiling height of seven and a half feet, located on a permanent foundation, wired for electrical service and heated for year-round use. This term is applied to residential structures.



FLOOR AREA, USABLE means the sum of the total horizontal area of all building floors that are used or intended to be used for the sale of merchandise, or to serve clients or customers, and all areas devoted to employee work space. Floor area is measured from the interior faces of exterior walls. Excluded from usable floor area are those parts of a building principally used, or intended to be used to store or process merchandise, and hallways, elevators, stairs, bulkheads, or utility or sanitary facilities. This term is applied to commercial structures.

GARAGE means a detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles and/or incidental personal property of the occupants of the premises.

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS) means those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University College of Agriculture and Natural Resources Extension and the Agricultural Experiment Station in cooperation with the United States Department of Agriculture Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

GRADE, ARTIFICIAL means a manmade grade created by means of earthen terraces, berms, fills or the like, specifically for the purpose of gaining a height advantage or disguising the true height of a structure. Artificial grade shall not be used to determine the permissible height of any building or structure.

GRADE, AVERAGE means the arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

GRADE, FINISHED means the lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

GRADE, NATURAL means the elevation of the ground surface in its natural state, before man-made alterations.

HOUSEHOLD means all persons occupying a house, apartment, group of rooms or a single room occupied as separate living quarters, regardless of their relationship to one another.

JUNK means any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

KENNEL means any land, building or structure where five (5) or more cats and/or dogs that are more than six months old are boarded, housed or bred.

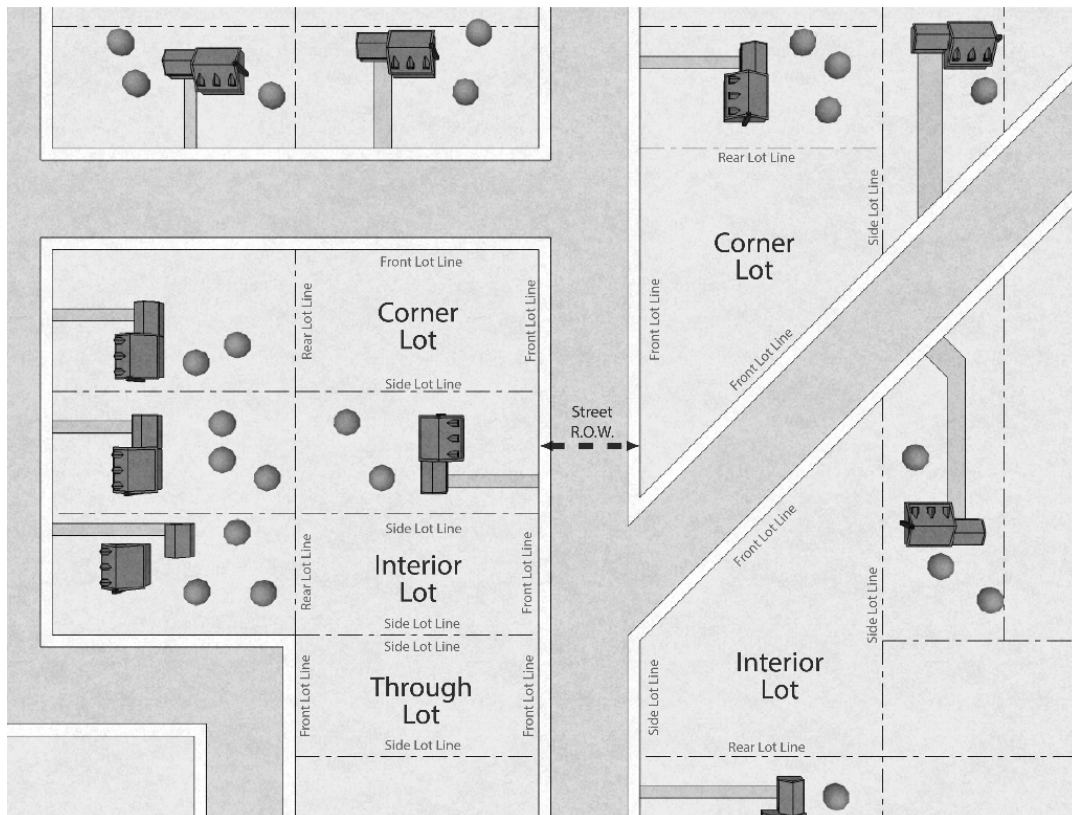
LOADING SPACE means an off-street portion of a parcel or lot designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold or made on the premises.

LOT means a parcel of land intended for individual ownership and use, separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds, as part of a platted subdivision or site condominium.

- A. **LOT AREA** means the area of land included within a lot as defined by lot lines, but excluding any public rights-of-way.
- B. **LOT, CORNER** means a lot with at least two contiguous sides abutting two intersecting streets, and where the interior angle of the intersecting streets is less than 135 degrees. Also, a lot

located on a curved street or streets if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

- C. **LOT COVERAGE** means the lot area, stated as a percentage of the total, covered by all buildings and areas under roof, drives and driveways, parking lots, patios, decks and other impervious surfaces.
- D. **LOT, FLAG** means a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway; the flag portion of the lot.
- E. **LOT, INTERIOR** means a lot other than a corner, multi-frontage, through or corner lot, bordered on three sides by other lots.
- F. **LOT, MULTI-FRONTAGE** means a lot bordered by streets on three sides.
- G. **LOT, THROUGH** means and interior lot bordered by two, more or less parallel streets. For the purposes of this definition, if one side of the lot is bordered by an alley opposite of a street the lot is not considered a through lot.
- H. **LOT DEPTH** means the average distance between the front lot line and the rear lot line.
- I. **LOT FRONTAGE** means the length of the front lot line measured at the street right-of-way.
- J. **LOT, WATERFRONT** means a lot with one or more of its lot lines adjoining a stream, river, or lake.
- K. **LOT WIDTH** means the horizontal distance between side lot lines measured at the two points where the required setback intersects the side lot lines.



LOT LINES mean the lines bounding a lot, as defined below:

- A. **LOT LINE, FRONT** means, in the case of an interior lot, the line separating the lot from the street right-of-way or road easement. Through lots shall have two front lot lines and corner lots shall have a primary and secondary front lot lines.
- B. **LOT LINE, REAR** means the lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line.
- C. **LOT LINE, SIDE** means the lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.

LOT OF RECORD means a subdivision platted lot or a parcel otherwise of record which was recorded with the Register of Deeds office and assigned a tax code prior to the effective date of this ordinance.

MANUFACTURED HOME means a factory-built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act. It is transportable in one or more sections, built on a permanent chassis or foundation and used as a dwelling. It is not constructed with a permanent hitch or other device allowing its transport, other than for its delivery to a permanent site and does not have wheels or axles permanently attached to its body or frame.

MASTER PLAN means the plan adopted by the Coldwater Township in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended.

MARIJUANA or **MARIHUANA** means that term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

MOTOR VEHICLE means every vehicle which is self-propelled.

NONCONFORMING BUILDING, STRUCTURE means a structure or building lawfully constructed that does not conform to the requirements of the area in which it is situated and existed prior to the effective date of this ordinance.

NONCONFORMING LOT means a lot lawfully existing on the effective date of this ordinance, or its subsequent amendment, that does not meet the current area and/or dimensional requirements of the zoning district in which it is located.

NONCONFORMING USE means structure, building, parcel, premise or land lawfully occupied by a use that does not conform to the regulations of the area in which it is situated and lawfully existing on the effective date of this ordinance.

PARCEL means a tract of land or one or more parcels having a single tax identification number or a condominium unit of land space and directly associated limited common element, except that if two or more parcels meeting the foregoing definition are contiguous and under common ownership, then all of such parcels shall be deemed a single parcel for purposes of this ordinance on which one (1) principal building and its accessory buildings are placed, together with the open spaces required by this ordinance.

PARKING AREA, SPACE OR LOT means an off-street open area, the principal use of which is for the parking of motor vehicles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees. Parking area shall include access drives within the actual parking area.

PERMITTED USE means a use by right that is specifically authorized in a particular zoning district.

PLANNING COMMISSION means the Coldwater Township Planning Commission.

PLAT means a map of a subdivision of land, recorded with the County Register of Deeds, pursuant to the Subdivision Control Act, PA 288 of 1967, Land Division Act, PA 591 of 1996 (MCL 560.101 et seq.), as amended.

PRIMARY CAREGIVER That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

PRINCIPAL USE means the primary or predominant use of a lot or parcel.

RECREATIONAL VEHICLE means any type of vehicle used temporarily or periodically for recreational or leisure pursuits. Examples include, but are not limited to, travel trailers, motor homes, boats, special purpose automobiles, floats, rafts, trailers, detachable travel equipment of the type adaptable to light trucks, personal watercraft and other vehicles or equipment of a similar nature, as well as any trailer used to transport them.

REGISTERED PRIMARY CAREGIVER means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marijuana Act.

REGISTERED QUALIFYING PATIENT means a qualifying patient who has been issued a current registry identification card under the Michigan Medical Marijuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marijuana act, MCL 333.26423.

REGISTRY IDENTIFICATION CARD means that term as defined 23 in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.

ROAD, PRIVATE means a privately owned and maintained thoroughfare serving more than a single building, a dwelling or a structure.

ROAD, PUBLIC means a publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, except an alley.

SCREENING means a way of visually shielding or obscuring one abutting or nearby structure or use from another, using a fence, wall, berm or vegetation.

SETBACK means the minimum horizontal distance that any principal or accessory building shall be separated from a street right-of-way or front, side or rear lot line to meet the minimum requirements of this ordinance.

SPECIFIED ANATOMICAL AREA means either the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or less than completely and opaquely covered human genitals, attached pubic hair, buttocks or a female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITY means the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or, sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or excretory functions as a part of or in connection with any of the activities set forth in this definition.

SIGN means any object or device containing letters, figures and/or other means of communication, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service, or to bring attention to a message.

- A. **AIR DANCER SIGN** means an inflatable sign intended to draw attention by movement of air through the inflated core, also known as a sock sign.
- B. **AWNING SIGN** means a sign that is part of or located on a canopy or awning that is attached to and projects from a building wall.
- C. **DEVICE SIGN** means a permanent sign on a machine or device, such as vending machines, gas pumps, or ice containers.
- D. **DIRECTIONAL SIGN** means any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.
- E. **BANNER SIGN** means a temporary sign of fabric, plastic, paper, or other light pliable material not enclosed in a rigid frame.
- F. **BENCH SIGN** means a sign located on any part of the surface of a bench or seat placed anywhere outside a building.
- G. **BILLBOARD SIGN** means a sign advertising a land use, business, general message, product or service, not typically located on, related to, or available upon the premises where the sign is located. These signs are distinguished from other types of freestanding signs by their larger than otherwise permitted size and typical location along Interstate, U.S. and State routes. Additionally, billboards are often erected to attract the attention of motorists that may be unfamiliar with the area, such as tourists, or pass-through travelers.
- H. **BILLBOARD SIGN FACE** means a static, trivision or digital sign panel, that is attached to a billboard structure.
- I. **BILLBOARD SIGN EXTENSION** means an additional display-component of a billboard sign face that is installed only on a temporary basis, on a part of the billboard structure that extends in one or more directions from the billboard sign face.
- J. **BILLBOARD STRUCTURE** means the pylon(s), pole(s), foundation, framework, supporting members, skirting, lighting and other electrical equipment and all other components and elements used to mount, support or operate a billboard sign face, whether or not a billboard sign face is present on the billboard structure at any given time.
- K. **BILLBOARD, TRIVISION** means a billboard sign face composed of a series of vertical or horizontal cylinders, each of which has a triangular cross section. A rotation of the triangular cylinders produces the display of a different image.
- L. **BUSINESS CENTER SIGN** means a freestanding sign associated with a business center or park with multiple individual businesses, offices, uses or tenants.
- M. **DEVELOPMENT GATEWAY ENTRY SIGN** means a sign placed at the entryway driveway or road of a residential or commercial development or industrial park.
- N. **ELECTRONIC CHANGEABLE MESSAGE (ECM) SIGN** means a sign with content can be changed or altered by means of electronically controlled electronic impulses.
- O. **FEATHER SIGN** means a freestanding sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft. Also known as a feather flag.
- P. **FLAGS AND FLAG SIGNS** means temporary signs consisting of a piece of cloth, fabric, or other non-rigid material.

- Q. **FREESTANDING SIGN** means a sign structurally separated from a building, supported by one or more posts or braces or attached directly to the ground or a standard, including but not limited to pole signs and ground signs.
- R. **GOVERNMENTAL SIGN** means a temporary or permanent sign erected by the City of Coldwater, Coldwater Township, Branch County, or the state or federal governments.
- S. **GROUND SIGN** means a freestanding sign that is supported by one or more short uprights, a standard, or upon the ground. Also called a Monument Sign.
- T. **HISTORIC MARKER** means a sign or plaque describing a property's designation as a historical site or structure.
- U. **INCIDENTAL SIGN** means a sign, not more than two (2) square feet in size.
- V. **INFLATABLE SIGN** means a tethered sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.
- W. **INTERIOR SIGN** means a sign located completely within an enclosed building and not visible from outside the building or which are primarily directed at persons within the premises upon which the sign is located.
- X. **MENU BOARD SIGN** means a sign board accommodating drive-in or drive-through businesses.
- Y. **MURAL AND ART** means an integral decorative or architectural features of buildings or works of artistic expression, without letters, logos, commercial representations, trademarks, moving parts or lights. Murals and art are not defined as signs.
- Z. **PERMANENT SIGN** means a sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.
- AA. **PLACARD SIGN** means a small temporary sign posted on a structure or object.
- BB. **POLE SIGN** means a sign having a sign face that is elevated above the ground by one or more uprights, pylons or poles.
- CC. **PORTABLE SIGN** means a sign intended to be easily moved which is not attached to a building, structure, or the ground. Portable signs shall include, but are not limited to, trailer mounted signs, A-frame signs, sandwich board signs, etc., but not including signs on a motor vehicle.
- DD. **PUBLIC FLAG** means a flag displayed by a federal, state, municipality, educational, civic/religious/fraternal or military organization.
- EE. **PROJECTING SIGN** means a sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs, as defined.
- FF. **ROOF SIGN** means a sign that is erected, constructed and maintained upon or above the roof of a building, or parapet wall and that is wholly or partially supported by such building.
- GG. **SIGN STANDARD** means the base of a ground sign.
- HH. **TEMPORARY SIGN** means a sign that is intended to be displayed for a limited period of time which is not intended to be lasting and is not constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is not permanently affixed to the ground, wall or building.

II. **VEHICLE SIGN** means a sign mounted on a vehicle or trailer, designed to be visible to motorists or pedestrians while the sign is being transported. A logo painted on a vehicle identifying the business owning or using the vehicle, or a lettering depicting the name of the owner of the vehicle, is not considered a vehicle sign.

JJ. **WALL SIGN** means a sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, not projecting more than 12" from the wall, and which does not have any part of such sign or sign supports extending above the uppermost building line not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment or extensions. This definition shall include writing, letters or numbers placed or painted directly on a building wall surface.

KK. **WINDOW SIGN** means a sign installed inside a window and intended to be viewed from the outside.

SITE PLAN means a plan of a proposed project that shows all relevant features necessary to determine if it meets the requirements of this ordinance.

SPECIAL LAND USE means a use of land which can be permitted within a zoned district if certain conditions exist to assure compatibility with surrounding property and within conformance to the provisions of all Township ordinances. Special land uses can be approved with stipulations to assure that nuisances are not generated as a result of the land use. A site plan must accompany every application for Special Use Permit.

STORY means that portion of a building included between the surface of any above floor grade and the surface of the floor next above it, or if there is no floor above it then the space between any floor and the ceiling next above it. A story shall have vertical walls.

STORY, HALF means the uppermost habitable story under a sloped roof with a usable floor area that does not exceed 50 percent of the floor area of the story immediately below; provided, the area contains at least 200 square feet with a clear height of at least seven and a half feet.

STREET means a publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, except an alley. Also, includes a public road.

STRUCTURE means anything except a building constructed or erected, the use of, which requires permanent location on or in the ground or attachment to something having a permanent location on the ground.

SUBDIVISION means a legal division of a tract of land into two or more lots, all fronting on a public or private street, and offered for sale as individual lots.

A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision for purposes of this code; or

B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance.

SWIMMING POOL means a constructed basin or structure for the holding of water for swimming and aquatic recreation, not including temporary, portable pools located upon the ground, and holding less than 300 gallons of water, or decorative pools less than two (2) feet deep. Swimming pools require a zoning compliance permit prior to installation.

TOWNSHIP means Coldwater Township, Branch County, Michigan.

TOWNSHIP BOARD means the Coldwater Township Board.

TREE, CANOPY means a deciduous shade tree.

TREE, EVERGREEN means a tree with foliage that persists and remains green throughout the year.

TREE, ORNAMENTAL means a small deciduous tree grown for its foliage and/or flowers.

VARIANCE means an allowed modification to the requirements of this Ordinance, as authorized by the Zoning Board of Appeals under the provisions of this Ordinance.

VEHICLE means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, airway, land, river, or lake, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

WIND ENERGY

- A. **AMBIENT SOUND LEVEL** means the amount of background noise at a given location prior to the installation of a WET which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity and the interaction of the wind with the landscape. Ambient Sound Level is measured on the Decibel – dB(A)-weighted scale as defined by the American National Standards Institute (ANSI).
- B. **ANEMOMETER** means a wind speed indicator constructed for the purpose of analyzing the potential for installing a WET at a given location. An Anemometer includes a tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, a data logger, instrument wiring and telemetry devices used to monitor or transmit wind speed and wind flow characteristics over a period of time. Telemetry data can include instantaneous wind speeds or characterizations of wind resource at a given location.
- C. **DECOMMISSIONING** means the process of terminating the operation of a WET by completely removing the entire WET and all related buildings, structures, foundations, supports, equipment and, as appropriate, onsite access roads.
- D. **NACELLE** means the encasement which houses the interior electricity generating components, gear box, drive tram, brakes and related equipment of a WET.
- E. **NET METERING** means a special metering and billing agreement between utility companies and their customers, which facilitates the connection of sustainable energy generating systems to the power grid.
- F. **OCCUPIED BUILDING** means a structure used by or which houses residents, customers, workers or visitors.
- G. **OPERATOR** means the entity responsible for the day-to-day operations and maintenance of a WET.
- H. **OWNER/APPLICANT** means the person, firm corporation, company, limited liability corporation or other entity seeking Township approval under this Section, as well as its successor(s), assign(s) or transferee(s), for a WET or Anemometer. An owner/applicant must

have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WET or Anemometer. The duties and obligations regarding a zoning approval for any approved WET or Anemometer shall be with the owner/applicant of the WET or Anemometer, and jointly and severally with the owner and operator or lessee of the WET or Anemometer if different than the owner/applicant.

- I. **ROTOR** means a blade of a WET that is connected to the rotor hub and nacelle and acts as an airfoil assembly that extracts kinetic energy directly from the wind.
- J. **ROTOR DIAMETER** means the cross-sectional dimension of the circle swept by the rotating blades of a WET.
- K. **SHADOW FLICKER** means the moving shadow created by the sun shining through the rotating blades of a WET. The amount of Shadow Flicker created by a WET is calculated by a computer model that measures WET location, elevation, tree cover, location of adjacent structures, wind activity and sunlight angle.
- L. **STRUCTURE** means anything constructed or erected that involves permanent location on the ground or attachment to something having such a location.
- M. **SURVIVAL WIND SPEED** means the maximum wind speed, as designated by the WET manufacturer, at which a WET in an unattended state is designed to survive without damage to any structural equipment or the loss of the ability to function normally.
- N. **TOTAL HEIGHT** means the vertical distance as measured from the ground level of the base of a WET tower to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WET.
- O. **TOWER** means a free-standing monopole that supports a WET.
- P. **WIND ENERGY OVERLAY DISTRICT** means a specific zoning district for the location of L-WET's.
- Q. **UPWIND TURBINES** means as opposed to a "downwind turbine," an Upwind Turbine has the rotor blades faces into the wind source direction.

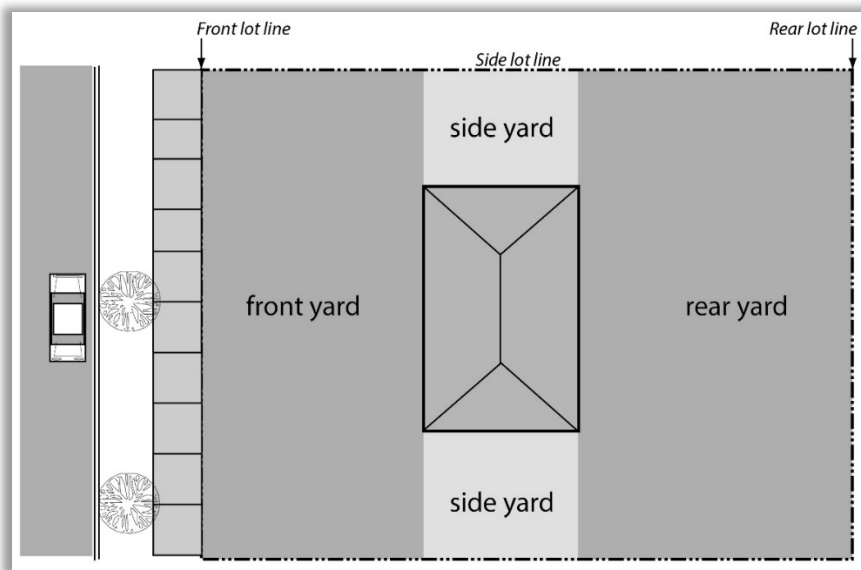
WIRELESS COMMUNICATION

- A. **ALTERNATIVE TOWER STRUCTURE** means man-made trees, clock towers, steeples, light poles and similar alternative design mounting structures that camouflage or minimize the presence of antennas or towers.
- B. **ANTENNA** means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- C. **BACKHAUL NETWORK** means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- D. **HEIGHT** means when referring to a tower or structure, the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna.
- E. **WIRELESS COMMUNICATION TOWER** or **TOWER** means any structure used to support attached wireless communication facilities, or other antennas, or facilities including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and

television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and also includes support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade.

YARD means an open space at grade between a building and the adjoining lot lines.

- A. **FRONT YARD** means an open space between the front of a principal building and the front lot line, generally adjacent to a street, and extending the full width of the lot.
- B. **REAR YARD** means an open space between the rear of a principal building and the rear lot line and extending the full width of the lot.
- C. **SIDE YARD** means an open space between the side of a principal building and the side lot line extending from the front yard to the rear yard.



ZONING ACT means the Michigan Act, Public Act 110 of 2006, as amended.

ZONING DISTRICT means a section of the Township in which requirements for the use and dimensions of the land and buildings are prescribed.

ZONING PERMIT means a written authorization issued by the Administrator verifying that proposed buildings, structures or uses are consistent with the terms of this zoning code for the district in which the building, structure or use will be located.

Section A-3 Land Use Definitions

ACCESSORY USE means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings located on the same lot.

- A. **HOME OCCUPATION** means an accessory business use which is clearly secondary to a residential use. Work is conducted entirely within a principal dwelling, but some professions will involve off-site services and operations.

- B. **HOME BASED BUSINESS** means a business operated on a residential parcel that because of its nature, intensity, and characteristics, is not customary for a residential property and does not qualify as a home occupation. A home-based business is an incidental and secondary use of the property.
- C. **OUTDOOR DISPLAY, SALES** means the outdoor placement, storage or keeping, for display purposes, of equipment, vehicles, trailers and other similar goods for sale on a premises.
- D. **OUTDOOR STORAGE** means the outdoor placement of goods such as, building or construction materials, equipment, vehicles, trailers and other supplies, for future use, production, assembly, preservation or disposal.

ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT

- A. **BANQUET HALL** means a use which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.
- B. **BED AND BREAKFAST INN** means a house, or portion of a house, where short-term lodging rooms and breakfast and light snacks are provided to overnight guests and where the operator lives on the premises or in adjacent premises.
- C. **DISTILLERY, SMALL** means a facility operated by a small distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits within the limits established by the State of Michigan for a small distiller.
- D. **HOTEL/MOTEL** means a building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.
- E. **MICRO-BREWERY** means a facility operated by a micro brewer duly licensed by the State of Michigan Liquor Control Commission (MLCC) to brew ales, beers, meads, and/or similar beverages within the limits established by the State of Michigan for a micro brewer.
- F. **RECREATION FACILITY: CAMPGROUND** means a form of lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience natural environments. Campgrounds rent pads or spaces to guests. May also include accessory uses such as a camp store, shower/bathroom facilities, and recreational facilities.
- G. **RECREATION FACILITY: COMMERCIAL INDOOR** means an establishment providing indoor amusement and entertainment services, often for a fee or admission charge, including, but not limited to: bowling alleys, commercial health and fitness facilities, coin-operated amusement arcades, movie theaters, electronic game arcades (video games, pinball, etc.), indoor ice skating and roller skating rinks, pool and billiard rooms as primary uses. Does not include adult-oriented businesses. May include bars and restaurants as accessory uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50 percent or more of the floor area is occupied by electronic games or amusement devices is considered an indoor recreation facility; three or fewer machines or devices are not considered a use separate from the primary use of the site.
- H. **RECREATION FACILITY: COMMERCIAL OUTDOOR** means a facility for outdoor recreational activities where a fee is often charged for use. Examples include, but are not limited to, amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. May also include commercial facilities customarily

associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Marinas may include marine-related retail (bait and tackle, boat supplies), fuel sales, minor boat repair, and boat storage. This use does not include golf courses or campgrounds.

- I. **RECREATION FACILITY: GOLF COURSE** means a use consisting of regulation and par 3 golf courses having nine or more holes, and accessory facilities and uses, including driving ranges, clubhouses with bar and restaurant; locker and shower facilities; “pro shops” for on-site sales of golfing equipment and clothing; and golf cart storage facilities.
- J. **RESTAURANT** means a business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas, or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building, but does not include drive-through services, which are separately defined and regulated. Service of alcoholic beverages by the drink is incidental to the service of food and food receipts exceed 50 percent of sales.
 1. **RESTAURANT WITH DRIVE-THROUGH** means a business establishment whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-through restaurant may also have indoor or outdoor seating.
 2. **RESTAURANT WITH MICRO-BREWERY** means a restaurant that serves and brews handcrafted, natural beer intended for retail consumption on the premises and on any premises that has a license as a standard full-service restaurant owned and operated in its entirety by the same corporate ownership and management.
 3. **RESTAURANT WITH OUTDOOR DINING** means a restaurant with seating on a sidewalk, patio, deck or other on-site outdoor location.
- K. **TAVERN** means a commercial establishment licensed to sell at retail and serve beer, wine, liquor or other alcoholic beverages for consumption on the premises and where the service of food is incidental to the sales and consumption of such beverages. Taverns include nightclubs, lounges and bars.
- L. **THEATER** means a building or part of a building use to show motion pictures or a facility used for drama, dance, musicals or other live performances.
- M. **WINERY, SMALL** means a facility operated by a small wine maker duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture, bottle and sell wine within the limits established by the State of Michigan for a small wine maker.

AGRICULTURAL

- A. **AGRITOURISM** means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting reserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.
- B. **AGRIBUSINESS** means a business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals (but not including slaughtering, rendering or tanning); veterinarian and/or technical support facilities.
- C. **COMMERCIAL STABLES** means a structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training equines may also be conducted.

- D. **FARM** means 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.
- E. **FARMERS MARKET** means a building or structure designed or used for the seasonal sale of farm or home grown agricultural products, or agriculturally related products, directly to the consumer from a designated area.
- F. **FARM OPERATION** means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:
1. Marketing produce at roadside stands or farm markets.
 2. The generation of noise, odors, dust, fumes, and other associated conditions.
 3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
 4. Field preparation and ground and aerial seeding and spraying.
 5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
 6. Use of alternative pest management techniques.
 7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
 8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
 9. The conversion from a farm operation activity to other farm operation activities.
 10. The employment and use of labor.
- G. **GREENHOUSE AND NURSERY** means a retail or wholesale business whose principal activity is the display and sales of plants grown on the site within an enclosed building (greenhouse) or outdoors (nursery).
- H. **ROADSIDE STAND** means an accessory structure for the seasonal retail sale of products grown on the site only, with no space for customers within the structure itself.

INDUSTRIAL

- A. **MANUFACTURING, PROCESSING, AND PACKAGING – LIGHT** means a facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include: artisan / craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production,

photo/film processing lab not accessory to a retail business, printing & publishing, food preparation and packaging, winery, brewery.

- B. **MANUFACTURING, PROCESSING, AND PACKAGING – HEAVY** means a facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following: chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; pulp and pulp product manufacturing; textile and leather product manufacturing; food products manufacturing.
- C. **SALVAGE OR IMPOUND OPERATIONS** means any land or structure used for storing, dismantling, reconditioning, collecting, purchasing or selling of scrap metal or other discarded goods and materials, including the collection, dismantlement and salvage of two or more inoperative vehicles, boats, trucks, or other types of machinery or equipment, or the impounding of any operable or inoperable vehicle associated with towing or wrecker services.
- D. **WAREHOUSING** means facilities for the storage of furniture, household goods, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include mini-storage facilities offered for rent or lease to the general public (see “Mini-Warehouse/Self-Storage”) or warehouse facilities primarily used for wholesaling and distribution (see “Wholesaling and Distribution”).
- E. **WHOLESALE AND DISTRIBUTION** means an establishment engaged in selling merchandise in bulk quantities to retailers; to contractors, industrial, commercial, agricultural, institutional, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.
- F. **MINI-WAREHOUSE/SELF-STORAGE** means a building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized and controlled access rooms, stalls or lockers for the storage of customer’s goods or wares.

INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS. This category encompasses land uses that provide the underlying infrastructure, utilities, and systems that allow a community to function.

- A. **AIRPORT** means any areas of land arranged and developed for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft and accommodation of passengers, receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way. An airport may also include a heliport, an area used by helicopters or by other steep-gradient aircraft.
- B. **AIRSTRIP** means a runway without normal airport facilities.
- C. **ESSENTIAL SERVICES** mean the erection, construction, alteration, or maintenance by a public utility, or municipal department, of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply, or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants and similar accessories

that are necessary to furnish adequate service, addressing general public health, safety, convenience, or welfare. These do not include wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network); wind energy conversion systems (WECS); offices, utility buildings, substations, or structures that are enclosures or shelters for service equipment; or maintenance depots.

- D. **HELICOPTER LANDING PAD** means a designated area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging of passengers or cargo.
- E. **INFRASTRUCTURE AND UTILITIES: REGIONAL** means utility facilities that provide County-wide or regional service. Examples include public utility substations; water towers; waste treatment plants; and electrical substations.
- F. **PARKING FACILITY, PUBLIC OR COMMERCIAL** means a public or commercial parking lot or structure providing parking either for free or for a fee. Does not include towing impound and storage facilities.
- G. **WASTE MANAGEMENT FACILITY** means a site used for collecting waste and recyclables, sorting and transferring materials.
- H. **WIRELESS COMMUNICATIONS**
1. **WIRELESS COMMUNICATIONS FACILITY** means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services.
 2. **WIRELESS COMMUNICATION TOWER** means any structure, such as a mast, pole, monopole, guyed tower, or lattice tower which is designed and constructed primarily for the purpose of supporting one or more antennas.

INSTITUTIONAL/CIVIC. This category includes not-for-profit and for-profit recreation, education, safety, and public assembly functions that benefit the citizens of the community used or operated by government, quasi-governmental and service organizations.

- A. **COMMUNITY ORIENTED CULTURAL FACILITY** means a public or non-profit facilities that provide educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.
- B. **COMMUNITY PUBLIC SAFETY FACILITY** means a public safety facility operated by a public agency including fire stations, other fire preventive and fire fighting facilities, police and sheriff substations and headquarters, including interim holding facilities. May include ambulance dispatch on the same site.
- C. **GOVERNMENTAL FACILITY** means buildings, structures and facilities that may include administrative offices, public works services, libraries, museums, cemeteries, recreational centers and storage areas for public equipment and materials for local, county, state and federal public agencies.
- D. **MEETING FACILITY** means a facility for public or private meetings, including: community centers, meeting halls for clubs and other membership organizations, etc.
- E. **PARKS, PLAYGROUNDS, OUTDOOR RECREATION AREAS** means an outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment,

playing fields, outdoor tennis and basketball courts, outdoor swimming pools, boat ramps and fishing piers; and areas for passive recreation such as hiking trails, picnic areas and bird blinds.

- F. **PLACE OF WORSHIP** means a building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.
- G. **RECREATION FACILITY: COMMUNITY-BASED** means a community recreation center that may include one or more of the following: gymnasium; indoor swimming pool; indoor tennis, racquetball, and/or handball courts, and other indoor sports activities. This use includes all not-for-profit organizations chartered to provide community-based recreation services. Does not include commercial health/fitness facilities, which are included under "Recreation Facility, Commercial Indoor."
- H. **SCHOOL, COLLEGE OR UNIVERSITY** means a facility for post-secondary education that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.
- I. **SCHOOL, PUBLIC OR PRIVATE** means a public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.
- J. **SCHOOL, SPECIALIZED TRAINING** means small-scale facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, including, but not limited to: the arts, dance, photography, martial arts training, gymnastics instruction, production studios for individual musicians, painters, sculptors, photographers, and other artists, business and vocational schools, and driver education schools.

OFFICES AND SERVICES encompass activities, without outdoor storage needs, that are primarily oriented towards office and service functions.

- A. **ANIMAL SERVICES, ANIMAL CLINIC / HOSPITAL** means an establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.
- B. **ANIMAL SERVICES, KENNEL** means a commercial facility for the boarding, breeding, and/or maintaining of animals for a fee that are not owned by the operator. This use includes pet day care facilities, animal training facilities, and may include grooming as an accessory use. This use includes the breeding of animals in outdoor structures, cages or pens for sale, but does not include animals for sale in pet shops (see "General Retail").
- C. **BODY BRANDING, PIERCING AND TATTOO FACILITIES** means an establishment whose principal business is the one or more of the following: any invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means; creation of an opening in the body for the purpose of inserting jewelry or other decorations (not including ear piercing); and/or placing designs, letters, figures, symbols or other marks upon or under the skin of any person using ink or other permanent coloration.
- D. **CHILD CARE CENTER** means a facility other than a private residence in which one or more preschool or school age children are given care and supervision for periods of less than twenty 24 hours per day, and where the parents or guardians are not immediately available to the

child. A child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program or drop-in center.

E. **CREMATORIUM** means a facility consisting of one or more cremator furnaces or cremation retorts for the ashes.

F. **GENERAL OFFICES AND SERVICES**

1. **BANK/FINANCIAL SERVICES** means financial institutions, including, but not limited to: banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities.
2. **BUSINESS SERVICES** means establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, travel agencies, landscaping and tree removal companies, exterminators, carpet cleaners, and contractors' offices without exterior storage.
3. **BUSINESS SUPPORT SERVICES** means establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, mailing and mailbox services.
4. **PERSONAL SERVICES** means establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, tanning salons and funeral homes (not including crematory services). These uses may include incidental retail sales related to the services they provide.
5. **PROFESSIONAL AND ADMINISTRATIVE SERVICES** means office-type facilities occupied by businesses or agencies that provide professional or government services, or are engaged in the production of intellectual property.

G. **GENERAL OFFICES & SERVICES: WITH A DRIVE THROUGH FACILITY** means facilities where services may be obtained by motorists without leaving their vehicles. Examples of drive-through services include bank teller windows and drive-up ATMs, dry cleaners, etc.

H. **MEDICAL SERVICES, CLINICS AND MEDICAL OFFICES**

1. **CLINIC** means facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: Medical offices with five (5) or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, other allied health services. These facilities may also include incidental medical laboratories and/or pharmacies. Counseling services by other than medical doctors or psychiatrists are included under "Professional and Administrative Services."
2. **MEDICAL OFFICE** means a facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four (4) licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five (5) or more licensed practitioners is classified under "Clinic." Counseling services by other than medical doctors or psychiatrists are included under "Professional and Administrative Services."

3. **HOSPITAL** means an institution licensed by the State, where people, including inpatients, receive medical, surgical or psychiatric treatment and nursing care.
- I. **VEHICLE REPAIR, MAJOR** means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning.
- J. **VEHICLE REPAIR, MINOR** means a building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing an repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.
- K. **VEHICLE WASH** means a building or portion of a building with machine or hand- operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.
- L. **VEHICLE WASH, TRUCKS** means a building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of trucks and heavy equipment.

RESIDENTIAL

- A. **AGRICULTURAL LABOR CAMP** means a tract of land and all tents, vehicles, buildings, dwellings, or other structures pertaining thereto, part of which is established, occupied, or used as living quarters for five or more migratory laborers engaged in agricultural activities, including related food processing.
- B. **DWELLING**
 1. **DWELLING, ATTACHED ACCESSORY** means an attached dwelling subordinate to the principal single-family dwelling that contains an independent living area, including sleeping quarters, a bathroom, living area and kitchen facilities, but can be internally accessed through the principal dwelling. The inclusion of a secondary kitchen or kitchenette within the principal dwelling does not alone result in classification as an attached accessory dwelling unit.
 2. **DWELLING, MULTI-FAMILY** means a structure containing three (3) or more dwelling units on a single lot designed for occupancy by three (3) or more families living independently of one another.
 3. **DWELLING, SINGLE-FAMILY** means a freestanding dwelling unit that is physically separate from any other dwelling.
 4. **DWELLING, SINGLE-FAMILY ATTACHED** means a structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport.
 5. **DWELLING, TEMPORARY** means a manufactured home or recreational vehicle that may be permitted for a limited time and that may be subject to specific requirements or restrictions.
 6. **DWELLING, TEMPORARY ACCESSORY** means a manufactured home, secondary to a principal single-family dwelling, that may be permitted for a limited time and that may be subject to specific requirements or restrictions.

7. **DWELLING, TWO-FAMILY** means a structure containing two (2) dwelling units on a single lot designed for or used by two (2) families living independently of one another, may also be referred to as a duplex.

C. FOSTER CARE AND DAY CARE

1. **DAY CARE, FAMILY DAY CARE HOME** means a private home in which one (1), but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
2. **DAY CARE, GROUP DAY CARE HOME.** A private home in which more than six (6), but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
3. **FOSTER CARE, ADULT FOSTER CARE FAMILY HOME** means a private residence with an approved capacity of six (6) or fewer adults, where foster care is provided 24 hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks. It is licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The person issued the adult foster care family home license is a member of the household and an occupant of the residence.
4. **FOSTER CARE, ADULT FOSTER CARE GROUP HOME** means private residence where adults are provided with foster care 24 hours a day, five (5) or more days per week, and for two (2) or more consecutive weeks. A foster care group home with an approved capacity of at least seven (7), but not more than 12 adults is a "small group home". A group home with an approved capacity of at least 13, but not more than 20 adults is a "large group home". An adult foster care facility is licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended, and the person issued the adult foster care group home license is a member of the household and an occupant of the residence.
5. **FOSTER CARE, FOSTER FAMILY HOME** means a private home, licensed under Act 116 of the Public Acts of 1973, in which at least one (1), but not more than four (4) minor children who are not related to an adult member of the house by blood or marriage, or who are not placed in the household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended), are given care and supervision 24 hours per day, four (4) or more days per week for two (2) or more consecutive weeks, unattended by a parent or guardian. The person issued the license is a permanent resident of the home.
6. **FOSTER CARE, FOSTER FAMILY GROUP HOME** means a private home, licensed under Act 116 of the Public Acts of 1973, in which more than four (4), but fewer than seven (7) minor children, who are not related to an adult member of the house by blood or marriage, or who are not placed in the household pursuant to the Adoption Code (Act 288 of the Public Acts of 1939, as amended), are given care and supervisions 24 hours per day, four (4) or more days per week for two (2) or more consecutive weeks,

unattended by a parent or guardian. The person issued the license is a permanent resident of the home.

- D. **HOUSING, INDEPENDENT AND ASSISTED LIVING** means a building or buildings containing individual dwelling units designed for and restricted to occupancy by persons of a specified age who are retired or are nearing retirement and wish to live in a community environment, but do not require nursing or medical supervision. Group dining facilities and non-medical personal care services may also be provided. Such housing does not include a nursing or convalescent home.
- E. **HOME, CONVALESCENT OR NURSING HOME** means a facility licensed as a “nursing home” by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15 (20101) et seq.), as amended. A “nursing home” shall include an extended care facility, hospice and convalescent home.
- F. **MANUFACTURED HOME COMMUNITY** means a single parcel of land that contains two (2) or more manufactured homes for use as dwelling units where home sites are leased to individuals who retain customary leasehold rights.

RETAIL

- A. **RETAIL, GENERAL (INDOOR)** means stores and shops that sell and/or rent goods and merchandise to the general public.
- B. **GENERAL RETAIL (OUTDOOR)** means a retail sales establishment operated substantially in the open air including, but not limited to: flea markets, monument sales, beach recreation rentals, and the like. Does not include “Vehicle Sales and Rental”, agricultural equipment sales and rental, plant nurseries, or roadside stands and farmers markets.
- C. **GENERAL RETAIL WITH A DRIVE THROUGH FACILITY** means stores and shops where products may be purchased by motorists without leaving their vehicles.
- D. **LIQUEFIED PETROLEUM GAS (LPG) SALES** means an establishment providing LPG dispensing and bulk containers for sale.
- E. **SERVICE STATION** means an establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services (see Vehicle Repair, Minor); retail sales of convenience items (see General Retail- Indoor), restaurant (see Restaurant and Restaurant with Drive-Through) and a single bay vehicle wash (see Vehicle Wash), but not overnight vehicle storage.
- F. **VEHICLE SALES AND RENTAL: AUTOMOBILES, LIGHT TRUCKS, BOATS** means a retail or wholesale establishment selling and/or renting automobiles, light trucks (less than 2-ton load capacity), vans, trailers, boats, and/or any other motorized or non-motorized vehicles (e.g. scooters, jet skis, golf carts, motorcycles) that includes outdoor display. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include businesses dealing exclusively in selling used parts, auto wrecking and/or salvage (see “Salvage Operations”); the sale of auto parts/accessories separate from a vehicle dealership (see “General Retail”); or service stations (see “Service Stations”).
- G. **VEHICLE SALES AND RENTAL: HEAVY EQUIPMENT, HEAVY TRUCKS, RVS, MOBILE HOMES** means a retail or wholesale establishment selling and/or renting heavy equipment and/or trucks, RVs, or mobile homes. May also include accessory repair shops.

SOLAR ENERGY

- A. **BUILDING-MOUNTED SOLAR ENERGY COLLECTOR** means a solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.
- B. **COMMERCIAL SOLAR ENERGY SYSTEM** means a utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm.
- C. **COMMERCIAL SOLAR ENERGY SYSTEM RESPONSIBLE PARTY** means the party responsible for construction, maintenance, and/or long-term operation of a commercial solar energy system. The responsible party may be the owner or leasee of the land on which the commercial solar energy system is established.
- D. **GROUND-MOUNTED SOLAR ENERGY COLLECTOR** means a solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.
- E. **SOLAR ENERGY COLLECTOR** means a panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located, or if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

WIND ENERGY TURBINE (WET) means a structure-mounted or tower-mounted small, medium or large wind energy conversion system that converts wind energy into electricity through the use of specialized equipment and structures.

- A. **LARGE WIND ENERGY TURBINE (L-WET)** means a tower-mounted wind energy system, standing greater than 150 feet tall and up to 400 feet tall, that converts wind energy into electricity through the use of equipment (e.g., base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.) L-WET's have nameplate capacities that do not exceed 250 kilowatts.
- B. **MEDIUM WIND ENERGY TURBINE (M-WET)** means a tower-mounted wind energy system standing between 121 feet tall and 150 feet tall that converts wind energy into electricity through the use of equipment (e.g., base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.) M-WET's have nameplate capacities that do not exceed 250 kilowatts.
- C. **SMALL TOWER MOUNTED WIND ENERGY TURBINE (STM-WET)** means a tower-mounted wind energy system standing up to 120 feet that converts wind energy into electricity through the use of equipment (e.g., base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.) STM-WET's have nameplate capacities that do not exceed 30 kilowatts.
- D. **SMALL STRUCTURE MOUNTED WIND ENERGY TURBINE (SSM-WET)** means a structure-mounted wind energy system that converts wind energy into electricity through the use of equipment (e.g., base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.) SSM-WET's are attached to a structure's roof, walls or another elevated surface. SSM-WET's have nameplate capacities that do not exceed 15 feet as measured from the highest point of the adjacent roof or structure, excluding chimneys, antennae or similar features.

WIRELESS COMMUNICATION FACILITY or **FACILITY** means all facilities, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including towers, alternative tower structures, antennas and accessory structures. (Not included are facilities for citizen band radio; short wave radio; ham and amateur radio; television reception antennae; satellite dishes; and government facilities, which are subject to state and federal law). Wireless communication facilities shall be specifically excluded from the definitions of “essential services” and public utility.”

OTHER

- A. **SEXUALLY ORIENTED BUSINESS** means any of the following uses, provided, “massage parlor” shall not include a spa, medical facility, athletic club or similar business where physical therapy and/or massages are offered by a massage therapist licensed to practice in the State of Michigan:
1. **ADULT ARCADE** means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration an electronically, electrically, or mechanically controlled still or motion picture machine, projector, video or disc player, or other image producing device is maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the image is so displayed or distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
 2. **ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE** means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration, any one or more of the following:
 - i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, discs or other video reproduction, slides, or other visual representations which are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
 - ii. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
 3. **ADULT CABARET** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - i. Persons who appear live in a state of nudity or semi-nudity; or
 - ii. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or
 - iii. Films, motion pictures, video cassettes or discs, slides or other video or photographic reproductions which are distinguished or characterized by the depiction of "specified sexual activities" or "specified anatomical areas."
 4. **ADULT MOTEL** means a hotel, motel or similar commercial establishment which:
 - i. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which 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 which advertises the availability of this type of photographic reproduction; or

- ii. Regularly offers a sleeping room for rent for a period of time that is less than 10 hours;
 - iii. Regularly allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
5. **ADULT MOTION PICTURE THEATER** means a commercial establishment where, for any form of consideration, films, motion pictures, videos, slides, or other similar photographic reproduction are regularly shown which are consistently distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
6. **MASSAGE PARLOR** means an establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means or preparations to provide relaxation or enjoyment to the recipient.
- B. **TEMPORARY CONSTRUCTION OFFICE** means an office, typically mobile, established at a permitted construction site to accommodate personnel. A location for outdoor storage of materials and equipment is commonly associated with the use.
- C. **TEMPORARY SALES OFFICE** means an office, either mobile or located in a model home, used to accommodate real estate agents and associated administrative staff for the purposes of selling or renting real property in subdivisions or other housing developments.

Checklists

Appendix
B

Section B-1 Private Street Submittal Checklist

Table B-1: Required Information	Submitted
Plan	
A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.	
The location of any other buildings and structures located within 100 feet of the private road right-of-way.	
Road names.	
A drawing(s) prepared and sealed by a professional engineer or land surveyor licensed by the State of Michigan, with a scale not less than one inch = 200 feet, containing the following information: <ol style="list-style-type: none"> Location, route, elevations, dimensions of the private street in accordance with the standards of this section. A layout including dimensions of the parcels to be served by the private street and any parcels to be accessed by future extensions. The location where the private street is to intersect with a public street. The location of all utilities, including but not limited to water, sewer, telephone, gas, electricity and television cable to be located either in the private street right-of-way or within 20 feet. The location of a lake, stream or drain in the proposed private street right-of-way or within 100 feet. A road cross section. 	
Supplemental Information	
The required private easement and maintenance agreement.	
A detailed written description of the development to be served by the private road, including a description of the private road association or other party to be responsible for the ownership, operation and maintenance of the private road.	
Copies of the instruments describing and granting easements.	
An approved Soil Erosion and Sedimentation Permit.	
Required outside approvals.	

Section B-2 PUD Concept Plan Checklist

Table B-2: Required Information	Submitted
Plan	
Site plan, professionally prepared by a licensed engineer, architect or landscape architect.	
Name and firm address of the professional individual responsible for preparing site plan and professional seal.	
Name and address of the property owner or petitioner.	
Boundary survey lines and required setbacks.	
Name and address of the property owner or petitioner.	
Location sketch showing site, adjacent streets and properties within 200 feet	
The property, identified by parcel lines and location and size.	
Scale, north arrow and date.	
Zoning of adjacent properties.	
Location, width and purpose of all existing easements.	
Abutting street right-of-way width.	
Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than two (2) feet, based on field survey or photo-grammetric methods.	
Natural features such as wooded areas, surface water feature, high risk erosion areas, slopes over 14 percent, beach, sand dunes, drainage ways, and other significant site features.	
Existing buildings, structure, paved surfaces, installed landscaping and other significant physical infrastructure.	
Size and location of existing utilities.	
Proposed Development	
Conceptual layout and type of uses proposed within the PUD, including proposed principal and accessory structures, driveways, streets, parking lots, landscaped areas and other physical infrastructure, as applicable.	
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use.	
Layout and typical dimensions of proposed parcels and lots.	
Preliminary grading plans.	
Engineering	
Proposed method of handling sanitary sewage and providing potable water.	
Utility concept plans.	
Stormwater concept plan.	
Building Details	
Building type concepts.	
Supplemental Information	
Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.	
Project description and brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces.	
Legal description.	
Size of property in acres (square feet, if less than one acres).	

B

Checklists

Any other information required by the Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.	
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Section B-3 Sign Permit Checklist

Table B-3: Required Information	Submitted
Property owner name, address and signature.	
Applicant name, address and signature (if different than owner).	
Installer name, address, signature and licensing information.	
The address and permanent parcel number of the property on which the sign is or will be located.	
The identification of the type of sign (ground, temporary, portable, wall) and method of illumination, if any.	
The name of business or name of premises to which the sign belongs or relates.	
Plans drawn to an accurate, common scale, depicting the following: <ol style="list-style-type: none"> a. A scaled drawing of the proposed sign showing the dimensions and display area. b. For freestanding signs, a site plan drawn to scale, accurately identifying the location of the proposed sign and setbacks from the nearest public or private road right-of-way and property line. If there are proposed grade changes, such as adding a berm, this shall be noted on the site plan. c. For ground signs and pole signs, the height of the sign. d. For wall signs, the height and width of the building wall. 	

Section B-4 Site Plan Checklist

Table B-4: Required Information	Submitted
Plan	
Site plan, professionally prepared by a licensed engineer, architect or landscape architect.	
Name and firm address of the professional individual responsible for preparing site plan and professional seal.	
Name and address of the property owner or petitioner.	
Boundary survey lines and required setbacks.	
Name and address of the property owner or petitioner.	
Location sketch showing site, adjacent streets and properties within 200 feet	
The property, identified by parcel lines and location and size.	
Scale, north arrow and date.	
Zoning of adjacent properties.	
Location, width and purpose of all existing easements.	
Abutting street right-of-way width.	
Current topographical map clearly showing existing topographic conditions, including contour intervals of no more than two (2) feet, based on field survey or photo-grammetric methods.	
Natural features such as wooded areas, surface water feature, high risk erosion areas, slopes over 14 percent, beach, sand dunes, drainage ways, and other significant site features.	
Existing buildings, structure, paved surfaces, installed landscaping and other significant physical infrastructure.	
Size and location of existing utilities.	
Proposed Development	
Proposed principal and accessory structures, fences, pole-mounted light fixtures, driveways, parking lots, landscaped areas and other physical infrastructure, as applicable.	
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use.	
Landscape plan (showing location of proposed materials, size and type).	
Layout and typical dimensions of proposed parcels and lots.	
Engineering	
Proposed method of handling sanitary sewage and providing potable water.	
Location and size of proposed utilities, including connections to public sewer and water supply systems.	
Location and spacing of fire hydrants.	
Location and type of all proposed surface water drainage and stormwater facilities.	
Grading plan at no more than two (2) foot contour intervals.	
Proposed streets (including pavement width, materials, and easement or right-of-way dimensions).	
Building Details	
A façade plan showing a sketch or architect's rendition of the exterior appearance of the building, if applicable.	
Height, gross floor area, usable floor area, for all proposed buildings or additions.	

Description of building materials.	
Supplemental Information	
Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.	
Project description and brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces.	
Zoning Designation.	
Legal description.	
Size of property in acres, or square feet if less than one (1) acre.	
Any other information required by the Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.	

Section B-5 Condominium Checklist

Table B-5: Required Information	Submitted
Information and Narrative	
<p>The name, address and telephone number of the following:</p> <ol style="list-style-type: none"> All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee). All engineers, attorneys, architects or registered land surveyors associated with the project. The developer or proprietor of the condominium project. 	
<p>The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.</p>	
<p>The acreage content of the land on which the condominium project will be developed.</p>	
<p>The purpose of the project (for example, residential, commercial, industrial, etc.).</p>	
<p>Approximate number of condominium units to be developed on the subject parcel.</p>	
<p>Water and sewer plans.</p>	
<p>One (1) copy of the recorded Master Deed.</p>	
<p>One (1) copy of all restrictive covenants.</p>	
<p>Two (2) copies of an "as-built survey."</p>	

Summary of Amendments

Section	Dates	Amendment Summary
Zoning Ordinance Update	Approval date: 5-2-16 Publication date: 5-9-16 Effective date: 5-16-16	Complete restatement of the Township Zoning Ordinance.
Section 7-6 A-D Dwelling, Single-Family	Approval date: 9-23-16 Publication date: 10-1-16 Effective date: 10-8-16	Revisions to single-family dwelling and manufactured home requirements.
Section 14-4 A-D Nonconforming Use	Approval date: 10-2-17 Publication date: 10-6-17 Effective date: 10-13-17	Revisions to nonconforming use regulations.
Section 10-11 Illumination	Approval date: 10-2-17 Publication date: 10-6-17 Effective date: 10-13-17	Revisions allowing new types of sign illumination.
Section 2-2 Access and Frontage; Section 2-12 Private Roads, Commercial Driveways, and Shared Driveways	Approval date: 11-1-18 Publication date: 11-6-18 Effective date: 11-13-18	Revisions to reduce the threshold for a second access point, revised frontage requirement, and revised private street and shared driveway requirements.
Table 4-3 B Spatial Requirements	Approval date: 11-1-18 Publication date: 11-6-18 Effective date: 11-13-18	Revised table to amend accessory building size requirements and added footnote 6.
Section 2-9 Height; Section 2-14 Setbacks, Lots, and Yards; Table 4-2; Table 5-2; Section 7-28 Solar Energy Collectors; Section A-3 Land Use Definitions	Approval date: 11-1-18 Publication date: 11-6-18 Effective date: 11-13-18	Revisions to accommodate solar energy collectors, and to allow height exceptions, and projection into setbacks. Revisions to allow for building-mounted, ground-mounted, and commercial solar energy systems, associated definitions and regulation.
Table 4-2; Section 7-12 Home Occupation; Section 7-29 Agricultural Labor Camp; Section 8-2 General Requirements; Appendix A-2 and A-3	Approval date: 11-7-19 Publication date: 11-22-19 Effective date: 11-29-19	Revisions clarified requirements for home occupations and commercial vehicle parking. Further, regulations and definitions for Agricultural Labor Camps were included.
Section 7-11 Home Based Business; Section 7-17 Mini-Warehouse/Self- Storage; Appendix A-3	Approval date: 1-6-20 Publication date: 1-18-20 Effective date: 1-25-20	Revisions included clarifications and amendments to home based businesses and mini-warehouses/ self-storage.

Article 2, Section 2-9 Height, subsection E. Exceptions	Approval date: 5-6-24 Publication date: 5-10-24 Effective date: 5-17-24	Revision to add farm-related buildings to list of qualified height exceptions.
Article 4, Section 4-2 Table of Uses, Table 4-2 Schedule of Uses		Revision to reclassify class one home occupations as special land uses.
Article 4, Section 4-3 Spatial Requirements, Table 4-3 B Spatial Requirements		Revision to increase accessory building height to 35 feet in all agricultural and residential zonings districts.
Article 5, Section 5-2 Table of Uses, Table 5-2 Schedule of Use		Revision to reclassify “manufacturing, processing and packaging- light,” as a special land use in the GB zoning district.
Article 7, Section 7-17 Mini-Warehousing/Self-Storage		Revision to strike the 7,500 square foot size limitation for storage buildings.
Article 7, Section 7-28 Solar Energy Collectors		Revision to strike the requirement that wires be placed underground.
Article 10 Signs, Section 10-1 Intent and Purpose		Revision to include a statement regarding content neutrality in the sign regulations.
Article 10 Signs, Section 10-5 General Requirements		Revision to title of subparagraph to “Roof and Wall Signs.”
Article 10 Signs, Section 10-6 Exempt Signs		Revision to size and number requirements for temporary yard signs and a revision adding flags, flag signs, and banners as signs exempt from permitting.
Article 10 Signs, Section 10-7 Prohibited Signs		Revision to clarify what is considered an offensive or profane sign.
Article 10 Signs, Section 10-8 Sign Requirements by District	Revisions related to various size, height, and setback requirements for permanent signs.	
Appendix A, Section A-2 General Definitions	Revisions to include definitions of banner sign and flags and flag signs.	
Article 4, Section 4-3. Section 4-3 Spatial Requirements, Table 4-3 B	Approval date: 8-12-24 Publication date: 8-16-24 Effective date: 8-23-24	Revisions to include a 50-foot minimum waterfront setback for accessory buildings and an

		exemption for one building of 120 square feet or less per lot to encroach into the required setback area.
Article 7, Section 7-27. Section 7-27 Wireless Communications, Section 7-27 D.3	Approval date: 8-12-24 Publication date: 8-16-24 Effective date: 8-23-24	Revisions to reduce the minimum separation between wireless communication towers to one mile and to clarify separations from specified nearby land uses.

Coldwater Township
Zoning Ordinance
Branch County, Michigan