

The ZONING ORDINANCE of READING TOWNSHIP

Reading Township

Hillsdale County, Michigan

**Prepared by:
Reading Township**

**Assisted by:
Region 2 Planning Commission
& MainStreet Planning Company**

ADOPTED: March 30, 1992

EFFECTIVE: May 11, 1992

AMENDED: October 2, 2012

On April 14, 2008 the Reading Township Board approved the reformatted Zoning Ordinance for Reading Township. The reformatted Zoning Ordinance incorporated all amendments adopted since 1992 and reorganized and re-numbered the sections of the Ordinance to facilitate administration of the Ordinance. No substantive changes were made in the re-formatting process. This re-formatted document represents the Official Zoning Ordinance of Reading Township.

TABLE OF CONTENTS

ARTICLE 1 - ENACTING CLAUSE, TITLE, PURPOSES, AND SCOPE			1-1
Section	1.01	Enacting Clause	1-1
Section	1.02	Title.....	1-1
Section	1.03	Purposes.....	1-1
Section	1.04	Scope	1-2
ARTICLE 2 - DEFINITIONS			2-1
ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS			3-1
Section	3.01	Division into Zoning Districts	3-1
Section	3.02	Official Zoning Map.....	3-1
Section	3.03	Interpretation of District Boundaries	3-2
Section	3.04	Conformance to Ordinance.....	3-2
		Zoning Map.....	3-3
ARTICLE 4 - AGRICULTURAL DISTRICT			4-1
Section	4.01	Purpose	4-1
Section	4.02	Permitted Uses.....	4-1
Section	4.03	Conditional Uses	4-2
Section	4.04	Area, Yard, Height, and Bulk Requirements	4-3
Section	4.05	Required Off-Street Parking.....	4-3
Section	4.06	Required Site Plan Review by Planning Commission.....	4-3
ARTICLE 5 - R-1 LOW DENSITY RESIDENTIAL.....			5-1
Section	5.01	Purpose	5-1
Section	5.02	Permitted Uses.....	5-1
Section	5.03	Conditional Uses	5-1
Section	5.04	Area Regulations	5-2
Section	5.05	Required Off-Street Parking.....	5-3
ARTICLE 6 - R-2 MEDIUM RESIDENTIAL DISTRICT			6-1
Section	6.01	Purpose	6-1
Section	6.02	Permitted Use	6-1
Section	6.03	Conditional Uses	6-2
Section	6.04	Area Regulations	6-3
Section	6.05	Additional Regulations.....	6-3

TABLE OF CONTENTS

ARTICLE 7 – LAKE RESIDENTIAL DISTRICT..... 7-1

 Section 7.01 Purpose 7-1

 Section 7.02 Permitted Uses..... 7-1

 Section 7.03 Conditional Uses 7-1

 Section 7.04 Area, Height, and Bulk Requirements..... 7-1

 Section 7.05 Required Off-Street Parking..... 7-2

 Section 7.06 Required Site Plan Review by Planning Commission..... 7-2

ARTICLE 8 - COMMERCIAL DISTRICT..... 8-1

 Section 8.01 Purpose 8-1

 Section 8.02 Permitted Uses..... 8-1

 Section 8.03 Conditional Uses 8-2

 Section 8.04 Area, Yard, Height, and Bulk Requirements..... 8-3

 Section 8.05 Required Off-Street Parking..... 8-3

 Section 8.06 Required Site Plan Review by Planning Commission..... 8-3

ARTICLE 9 - LIGHT INDUSTRIAL DISTRICT 9-1

 Section 9.01 Purpose 9-1

 Section 9.02 Permitted Uses..... 9-1

 Section 9.03 Conditional Uses 9-2

 Section 9.04 Area, Yard, Height, and Bulk Requirements..... 9-2

 Section 9.05 Required Off-Street Parking..... 9-2

 Section 9.06 Required Site Plan Review by Planning Commission..... 9-2

ARTICLE 10 - MANUFACTURED HOUSING COMMUNITY DISTRICT 10-1

 Section 10.01 Purpose and Regulation 10-1

ARTICLE 11 – HEIGHT, BULK, AND PLACEMENT REQUIREMENTS..... 11-1

 Section 11.01 Footnotes to Area; Height, Bulk, and
Placement Requirements 11-1

 Section 11.02 Schedule of Regulation Table..... 11-2

ARTICLE 12 - NONCONFORMITIES 12-1

 Section 12.01 Nonconformities 12-1

 Section 12.02 Reconstruction of Damaged Nonconforming Buildings
and Structures 12-1

 Section 12.03 Repair and Completion of Nonconforming Buildings
and Structures 12-2

 Section 12.04 Nonconforming Lots..... 12-2

TABLE OF CONTENTS

Section 12.05 Nonconforming structures on lots of record12-3
Section 12.06 Change of Tenancy or Ownership 12-3

ARTICLE 13 - CONDITIONAL USES 13-1

Section 13.01 Conditional Uses 13-1
Section 13.02 Authority to Grant Permits 13-1
Section 13.03 Application and Fee..... 13-1
Section 13.04 Application and Site Plan Requirements 13-1
Section 13.05 Public Hearing 13-2
Section 13.06 Required Standards and Findings for Making
Determinations 13-2
Section 13.07 Approval of Conditional Use Permit 13-25
Section 13.08 Impositions of Conditions 13-25
Section 13.09 Performance Guarantee 13-26

ARTICLE 14 - SITE PLAN REVIEW 14-1

Section 14.01 Site Plan Review and Approval..... 14-1
Section 14.02 Building, Structures, and Uses Requiring Site Plan 14-1
Section 14.03 Application and Fee for Site Plan Review..... 14-1
Section 14.04 Planning Commission Review of Site Plan 14-1
Section 14.05 Required Data for Site Plan 14-2
Section 14.06 Standards for Site Plan Review 14-4
Section 14.07 Township Board Approval 14-4
Section 14.08 Expiration of Site Plan Certificate..... 14-5
Section 14.09 Amendment, Revision of Site Plan 14-5

ARTICLE 15 - GENERAL PROVISIONS..... 15-1

Section 15.01 Off-Street Parking Requirements 15-1
Section 15.02 Off-Street Loading and Unloading Requirements 15-6
Section 15.03 Sign Regulations 15-7
Section 15.04 Home Occupation 15-8
Section 15.05 Storage of Materials..... 15-9
Section 15.06 Mobile Homes and Travel Trailers - Temporary..... 15-9
Section 15.07 Visibility at Intersections 15-10
Section 15.08 Access to Public Streets..... 15-10
Section 15.09 Fences 15-11
Section 15.10 Flood Plains 15-11
Section 15.11 Temporary Use 15-11
Section 15.12 Essential Service..... 15-11
Section 15.13 Motor Homes, Travel Trailers, and Tents 15-11
Section 15.14 Destroyed, Damaged and Unusable Buildings 15-12
Section 15.15 Accessory Structures 15-12

TABLE OF CONTENTS

Section 15.16 Riparian Lot Use Regulations..... 15-12

ARTICLE 16 - BOARD OF APPEALS 16-1

Section 16.01 Board of Appeals Established..... 16-1

Section 16.02 Duties of the Board of Appeals 16-2

Section 16.03 Variance..... 16-2

Section 16.04 Interpretation of Zoning Ordinance 16-4

Section 16.05 Appeals to the Board of Appeals 16-4

ARTICLE 17 - ORDINANCE ADMINISTRATION..... 17-1

Section 17.01 Purpose 17-1

Section 17.02 Administration..... 17-1

Section 17.03 Duties of Zoning Inspector 17-1

Section 17.04 Zoning Compliance Permits 17-1

Section 17.05 Certificate of Occupancy, Final Inspection 17-2

Section 17.06 Fee, Charges, and Expenses 17-3

Section 17.07 Violations and Penalties Nuisance per SE:
Abatement..... 17-3

ARTICLE 18 - AMENDEMENT AND PUBLIC NOTIFICATION REQUIREMENTS..... 18-1

Section 18.01 Initiating Amendments and Fees 18-1

Section 18.02 Amendment Procedures..... 18-1

Section 18.03 Time Element Between Rezoning Requests..... 18-1

Section 18.04 Conformance to Court Decree 18-1

Section 18.05 Public Notice Requirements 18-1

ARTICLE 19 - LEGAL STATUS 19-1

Section 19.01 Conflict with Other Laws 19-1

Section 19.02 Validity and Severability Clause 19-1

Section 19.03 Period of Effectiveness..... 19-1

Section 19.04 Repeal of Ordinance 19-1

Section 19.05 Effective Date 19-1

ARTICLE 1
ENACTING CLAUSE, TITLE, PURPOSES, AND SCOPE

SECTION 1.01 - ENACTING CLAUSE

An Ordinance adopted under the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to establish comprehensive zoning regulations for Reading Township, Hillsdale County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith. {Ord.No. 2007-03: Eff.6-08-07}

SECTION 1.02 - TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Reading Township". The Zoning Map referred to herein is entitled "Zoning Map, Reading Township".

SECTION 1.03 - PURPOSES

The zoning ordinance of Reading Township regulates land development and establishes districts which regulate the use of land and structures with the following purpose and intent:

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

In order to more effectively protect and promote the public health, safety and welfare, and to accomplish the aims and purposes of this Ordinance, the unincorporated portion of the Township of Reading is divided into districts of such number, shape, kind and area and of such common unity of purpose, adaptability or use that are deemed most suitable to insure the best use by the community in general and with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular uses, the

ENACTING CLAUSE, TITLE, PURPOSES, AND SCOPE

conservation of property values and natural resources and the general trend and character of land, buildings and population development; and by further regulations to limit the location, use and occupancy of buildings, structures and lands to be used for trade, industry, residence, agriculture, recreation or other purpose and also the height, area and bulk of buildings and other structures including the size of parcels, setbacks, sizes of yards and other open spaces.

SECTION 1.04 - SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred forty-two (342) days of such effective date.

ARTICLE 2 DEFINITIONS

For the purpose of this Ordinance, certain terms are herewith defined. When not consistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural, the singular. The word "shall" is always mandatory and not merely suggestive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.

Terms or words not herein defined shall be used with a meaning of common or standard utilization.

ACCEPTED ANIMAL WASTE MANAGEMENT PRACTICES

Methods through which animal waste are handled, stored, or utilized in an environmentally accepted manner so that pollutants generated by animal feeding operations and discharged to the waters of the state are reduced to levels compatible with established water quality objectives.

ACCESSORY STRUCTURE, BUILDING, OR USE

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use.

ALLEY

A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

ALTER

Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

ANIMAL FEEDING OPERATION

- (a) A lot or facility where the following conditions are met:
 - (1) Animals have been, are, or will be, stabled or confined and fed or maintained for a total of 42 days or more, in any 12 month period, and
 - (2) A sustained ground cover (crops, vegetation, forage growth or post harvest residues) cannot be maintained during the normal growing season over that portion of the lot or facility where the animals are housed or confined.

ARTICLE 2 DEFINITIONS

- (b) Two or more animal feeding operations are deemed to be a single animal feeding operation if they are under common ownership and adjacent to each other or if they share a common area or system for waste disposal.
- (c) A new animal feeding operation means:
 - (1) an animal feeding operation proposed for construction, or
 - (2) an expansion, enlargement, alteration or substantial change in operation of an existing animal feeding operation.

ANIMAL UNIT

A unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in an animal feeding operation where one animal unit is equivalent to:

- 1 (one) beef or slaughter cattle
- .7 (seven-tenths) mature dairy cattle (whether milked or dry cows)
- 5 (five) swine each weighing 55 pounds or more
- .5 (five-tenths) horses
- 10 (ten) sheep, lamb, or goats
- 20 (twenty) turkeys
- 80 (eighty) laying hens or broilers

ANIMAL WASTE

Manures, bedding, flush waters or other by-products of commercial agriculture.

APARTMENT

A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single family, individual, or group of individuals.

AUTOMOBILE SERVICE STATION

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

AUTOMOBILE WRECKING

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale,

or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

AUTOMOBILE WRECKING YARD

The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

BASEMENT

A story of a building having part but not more than one-half its height below grade. (A cellar is that portion of a building partly below grade so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.)

BOARD OF APPEALS

The Township Board of Appeals of the Township of Reading, Hillsdale County, Michigan.

BOARDING HOUSE OR ROOMING HOUSE

A dwelling where meals and/or lodging are provided for compensation to three (3) or more persons by prearrangement for definite periods of time.

BLOCK

Land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-ways; bulkhead lines or shorelines; or the corporate boundary lines of the township.

BUILDING

A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING AREA

The total area taken on a horizontal plane at the largest floor level of a building and of all accessory buildings on the same lot exclusive of level of unroofed porches, terraces,

patios, and steps; and of awnings and nonpermanent canopies.

BUILDING HEIGHT

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

BUILDING SETBACK LINE

A line parallel to or concentric with property lines delineating the minimum allowable distance between the street right-of-way and the front of any building.

CENTRAL SANITARY SEWERAGE SYSTEM

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

CENTRAL WATER SYSTEM

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

COMMERCIAL AGRICULTURE

The use of land and/or structures for the growing and/or production of farm products for income.

CONDITIONAL USE

A use which is subject to special approval by the Planning Commission and the Township Board. A conditional use may be granted only when the specified provisions are in compliance with this Ordinance (see Article 13).

DISTRICT

A portion of Reading Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN ESTABLISHMENT

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

DWELLING UNIT

A house or building, or portion thereof, designed or occupied by one family only with housekeeping and cooking facilities, and complying with the following standards:

- (a) The dwelling shall contain a minimum of seven hundred twenty (720) square feet of living area.
- (b) The dwelling shall have a minimum width of twelve (12) feet along an exterior side elevation of the principal living area, exclusive of porches not a part of the main living area.
- (c) The dwelling shall be connected to a public sewer and public water supply or to such private facilities as are approved by the Hillsdale County Health Department.
- (d) No exposed wheels, towing mechanisms, undercarriage or chassis shall be permitted and no storage shall be allowed in any crawl space or skirted area which is not a standard basement.
- (e) The dwelling must contain storage area either in a basement located under said dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site of standard construction similar to or better quality than the principal dwelling, which space shall be not less than 15% of the interior living area of the dwelling.
- (f) The dwelling must be aesthetically compatible in design and appearance to conventionally constructed homes and the dwelling must contain no additions of rooms or other areas which are not constructed with similar materials and with similar quality of workmanship as in the original structure, including an appropriate foundation and permanent attachment to the principal structure.
- (g) The dwelling must comply with all pertinent building and fire codes including, among others, those pertaining to newly manufactured mobile homes or other newly manufactured homes which must have been constructed within ten (10) years of the date of installation.
- (h) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or a licensed mobile home subdivision except to the extent required by State Law or otherwise specifically required in the Ordinances of the County of Hillsdale.
- (i) The dwelling shall be in conformity with all applicable Hillsdale County Building, Plumbing, Electrical Codes, and other applicable ordinances.
- (j) "Dwelling" shall also include energy saving earth shelter homes either (1) constructed entirely below ground or (2) constructed substantially below ground and with a sloping roof, containing at least one exposed vertical exterior elevation

not less than seven and one-half (7 1/2) feet in height by 20 feet in width.

DWELLING – SINGLE–FAMILY

A detached building designed for or occupied by one (1) family only and conforming in all respects to the standards of Section 2.24.

DWELLING – TWO–FAMILY

A building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of a dwelling unit as defined herein.

DWELLING – MULTIPLE–FAMILY

A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of a dwelling unit as defined herein.

EASEMENT

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, towers, or maintenance depots.

FAMILY

A family shall consist of either:

- (a) A domestic family: one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional related person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in the dwelling, or
- (b) The functional equivalent of the domestic family: persons living together in a

dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a presumption enforceable by the zoning administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application to the Zoning Board of Appeals.

FARM

A farm is real property used for commercial agriculture comprising at least five (5) contiguous acres which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures and machinery.

FARM ANIMAL

Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur bearing animals, including but not limited to mink.

FARM BUILDING

Any building or accessory structure on a farm other than a farm dwelling unit.

FARM OPERATION

Any condition or activity which occurs on a farm in connection with the commercial production of farm products, including, but not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

FARM PRODUCTS

Those plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products; livestock including feeding, breeding, and grazing; fruits, vegetables, flowers, seeds, grasses, trees; aviaries, equine, and other similar products; or any other product which incorporates the use of food, feed, fiber, or fur.

HIGH DENSITY ANIMAL FEEDING OPERATION

An animal feeding operation that houses or confines farm animals whose numbers total 500 or more animal units.

Example of application of "animal waste" concept to determine if an animal feeding operation houses or confines farm animals whose number equal 200 or more animal units.

Example 1

Assume an animal feeding operation has 600 beef cattle. Is the operation a high density animal feeding operation?

$$(600 \text{ beef cattle}) \text{ divided by } (1 \text{ animal unit}) = 600 \text{ animal units.}$$

Therefore, the operation is a high density animal feeding operation because it includes 600 animal units.

Example 2

Assume an animal feeding operation includes 200 beef cattle, 90 horses, and 500 goats. Is the operation a high density animal feeding operation?

$$(200 \text{ beef cattle}) \text{ divided by } (1 \text{ animal unit}) + (90 \text{ horses}) \text{ divided by } (0.5 \text{ animal units}) + (500 \text{ goats}) \text{ divided by } (10 \text{ animal units}) = 200 \text{ animal units} + 180 \text{ animal units} + 50 \text{ animal units} = 430 \text{ animal units.}$$

Therefore, the operation is not a high density animal feeding operation because it includes only 430 animal units.

HIGHWAYS

Any public thoroughfare except alleys, in the Reading Township road system, including Federal and State roads and highways whether of depressed surface or elevated construction.

HOME OCCUPATION

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use. (Also see Section 8.4)

HOTEL

A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both, and where provision is made for cooking in any guest room.

JUNK

For the purpose of this Chapter, any motor vehicles, machinery, appliances, products, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK YARD

A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, dis-assembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials.

KENNEL

Any lot or premise on which three (3) or more dogs, four (4) months old or older are confined either permanently or temporarily.

LOT

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds.

LOT AREA

The area within the lot lines, but excluding that portion in a road or street right-of-way.

LOT CORNER

A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

LOT DEPTH

The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

LOT COVERAGE

The part or percent of the lot occupied by the building area.

LOT OF RECORD

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Hillsdale County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

LOT THROUGH (DOUBLE FRONTAGE)

An interior lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH

The width of the lot measured at the required front yard setback line.

MOBILE HOME

A detached portable residential dwelling unit prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and shall be connected to existing utilities. A travel trailer is not to be considered a mobile home.

MOBILE HOME PARK

A tract of land prepared and approved according to the procedures in this Ordinance and the State Mobile Home Commission to accommodate mobile homes on rented or leased lots.

MOTEL

Any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or constructed to be either a multiple dwelling, a hotel, or a mobile home park.

NONCONFORMING STRUCTURE

A structure which does not comply with the provisions of this Ordinance.

NONCONFORMING USE

The use of a structure or land or land area which does not comply with the provisions of this Ordinance.

OFF-STREET PARKING

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

PARKING SPACE, AREA, LOT

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

PLANNING COMMISSION

The term Planning Commission shall mean the Reading Township Planning Commission.

PUBLIC UTILITY

Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal, regulation to the public, transportation, gas, water, electricity, telephone, steam, telegraph, or sewage disposal and other services.

QUARRY

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other nonmetallic mineral in excess of two hundred fifty (220) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

RESTAURANT

A business located in a building where, in consideration of the payment of money, meals are regularly prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food. A restaurant shall be distinguished from a drive-in restaurant, in that no provision shall be made for drive through lanes or windows, or eating in automobiles.

RETAIL COMMERCIAL ESTABLISHMENT

A store, market or shop in which commodities are sold or offered for sale in small or large quantities to retail trade. Groceries and general stores, meat markets, public garages, and automobile service stations are some examples of this classification.

ROADSIDE STAND

A farm structure used or intended to be used solely by the owner of the farm on which it is located for the sale of only the seasonal farm products of the immediate locality.

SETBACK LINES

Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.

"Within a setback line" means between the setback lines and the nearest boundary of the highway right-of-way.

SIGN

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included within this definition:

- (a) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- (b) Flags and insignias of any government, except when displayed in connection with commercial promotion;
- (c) Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving part, or moving lights;

SIGN AREA

The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the element of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

SIGN, ON-SITE

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

SITE PLAN REVIEW

A review by the Planning Commission and the Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage (see Article 14).

STORY

That portion of a building included between the surface of any floor and the surface of the floor above it, then the space between the floor and the ceiling above it.

STREET

A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

STRUCTURE

Anything constructed, erected or placed with a fixed location on the surface of the ground.

TOWNSHIP

The term township shall mean Reading Township, Hillsdale County, Michigan.

TRAVEL TRAILER

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger automobile and not exceeding two hundred eighty (280) square feet in area.

VARIANCE

A variance is a modification of the literal provisions of the Zoning Ordinance which is granted by the Board of Appeals when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

YARD, FRONT

An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

YARD, REAR

An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

YARD, SIDE

An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the front line to the lot.

ZONING BOARD OF APPEALS

The term Zoning Board of Appeals shall mean the Reading Township Zoning Board of Appeals.

ARTICLE 3
ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.01 - DIVISION INTO ZONING DISTRICTS

For the purposes of this Ordinance, all of the unincorporated area of the Township of Reading, Hillsdale County, Michigan, is hereby divided into the following zoning districts:

- AG Agricultural District**
- R-1 Low Density Residential District**
- R-2 Medium Density Residential District**
- LR Lake Residential District**
- C Commercial District**
- I Light Industrial District**

SECTION 3.02 - OFFICIAL ZONING MAP

The land areas and sizes of buildings assigned to the Districts, the designation of same and the boundaries of said Districts, are shown on the zoning map part of this Ordinance and are hereby established; said map being designated as the Township Zoning Map showing use districts and building districts in the unincorporated portions of Reading Township, Hillsdale County, Michigan, and said map and the proper notations, references, and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were fully described herein.

- (a) Wind energy overlay district previously created within a described portion of the agricultural district {Ord. No. 2010-02: Eff.12-24-2010} is hereby amended by imposing a buffer zone thereon described as hereinafter set forth as well as in the amended Township Zoning Map which is attached hereto and incorporated herein by reference, in which no wind energy turbines shall be located.

The Buffer Zone is that portion of the Wind Energy Overlay District west of a line ½ mile east of that part of Long Lake Road between Crawford Road and Reading Road and that is west of that part of Abbott Road between Reading Road and Bankers Road and anything west of that portion of Edon Road that is north of Bankers Road. Also included in the Buffer Zone is an area that includes anything within ½ mile of the City of Reading (as it is on April 11, 2011) that is within the Wind Energy Overlay District. Also included in the Buffer Zone is an area that includes anything within ½ mile of the R-1 Low Density Residential District (as it is defined on April 11, 2011) that contains a Mobile Home Park at 5200 Bankers Road. {Ord. No. 2011-01: Eff.5-31-2011}

Identification of Official Zoning Map: The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk. The official Zoning Map shall be located in the office of the Township Clerk and available for examination.

SECTION 3.03 - INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary lines. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

SECTION 3.04 - CONFORMANCE TO ORDINANCE

No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered, and no building, structure, land premise, or part thereof, shall be used for a purpose other than is permitted by the provisions of this Ordinance in the district in which such building, structure and/or premise is located.

ARTICLE 4 AGRICULTURAL DISTRICT

SECTION 4.01 – PURPOSE

This district is designed to conserve, stabilize, enhance, and develop farming and related resource-utilization activities, to minimize conflicting uses of parcels, lots, buildings, and structures detrimental to or incompatible with farming activities, and to prohibit uses of parcels, lots, buildings, and structures which require streets, drainage, and other public facilities and services of a different type and quantity than those normally required by farming activities.

SECTION 4.02 – PERMITTED USES

The following uses of parcels, lots, buildings, and structures are permitted in this district:

- (a) General and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, the quartering storage, or preservation of said crops, livestock, poultry, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing; and the incidental sale of the crops, products and foodstuffs raised or grown on said lot or in said building or structure.
- (b) The raising or keeping of fur bearing animals, horses, ponies, and other animals whether for profit or pleasure.
- (c) One single family dwelling. {Ord. No. 2009-01: Eff.11-27-2009}
- (d) Temporary housing for seasonal agricultural workers provided that said buildings shall be maintained in accordance with state regulations.
- (e) The raising or growing of plants, trees, shrubs, and nursery stock.
- (f) Sale of agricultural products raised or grown on the farm premises including roadside stands.
- (g) Public and private conservation and/or recreational areas, such as: forest preserve, game refuge, nature reservation, and similar public and private areas of low intensity use.
- (h) Kennels.
- (i) An accessory use, building, or structure.

- (j) Essential service structures.

SECTION 4.03 - CONDITIONAL USES

The following uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 13.

- (a) Quarry.
- (b) Camping grounds, hunt clubs, hunting lodges, riding academies, stables, and recreational areas of high intensity use.
- (c) Commercially operated trails for use by motorcycles, snowmobiles, and similar types of vehicles.
- (d) Amusement enterprises.
- (e) Airport.
- (f) Radio or television sending or boosting station.
- (g) Public and private day-care centers, primary, or secondary non-profit schools; and colleges and universities.
- (h) Hospital, nursing home, sanitarium or other medical care facilities.
- (i) Churches and other buildings for religious worship.
- (j) Government or community owned buildings.
- (k) Cemetery.
- (l) Golf driving range, golf course, country clubs.
- (m) Travel trailer park.
- (n) High Density Animal Feeding Operations.
- (o) Home occupation in accordance with Article VIII, Section 8.4.
- (p) Large scale wind energy facilities but only in wind energy overlay districts properly established within the agricultural district and in conformance with section 15.17 hereof. {Ord. No. 2010-03: Eff.12-24-2010}

SECTION 4.04 – AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

As required in Article 11.

SECTION 4.05 – REQUIRED OFF-STREET PARKING

As required in Article 15.

SECTION 4.06 – REQUIRED SITE PLAN REVIEW BY PLANNING COMMISSION

(For conditional use only) as required in Article 14.

ARTICLE 5
R-1 LOW DENSITY RESIDENTIAL

{Ord. No. 2007-04:Eff.8-1-07}

SECTION 5.01 - PURPOSE

The R-1 zoning district is intended to provide primarily for detached single family dwelling units with a maximum density of 4.53 units per acre with public water and sewer. Lot sizes are permitted to vary, depending upon the availability of public utilities.

Non-residential uses such as churches, schools, and public buildings are also permitted as conditional uses according to their compatibility with nearby single family homes. Existing agricultural uses in the R-1 zone shall be permitted to continue but the intent of this district is to phase out such uses over time so that the predominant use becomes detached single family dwelling units.

SECTION 5.02 - PERMITTED USES

Land and buildings in the R-1 zone may only be used for the following purposes:

- (a) One single family dwelling. {Ord. No. 2009-01: Eff.11-27-2009}
- (b) Child and adult day care homes with no more than six minor children or adults.
- (c) State licensed adult foster care family homes with no more than six adults provided that such facilities are at least 1,500 feet apart as measured between property lines.
- (d) Accessory buildings, structures, and uses customarily incidental to any of the above uses when located on the same lot.
- (e) Towers and antennas which do not exceed 32 feet in height as measured from the ground to the top of the antenna or tower, which ever is higher.
- (f) Essential service structures.

SECTION 5.03 - CONDITIONAL USES

The following uses may be permitted as a conditional land use in the Rural Agricultural District when approval is granted by the Planning Commission. Such uses are subject to the provisions of Article 13 contained herein.

- (a) Churches mosques, synagogues and similar houses of worship, including associated uses such as pastor's houses, rectories, convents and recreational facilities.
- (b) Parks, playgrounds, community centers and similar recreational uses when operated by a governmental or non-profit organization.

- (c) Housing for the elderly or senior citizens including but not limited to assisted living facilities, nursing homes, or retirement housing in attached or multi-family buildings.
- (d) Municipal, county, state, and federal administration, educational or service buildings.
- (e) Child day care centers and nursery schools. A conditional land use shall not be required if such use is located within a principal building such as a church or school or similar public or institutional building.
- (f) Public and non-public schools not including colleges or universities.
- (g) Cemeteries.
- (h) Essential public services buildings or equipment which are above ground.
- (i) Home occupations as regulated by Section 15.04
- (j) Bed and breakfast establishments.
- (k) Hospital
- (l) Towers and antennas which are higher than 32 feet.
- (m) Group daycare homes which provide care to not less than seven and not more than 12 minor children
- (n) Uses which are similar to one or more of the uses in Section 5.02 or Section 5.03, which are not specified elsewhere in this Ordinance and which in the opinion of the Planning Commission meet the intent of Section.

SECTION 5.04 - AREA REGULATIONS

No buildings or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yard and area requirements are provided and maintained in connection with such building, structure, or enlargement:

- (a) Minimum Lot Area and Width:
 - (1) For single family dwellings without public sewer and water, the minimum lot area shall be 20,000 square feet with a minimum of 100 feet of lot width.

R-1 LOW DENSITY RESIDENTIAL

- (2) For single family dwellings with either public sanitary sewer or public water or a community septic or well system the minimum lot area shall be 12,000 square feet with a minimum of 80 feet of lot width.
 - (3) For single family dwellings with both public sanitary sewer and water or a community septic and well system the minimum lot area shall be 9,600 square feet with a minimum of 66 feet of lot width.
 - (4) For two family dwellings with or without public sanitary sewer or water the minimum lot area shall be 30,000 square feet with a minimum of 132 feet of lot width.
- (b) Minimum Yard Requirements:
- (1) Front Yard - For residential buildings and buildings normally considered accessory thereto, there shall be a front yard of at least 20 feet.
 - (2) Side Yard - There shall be total side yards of 15 feet provided that no side yard shall be less than 6 feet.
 - (3) Rear Yard - There shall be a rear yard of not less than 30 feet; except that for duplexes, the rear yard setback shall not be less than 50 feet.

SECTION 5.05 - REQUIRED OFF-STREET PARKING

As required in Article 15 herein.

ARTICLE 6
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

{Ord.No. 2007-05: Eff.8-01-07}

SECTION 6.01 - PURPOSE

The R-2 zoning district is intended to provide for medium density residential development up to eight units per acre. Multi-family dwelling units are permitted in this zoning district along with duplexes. Certain non-residential uses are also permitted by conditional land use. Medium density residential uses shall be located on paved streets in order for better accessibility by fire and police services.

Medium density residential uses are also intended to serve as a buffer or transition zone between non-residential uses and low density residential uses. Because public sewer is necessary to assure long range public health, MDR areas should not be zoned or developed until proper service and roadways can be provided to serve this type of use.

SECTION 6.02 - PERMITTED USE

Land and buildings in the R-2 zone may only be used for the following purposes:

- (a) Two-family dwelling units.
- (b) Multiple family dwelling units with no more than eight units per building.
- (c) Housing for the elderly or senior citizens including but not limited to assisted living facilities, nursing homes, or retirement housing in attached or multi-family buildings. Such buildings may exceed eight units per building.
- (d) Child and adult day care homes with no more than six minor children or adults.
- (e) State licensed adult foster care family homes with no more than six adults provided that such facilities are at least 1,500 feet apart as measured between property lines.
- (f) Accessory buildings, structures, and uses customarily incidental to any of the above uses when located on the same lot.
- (g) Towers and antennas which do not exceed 32 feet in height as measured from the ground to the top of the antenna or tower, which ever is higher.
- (g) Essential service structures.

SECTION 6.03 - CONDITIONAL USES

The following uses may be permitted as a conditional land use in the Medium Density Residential District when approval is granted by the Planning Commission. Such uses are subject to the provisions of Article 13 contained herein.

- (a) Multi-family buildings with more than eight units per building.
- (b) Churches mosques, synagogues and similar houses of worship, including associated uses such as pastor's houses, rectories, convents and recreational facilities.
- (c) Parks, playgrounds, community centers and similar recreational uses when operated by a governmental or non-profit organization.
- (d) Housing for the elderly or senior citizens including but not limited to assisted living facilities, nursing homes, or retirement housing in attached or multi-family buildings.
- (e) Municipal, county, state, and federal administration, educational or service buildings.
- (f) Child day care centers and nursery schools. A conditional land use shall not be required if such use is located within a principal building such as a church or school or similar public or institutional building.
- (g) Public and non-public schools not including colleges or universities.
- (h) Cemeteries.
- (i) Essential public services buildings or equipment which are above ground.
- (j) Home occupations as regulated by Section 15.04
- (k) Bed and breakfast establishments.
- (l) Hospital
- (m) Towers and antennas which are higher than 32 feet.
- (n) Group daycare homes which provide care to not less than seven and not more than 12 minor children
- (n) Uses which are similar to one or more of the uses in Section 6.02 or Section 6.03, which are not specified elsewhere in this Ordinance and which in the opinion of the Planning Commission meet the intent of Section 6.01.

SECTION 6.04 - AREA REGULATIONS

As required in Article 11, and as follows:

- (a) Minimum Lot Area and Width:
 - (1) For two family dwellings with or without public sewer and water, the minimum lot area shall be 20,000 square feet with a minimum of 132 feet of lot width.
 - (2) Multiple family dwellings shall have a minimum lot area of 5, 445 square feet per dwelling unit with a lot width for the parcel containing the multiple family building of not less than 150 feet.
- (b) Minimum Yard Requirements:
 - (1) Front Yard - 35 feet for each street abutting the lot.
 - (2) Side yard and building separation:
 - (i) For two-family dwelling units 10 feet from each side lot line.
 - (ii) The minimum side yard setback for multi-family dwelling units which abut a different zoning district shall be 30 feet. For multi-family units which abut an R-2 district, the minimum side yard setback shall be 15 feet.
 - (iii) The minimum distance between multi-family buildings shall not be less than the height of the tallest building.
 - (3) Rear yard:
 - i) For two family units, 25 feet.
 - ii) For multiple family units, 50 feet.
- (c) Maximum Building Height – 35 feet.

SECTION 6.05 - ADDITIONAL REGULATIONS

- (a) A project containing more than one multi-family building approved under this Section shall provide a play area with equipment or facilities for use by the children residing in the project. The Planning Commission shall determine the size and type of equipment to be provided based on the number of dwellings, the children likely to be living there, and the existence of nearby play areas
- (b) Parking shall be provided in accordance with the requirements of Article 15.

R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

- (c) Site plan review is required for all multi-family uses in accordance with the requirements of Article 14.
- (d) Parcels containing multi-family buildings shall be located on paved roads.

ARTICLE 7 LAKE RESIDENTIAL DISTRICT

SECTION 7.01 - PURPOSE

This district is designed to preserve and enhance those areas which are suitable for residential development near lakes. In addition to the dwellings permitted in the zoning district, certain residential and public uses are permitted which have been strictly regulated to make them compatible with the principal use of this district.

SECTION 7.02 - PERMITTED USES

The following buildings and structures, and use of parcels, lots, buildings and structures are permitted in this district:

- (a) One single family dwelling. {Ord. No. 2009-01: Eff.11-27-2009}
- (b) An accessory use, building, or structure.
- (c) Essential Service Structures.

SECTION 7.03 - CONDITIONAL USES

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article 13.

- (a) Boat liveries.
- (b) Church and other buildings for religious worship.
- (c) Convenience stores.
- (d) Home occupation in accordance with Article 15.04.

SECTION 7.04 - AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

As required in Article 11, and as follows:

- (a) Any lot of record in the Lake Residential District that existed before the effective date of this Section (April 24, 1995) may be considered a legal conforming lot provided it contains at least 12,000 square feet with 40 feet of lot width and provided that any building on such lot shall comply with the setback requirements of this District.
{Zoning Ordinance Amendment 02: EFF 4-24-1995} {Ord. No. 2007-02: Eff.4-26-2007}

SECTION 7.05 - REQUIRED OFF-STREET PARKING

As required in Article 15.

SECTION 7.06 - REQUIRED SITE PLAN REVIEW BY PLANNING COMMISSION

(For conditional uses only) as required by Article 13.

ARTICLE 8 COMMERCIAL DISTRICT

SECTION 8.01 - PURPOSE

This district is designed to permit local retail and service activities that primarily serve the Township residents. This district is located within the Township to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. Certain uses that would or could interfere with the operation of these business activities may be developed as conditional uses.

SECTION 8.02 - PERMITTED USES

The following uses of parcels, lots, buildings, and structures, are permitted in this district:

- (a) Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop, and shoe repair shop.
- (b) Food services including grocery, meat market, bakery, and fruit market, and similar self-service units.
- (c) Personal services, including barber shop and beauty salon, medical and dental clinics, music studios, banks and saving and loan associations, and other similar uses.
- (d) Retail services, including drug store, hardware, stationary and book store, news dealer and news stand, and apparel shops.
- (e) An accessory use, building, or structure.
- (f) Essential service structures.
- (g) Restaurants.
- (h) Business and professional offices, such as legal, engineering, accounting, financial, and insurance; and business schools.
- (i) Equipment services, including radio and television, electrical appliance shop, plumber, electrician, and other similar services and trades.
- (j) Recreation services, including indoor theater, bowling alley, and roller and ice skating rink.

SECTION 8.03 - CONDITIONAL USES

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article 13.

- (a) Drive-in restaurants.
- (b) Animal hospitals or clinics.
- (c) Government or community owned buildings, but not including schools.
- (d) Marinas.
- (e) Agricultural services, including machinery sales and repair establishments, and farm supply stores.
- (f) Automobile sales, automobile parts sales.
- (g) Trailer coach sales and repair.
- (h) Drive-in retail and service establishments except drive-in theater.
- (i) Establishments serving alcoholic beverages and/or providing entertainment.
- (j) Funeral establishments or mortuaries.
- (k) Motels and hotels.
- (l) Animal hospitals or clinics.
- (m) Open-air display areas for the sale of manufactured products such as or similar to garden furniture, earthenware, hardware items and nursery stock or the rental of manufactured products or equipment, such as household equipment, small tools, two-wheeled and four-wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers and similar products or equipment.
- (n) Automobile repair garage and service stations.
- (o) Government or community owned buildings but not including schools.
- (p) Drive-in theaters.
- (q) Outdoor commercial amusements.
- (r) Marinas.
- (s) Mini-warehouses.

SECTION 8.04 - AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

As required in Article 11.

SECTION 8.05 - REQUIRED OFF-STREET PARKING

As required in Article 15.

SECTION 8.06 - REQUIRED SITE PLAN REVIEW BY PLANNING COMMISSION

As required by Article 13.

ARTICLE 9 LIGHT INDUSTRIAL DISTRICT

SECTION 9.01 - PURPOSE

This district is composed of those areas of the Township whose principal use is and ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded.

SECTION 9.02 - PERMITTED USES

The following uses of parcels, lots, buildings, and structures are permitted in this district:

- (a) Commercial laundries and dry cleaning establishments; and frozen food lockers and ice and cold storage plants.
- (b) Building material storage and sales.
- (c) Packaging of previously prepared materials, but not including the baling of discarded paper, rags, cloth, metal, iron, or other similar materials.
- (d) Printing, lithographic, blueprinting, and similar uses.
- (e) Automobile repair garage; construction and farm equipment sales and repair; and contractor's equipment yard.
- (f) Warehousing, material distribution centers and wholesale sales establishments, provided all products and materials are enclosed within a building.
- (g) Skilled trade services including plumbing, electric, and heating, including retail activities on the site.
- (h) Light industrial assembly which by the nature of the materials, equipment, and processes utilized are to a considerable extent clean, quiet, and free from an objectionable or dangerous nuisance or hazard including any of the following goods or materials; drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising display; tents and awnings, brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather

products and luggage, but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.

- (i) Research and testing facilities.
- (j) Manufacturing.
- (k) Essential service structures.
- (l) An accessory use, building, or structure.

SECTION 9.03 - CONDITIONAL USES

The following uses of parcels, lots, buildings, and structure are permitted subject to obtaining a conditional use permit as provided in Article 13.

- (a) Restaurants.
- (b) Bus, truck, taxi and rail terminals.
- (c) Junk Yards.
- (d) Bulk fuel storage.
- (e) Trucking and cartage facilities including repairing and washing equipment and yards.
- (f) Government or community owned buildings, but not including schools.

SECTION 9.04 - AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

As required in Article 11.

SECTION 9.05 - REQUIRED OFF-STREET PARKING

As required in Article 15.

SECTION 9.06 - REQUIRED SITE PLAN REVIEW BY PLANNING COMMISSION

As required in Article 14.

ARTICLE 10
MANUFACTURED HOUSING COMMUNITY DISTRICT
{Ord. No. 2007-06: Eff. 8-01-07}

SECTION 10.01 - PURPOSE AND REGULATION

The purpose of this district is to allow for the establishment of manufactured housing communities and related accessory uses. A manufactured housing community within this zoning district shall comply with all applicable procedures and requirements of the Mobile Home Commission Act, being Act 419 of 1976, as amended, and the Michigan Administrative Code. A manufactured housing community established within this district shall be subject to the site plan review procedures of this Ordinance.

Public sewer and water facilities or community sewer and water systems shall be provided for each manufactured housing community in accordance with all applicable State and County regulations.

ARTICLE 11
HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

SECTION 11.01 - FOOTNOTES TO AREA; HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

- (a) Any single or two family dwelling constructed after the effective date of this Ordinance shall be located on an independent lot of record. If such lot of record does not exist it shall be created according to the minimum lot area requirements of the respective zoning district in this Ordinance.
- (b) Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection can be demonstrated subject to approval by the Zoning Board of Appeals.
- (c) Minimum yard requirements:
 - (1) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
 - (2) No part of a yard or other open space required for or in connection with any structure for the purpose of complying with this Ordinance shall be included as part of a yard or open space similarly required for any other structure.

11.01 – 11.02
HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

ARTICLE 11											
SCHEDULE OF REGULATIONS											
ARTICLE 11 - AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS ⁽¹⁾											
Zoning District		Minimum Lot Size Per Dwelling		Maximum Building Height				Max. Coverage of Lot by All Buildings (in % of Lot Area)	Minimum Yard Setbacks (In Feet)		
				Principal		Accessory			Front ⁽²⁾	Sides	Rear
Area	Width (in Feet)	Stories	Feet	Stories	Feet	Front ⁽²⁾	Sides				
AG - Agricultural		2 Acres	200	2 1/2	32		80	10	60	20 Total 40 60 ⁽³⁾	20
R1 - Low Density Residential	With out Public Water or Sanitary Sewer	20,000 Sq. Ft.	100	2 1/2	32		16	30	20	Min. 6 Total 15	30 20 ⁽⁴⁾
	With either Public Water or Sanitary Sewer	12,000 Sq. Ft.	80	2 1/2	32		16	30	20	Min. 6 Total 15	30 20 ⁽⁴⁾
	With both Public Water and Sanitary Sewer	9,600 Sq. Ft.	66	2 1/2	32		16	30	20	Min. 6 Total 15	30 20 ⁽⁴⁾
	Duplexes	30,000 Sq. Ft.	132	2 1/2	32		16	30	20	Min. 6 Total 15	50
R2 - Medium Density Residential	Two Family Dwelling	20,000 Sq. Ft.	132	2 1/2	35		16	30	35	Min. 10 Total 20	25 20 ⁽⁴⁾
	Multiple (Family Unit) Building	5,445 Sq. Ft. Per Unit	150	N/A	35		16	30	35	See Section 6.04	50
LR - Lake Residential		12,000 Sq. Ft.	80	2 1/2	32		16	30	20	10 Total 20 32 ⁽³⁾	30 20 ⁽⁴⁾
C - Commercial		20,000 Sq. Ft.	100	2 1/2	32		22	22	32	20 32 ⁽³⁾	32 20 ⁽⁴⁾
I - Light Industrial		30,000 Sq. Ft.	120	2 1/2	32		32	32	32	20 32 ⁽³⁾	32 20 ⁽⁴⁾

- (1) Also refer to footnotes to Section 11.01 in text
(2) Front yard setbacks shall be measured from the street right-of way line
(3) Corner lot, side yard in the street side
(4) Lot abutting a water body

ARTICLE 12 NONCONFORMITIES

SECTION 12.01 - NONCONFORMITIES

Where within the districts established by this Ordinance, or by amendments, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these nonconformities to continue until they are discontinued, damaged, or removed, but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded, or extended except as provided herein; nor to be used as ground for adding other lots, structures, or uses prohibited elsewhere in the same district.

- (a) The lawful use of any building or structure, and of any land or premise existing prior to the effective date of this Ordinance, may be continued. No nonconforming use of any building, structure or any land or premise shall be undertaken following the effective date of this Ordinance. One nonconforming use may be substituted in place of another nonconforming use if such substitution results in a use of the same or a more restricted zoning classification under this Ordinance.
- (b) If the nonconforming use of any building, structure, land or premise is changed to a conforming use, such use shall not hereafter be reverted to any nonconforming use.
- (c) If the nonconforming use of any building, structure, land or premise, or part thereof, is abandoned for a continuous period of twelve (12) months, then any future use of said building, structure, land or premise shall conform in its entirety, to the provisions of this Ordinance.
- (d) When district boundaries shall hereinafter be changed, and the location of any nonconforming use be shifted to another kind of district, then said nonconforming use may still be continued, but subject to all other provisions of this section.

SECTION 12.02 - RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the effective date of

this Ordinance, wherein the expense of such reconstruction does not exceed two-thirds of the total replacement cost of the entire building or structure at the time such damage occurred, provided that such use shall not jeopardize the public health, safety, and welfare. Existing uses shall not be denied as long as it does not jeopardize the public health, safety, and welfare.

In the case of a nonconforming single-family dwelling unit in a (C) commercial or (I) light industrial district existing at the effective date of this ordinance, reconstruction, repair, or restoration to one hundred (100) percent of the total replacement cost of the entire structure is permitted.

SECTION 12.03 - REPAIR AND COMPLETION OF NONCONFORMING BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall prevent the repair, reinforcement, improvement, or rehabilitation of the nonconforming buildings, structure, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation; nor prevent compliance with the provisions of the BOCA Building Code or Housing Law of Michigan relative to the maintenance of buildings or structures.

Nor shall anything in this Ordinance require any change in the existing construction or intended use of the building for which plans have been prepared and filed, heretofore, with the Township Zoning Inspector and the construction of which shall have been diligently pursued for a period of one (1) month prior to the effective date of this Ordinance, which shall be completed within twelve (12) months after the effective date of this Ordinance.

SECTION 12.04 - NONCONFORMING LOTS

Any lot which was lawful at the time of the effective date of adoption or amendment of this ordinance, but does not comply with all the provisions of this Ordinance may be continued in use; provided, however, the change in use of, or the location, modification, or construction of any structure on such lot shall not be permitted; except upon a variance approved by the Board of Appeals based upon a finding that such variance is warranted, and subject to such conditions as the Board of Appeals may find necessary to provide for the public health, safety, morals and general welfare, In every situation where the applicant for a variance owns a lot or lots adjacent to that for which a variance is sought, the Board of Appeals, if it determines to grant a variance, at a minimum, shall require that the applicant combine such adjoining lot or lots or so many of them as are necessary to achieve an area of 12,000 square feet and shall further require that the resultant combined lot be impressed with a covenant which shall run with the land prohibiting the resultant combined lot from subsequently being divided or otherwise reduced in size. In every situation where the applicant for a variance owns lots adjacent to that for which a variance is sought, the Board of Appeals, if it determines to grant a variance, shall at a minimum, require that the applicant combine all such adjacent lots or so many of them as

are necessary to achieve 12,000 square feet of area, whichever combination is less, and shall require that the resultant combined lots be impressed with a covenant which shall run with the land prohibiting the resultant combined lot from subsequently being divided or otherwise reduced in size.

SECTION 12.05 – NONCONFORMING STRUCTURES ON LOTS OF RECORD

In any district in which single-family dwellings are permitted and were existing, notwithstanding limitations imposed by other provisions of this ordinance, additions, alterations and upgraded may be allowed on any single lot of record at the effective date of adoption or amendment of this ordinance, regardless of its area or width, provided that the owner of such lot does not own any adjoining property; and further provided, however that no lot shall be less than 40 feet wide; the minimum side yard shall be 10 percent of the lot width or six feet, whichever is greater; the depth of the rear yard shall not be less than 20 feet; the depth of the front yard shall not be less than 20 feet; and all requirements of the Hillsdale County Health Department shall be met before construction is begun. Any variance of yard requirements from the above provisions shall be obtained only through action of the Zoning board of Appeals.

{Zoning Ordinance Amendment 01: Eff: 8-24-94}

SECTION 12.06 - CHANGE OF TENANCY OR OWNERSHIP

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

ARTICLE 13 CONDITIONAL USES

SECTION 13.01 - CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of Reading Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of Reading Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 13.02 - AUTHORITY TO GRANT PERMITS

The Planning Commission, as hereinafter provided, shall make recommendations regarding Conditional Use applications to the Township Board, who shall have the final authority to grant conditional use permits. The Township Board may grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all conditional uses specified in the various district provisions of this Ordinance.

SECTION 13.03 - APPLICATION AND FEE

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official conditional use permit application form; submitting a site plan in accordance with Article 14, and depositing the required fee as established by resolution of the Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

SECTION 13.04 - APPLICATION AND SITE PLAN REQUIREMENTS

An application for a conditional use permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, a statement describing how the proposed development conforms to the standards stated in Section 13.06, and a site plan as specified in, and in conformance with, Article 14 Site Plan Review and Approval, of this Ordinance.

SECTION 13.05 - PUBLIC HEARING

The Planning Commission shall hold a public hearing upon any application for a conditional use permit. Notice of the hearing shall be as required by Section 18.05 herein. {Ord. No. 2007-03: Eff. 06-08-07}

SECTION 13.06 - REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission and Township Board shall review the site plan submitted in accordance with Article 14 for proposed conditional uses in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets or does not meet these standards:

- (a) Development standards applying to all proposed conditional uses:
 - (1) The proposed conditional use shall be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
 - (2) The proposed conditional use shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
 - (3) The proposed conditional use shall be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal; or the persons or agencies responsible for the establishment of the proposed use shall be responsible to provide adequately any such services.
 - (4) The proposed conditional use shall not be hazardous or disturbing to existing or future neighboring uses.
 - (5) The proposed conditional use shall not create excessive additional requirements at public costs for public facilities and services.

- (b) Development standards applying to specific proposed conditional uses:

A conditional use permit shall not be issued for the uses specified in this subsection unless they comply with the site development requirements as herein specified. The Planning Commission may recommend, and the Township Board may impose, additional conditions and safeguards when deemed necessary in accordance with Section 13.08 of this Ordinance.

- (1) Airports subject to the following standards:

- (i) The area proposed shall be sufficient to meet the Federal Aeronautics Administration's requirements for the class of airport proposed.
 - (ii) There are no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed runways or land strips of the airport.
 - (iii) There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aeronautics Administration or any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
 - (iv) Any building, hangars, or other structures shall be at least 100 feet from any street or lot line.
 - (v) The site plan submitted for review and approval shall, in addition to the information required in Article 14, include the proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees, and overhead wires falling within the airport approach zone and less than 500 feet distance from the boundary lines of the airport.
- (2) Quarries, subject to the following standards:
- (i) There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
 - (ii) Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
 - (iii) On said lot, no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
 - (iv) On said lot, all roads, driveways, parking lot, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

- (v) Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- (vi) Such removal, processing or storage shall be conducted so as not to cause the pollution by any material of any surface or subsurface, watercourse, or body outside the lines of the lot on which such use shall be located.
- (vii) Such removal, processing, or storage shall be conducted so as not to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot; such removal shall be conducted so as not to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
- (viii) All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the effective date of this ordinance, such operation of such equipment or machinery may continue henceforth, but in no case less than one hundred (100) feet from any lot line.
- (ix) There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to discourage trespassing, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
- (x) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.

- (xi) The operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
 - (xii) The operator shall file with Reading Township a performance bond, payable to Reading Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan; the amount of the required bond, which will reflect the anticipated cost of restoration, shall be fixed by the Reading Township Board. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
 - (xiii) The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.
- (3) Group or organized camps, camping grounds, and general or specialized resorts, subject to the following standards:
- (i) The lot shall provide direct vehicular access to a public street or road.
 - (ii) Public stations, housed in all-weather structures, containing adequate water outlet, toilet, and waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one such station per each twenty (20) individual camp sites or not less than one such station per each one hundred (100) persons.
 - (iii) No commercial enterprises shall be permitted to operate on the lot.
 - (iv) Such use shall be located at least three hundred (300) feet from

any abutting residentially zoned lands.

- (4) Golf courses, subject to the following standards:
- (i) The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
 - (ii) Development features including the principal and accessory buildings and structures shall be so located and related so as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
 - (iii) The course shall be adequately buffered from surrounding properties with no golf hole being able to extend into the following setback requirements:
 - 300 feet front yard
 - 300 feet side yard
 - 300 feet rear yard
- (5) Public and private day care facilities, primary or secondary nonprofit schools, and colleges and universities subject to the following standards:
- (i) There shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area for each child or student.
 - (ii) A minimum of five thousand (5,000) square feet of outdoor play area shall be provided.
- (6) Convalescent homes, nursing homes, sanitariums, and orphanages, subject to the following standards:
- (i) The site shall be so developed as to create a land to building ratio on the parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of land area.
- (7) Riding academies and stables subject to the following standards:
- (i) All buildings housing animals and all corrals in which animals are kept or assembled in concentrated groups, shall be at least one

hundred (100) feet from any property line.

- (ii) Stables shall be located on lots having a minimum of five (5) acres and riding academies shall be located on lots having a minimum of ten (10) acres.
- (8) Churches, and other buildings for religious worship, subject to the following standards:
- (i) The minimum lot area shall be three (3) acres.
 - (ii) The minimum lot width shall be one hundred fifty (150) feet.
 - (iii) All front, side, and rear yard widths shall be a minimum of fifty (50) feet.
- (9) Cemeteries, subject to the following standards:
- (i) The cemetery shall be designed so as to provide principal access directly onto a County Primary Road or a State or Federal Highway.
 - (ii) The perimeter of the site shall be fenced. Said fence shall measure from four to six feet in height.
 - (iii) No graves shall be located within the required front, side, and rear yard setbacks as specified within the zoning district in which the cemetery is located.
- (10) Golf driving ranges, subject to the following standards:
- (i) Front, side, and rear yard setbacks shall be 300 feet and no part of said driving range shall be located in said setback requirements.
 - (ii) Any floodlights used to illuminate the premises are to be so directed and shielded so as not to be an annoyance to any developed residential property.
 - (iii) Depending upon location, such activity may be limited to daylight or early evening hours.
- (11) Travel trailer parks, subject to the following standards:
- (i) The site shall be well drained and not exposed to objectionable noise or odors.

- (ii) Each travel trailer space shall contain at least 2,000 square feet and be at least 30 feet wide. Each space shall be clearly defined on the ground by stakes or markers.
 - (iii) Travel trailer spaces shall be so arranged that no trailer will be parked less than 15 feet from adjacent trailer.
 - (iv) Access to travel trailer parks shall be directly from a County Primary Road or State or Federal Highway and such access shall be of a design that will minimize traffic congestion. The minimum street or roadway within such park shall be at least 30 feet in width. A dead-end street shall not exceed 175 feet in length and the turning circle shall be at least 80 feet in diameter.
 - (v) All entrances and exit lanes within such park shall be lighted to provide an intensity of at least five foot candles.
 - (vi) A recreational area shall be provided in each travel trailer park at a ratio of at least 200 square feet per space, with a minimum of 5,000 square feet per park.
 - (vii) All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
 - (viii) No commercial enterprises shall be permitted to operate in the park, except that a convenience goods shopping building may be provided in a park containing more than eighty (80) sites.
 - (ix) Public stations, housed in all-weather structures, containing adequate water outlet, toilet, and waste containers, shall be provided uniformly throughout the park at a ratio of not less than one such station per each twenty (20) sites.
- (12) Animal Hospitals, Animal Shelters, and Humane Society, subject to the following standards:
- (i) Except where animals are kept in soundproof air conditioned buildings, no structure or area occupied by animals shall be within three hundred (300) feet of the property line of any adjacent lot.
- (13) Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles, subject to the following standards:

- i) The sites shall have direct access to a County Primary Road or a State or Federal Highway.
 - ii) There shall be provided at least a one hundred (100) foot setback from the property line that abuts the County Primary Road or State or Federal Highway.
 - (iii) Such use shall be located at least five hundred (500) feet from any property line.
 - (iv) The perimeter of the site shall be fenced to a height of four (4) to six (6) feet.
- (14) Amusement enterprises, subject to the following standards:
- (i) The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
 - (ii) There shall be provided at least a one hundred (100) foot setback from the property line abutting the County Primary Road or State or Federal Highway.
 - (iii) Such use shall be located at least two hundred (200) feet from any property line.
- (15) Junk yards, subject to the following standards:
- (i) The Township Board shall grant only a temporary Certificate of Occupancy for a period not to exceed five (5) consecutive years, which certificate may be renewed by the Township Board for a period not to exceed five (5) consecutive years, provided development of the adjacent property has not reached the stage that the junk yard use has become objectionable and the junk yard complies with the regulations of this ordinance.

- (ii) The Certificate of Occupancy granted under the provisions of this Article shall be revoked by the Township Board if the holder violates any provisions of this ordinance or any special provisions imposed by such Board.
 - (iii) All salvage operations and storage area shall be conducted wholly within an enclosed building or within an area enclosed on all sides with a solid wall or opaque fence not less than seven (7) feet in height.
 - (iv) There shall be no burning of motor vehicles. Stacking of vehicles shall only be permitted if the site is determined to be physically conducive by the Township Board.
 - (v) The fence required in "iii" above shall be located on said lot not closer to the lot lines than the yard requirements for buildings permitted in this district.
 - (vi) All traffic ingress or egress shall be on County Primary Roads or State or Federal Highways, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
 - (vii) All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
- (16) Hospitals, sanitariums, and charitable institutions for human care, subject to the following standards:
- (i) All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - (ii) The proposed site shall have at least one property line abutting a County Primary Road or a State or Federal Highway. All ingress and egress to the off-street parking area for guests, employees and staff, as well as any other uses of the facilities, shall be directly onto said County Primary Road or State or Federal Highway.
 - (iii) All front, side, and rear yard setbacks shall be a minimum of one hundred (100) feet.
 - (iv) Ambulance areas shall be located not less than five hundred (500) feet from any residence.

- (17) High density animal feeding operation, the development of which shall be subject to the following conditions:
- (i) The operator shall provide the Planning Commission with the following information in addition to that required from all conditional uses.
 - A site plan.
 - A description of similar facilities operated elsewhere by any of the following: the applicant, any endeavors in which the applicant has an interest, owners of the property, and/or the owners of the proposed operation.
 - A detailed description of any violation notices issued to the applicant or issued to farms, businesses, or other endeavors in which the applicant has an interest, by state, county or local government; or past litigation by anyone regarding other high density animal feeding operations conducted by the applicant or by other farms, businesses or endeavors in which the applicant has an interest.
 - A description of the types and numbers of livestock to be kept on the premises.
 - A description of which portions of the animals' life cycle will occur on the site.
 - The names and addresses of owners and/or taxpayers of all property where the land application of animal waste, produced by the operation, is to occur.
 - (ii) The operator or operators shall obtain the necessary State and/or Federal permits and shall comply with the requirements of all applicable County, State, and Federal regulations. The operator or operators shall provide the Township Zoning Administrator with written notification from the State Department of Natural Resources, the State Department of Agriculture and the County Soil Erosion and Sedimentation Control Agency of the need for any reports, permits, or environmental monitoring programs including but not limited to the following:
 - preparation of an environmental impact statement
 - preparation of a hydrogeologic report

- preparation of an engineering plan
- surface and groundwater monitoring programs
- air emission permits
- water discharge permits
- soil erosion and sedimentation control permits

Before a conditional use permit shall be issued, copies of all reports and permits and of the results of all environmental monitoring programs required by the regulating County, State, or Federal Agency, or a written notification of waiver, shall be provided to the Township Zoning Administrator as evidence that these requirements have been met.

- (iii) No new structures and confined lots designed to house or contain farm animals or animal waste shall be located within a floodplain or wetland.
- (iv) All new structures and confined lots designed to house or contain farm animals or animal waste must be setback at least three hundred (300) feet from adjacent property lines, road rights-of-way, or lakes and perennial streams.
- (v) All new structures and confined lots designed to house or contain farm animals or animal waste must be setback at least seven hundred fifty (750) feet from any residence existing at the time construction is proposed except that of the facility operator, one thousand two hundred fifty (1,250) feet from any existing school, church, business, recreational area, or any existing public building; and two thousand five hundred (2,500) feet from any area zoned for residential use or any area for which a recorded residential plat exists.

If a high density animal feeding operation uses lagoons, reservoirs or other open storage areas as part of its animal waste handling facility, the setback distances above shall be increased to one thousand two hundred fifty (1,250), two thousand five hundred (2,500), and five thousand (5,000) feet respectively.

- (vi) All high density animal feeding operations shall follow accepted animal waste management practices as established by the State Department of Agriculture, the Michigan Commission of

Agriculture or the Hillsdale County Soil Conservation District. The operator or operators of such facilities shall file with the Planning Commission and the Township Zoning Administrator a detailed plan for implementing such practices. This plan shall at a minimum address the following components of animal waste management: runoff control; management of odors, noise and dust; animal waste treatment and storage; animal waste disposal including application to the land. These plans for implementing accepted animal waste management practices shall also include a timetable for implementation and the anticipated cost of carrying out the plan.

- (vii) Barriers shall be constructed or other measures taken to control access to any animal waste storage or treatment facility.
- (viii) No animal waste shall be applied to frozen ground or land on which slopes exceed six (6%) percent.
- (ix) Methods used to transport animal waste on township, county, state, or interstate highways or through municipalities, shall not leak or discharge on the right-of-way or discharge on public or private property without the owner's consent.
- (x) The operator or operators shall provide a plan for handling and temporary storage of excess animal waste in the event weather conditions, overfilling or structural damage to active lagoons or other waste storage facilities creates an emergency situation. Sufficient monies to insure implementation of this plan shall be placed in an escrow account.
- (xi) Before the Township Zoning Administrator will issue a conditional use permit, the applicant shall be required to submit to the Township a surety bond in favor of the Township Administrator to provide monies for the cleanup of accidental animal waste spills on public roadways, for the drilling of new water wells or provision of an alternative water supply for neighbors who have experienced "new" pollution, or for remediation of other environmental degradation which results from operation of the high density animal feeding operation. The Township may also use the proceeds of the bond for administrative costs, engineering studies, legal fees, compliance enforcement, pollution abatement and/or site restoration required as a result of the operation of a high density animal feeding operation. The bond shall be in full force and effect from the commencement of the high density animal feeding operation until such time as there shall be restoration of the

site following the closing of the operation. Conditions of and dollar amount of the bond will be determined by the Township, but the bond amount will not exceed \$500,000.

- (18) LARGE SCALE WIND ENERGY SYSTEMS, subject to the following standards: {Ord. No. 2010-01: Eff.12-24-2010}
- (a) *Purpose* – The purpose of this section is to establish standards and procedures by which the installation and operation of Large Scale Wind Energy Facilities shall be regulated within the Township to contribute to the local economy, preserve the valuable local natural resources for current and future residents and preserve the most significant natural features in the Township as well as the rural views and character and protect the public health and welfare.
 - (b) *Conflicting Provisions* – In the event of a conflict between any provision in this section and any other section of this Ordinance with regard to Wind Energy Turbines or Wind Energy Facilities, the provisions of this section shall control.
 - (c) *Definitions*
 - 1. “Anemometer” is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a Wind Energy Turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction veins, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor and transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
 - 2. “Buffer Zone” is an area within the wind energy overlay district where wind energy turbines shall not be located.
{Ord. No. 2011-02: Eff.5-31-2011 }
 - 3. “Decibel” is defined as a unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.
 - 4. “Decommissioning” is the process of terminating operation and completely removing a Wind Energy Turbine and all related buildings, structures, foundations, access roads and equipment.
 - 5. "LAm_{ax}" The maximum sound level reading when the instrument is set to measure A-weighted sound levels and 'fast' response.' It is a single event, not-to-exceed limit when used as part of this ordinance.
 - 6. “Large Scale Wind Energy Facility” is defined as a wind energy conversion system which has a total height of more than one hundred (100) feet and a rated capacity of more than one hundred (100) kw with its main purpose being to supply electricity to offsite customers.
 - 7. “Nacelle” refers to the encasement which houses all of the

- generating components, gear-box, drive train, and other equipment.
8. “Net metering” is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.
 9. “Occupied Building” is a residence, school, hospital, church, public library, business, or any other building used for public gatherings.
 10. “Operator” is the entity responsible for the day-to-day operations and maintenance of the Large Scale Wind Energy Facility.
 11. “Owner” is the individual or entity, including their respective successors and assigns that have an equity interest or own the Wind Energy Turbine or component part of the Large Scale Wind Energy Facility in accordance with this section.
 12. “Rotor Diameter” is the cross-sectional dimension of the circle swept by the rotating blades of a Wind Energy Turbine.
 13. “Shadow Flicker” is the moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine. The amount of shadow flicker created by a Wind Energy Turbine is calculated by a computer model that takes into consideration turbine locations, elevation, tree cover, location of all structures, wind activity, and sunlight.
 14. “Total Height” is the vertical distance measured from the ground for a tower mounted Wind Energy System to the upper most vertical extension of any blade, or to the maximum height reached by any part of any wind energy system. For a building mounted wind energy system the total height is the vertical distance measured from the roof level at the base of the mounting system to the upper most vertical extension of any blade, or the maximum height reached by any part of the wind energy system.
 15. “Tower” is a free standing monopole that supports a Wind Energy Turbine.
 16. “Up Wind Energy Turbine” is a Wind Energy Turbine positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.
 17. “Wind Energy Overlay District” is a district created by the Reading Township Board upon receiving a recommendation from the Planning Commission which is a specific area within the zoned agricultural district within the Township best situated for the development of Large Scale Wind Energy Facilities and is consistent and compatible with the differentiated land uses established in the goals of the Township’s master plan.
 18. “Wind Energy System or Wind Energy Turbine” is any structure-mounted, small, medium or large wind energy conversion system that converts wind energy into electricity and includes any base, blade,

foundation, generator, nacelle, rotor, tower, transformer, turbine, vein, wire or other component used in that system.

(d) *Large Scale Wind Energy Facilities* – Large Scale Wind Energy Facilities may be allowed as a conditional use only in a “Wind Energy Overlay District” properly established within agriculturally zoned districts and only after a Conditional Use Permit has been approved so that the Large Scale Wind Energy Facilities permit has been issued pursuant to this section. Site Plan Review will be in compliance with Article 13 and 14 of the Zoning Ordinance of Reading Township. All materials shall be included at the time of application submission for a Large Scale Wind Energy Facility and will be completed and finalized by a third-party professional. A site plan, which differs from these standards, can be approved only upon the review of the Planning Commission and approval by the Township Board that the modification is in the best interests of the Township and applicant.

1. **Conditional Use Permit Application.** A conditional use permit application shall be submitted with the appropriate documents, materials and fees. In view of the amount of material and the specificity of the site plan required hereunder, the applicant may request consideration of a not yet completed site plan and, in connection with that request, may submit such materials required by this section as the applicant has been able to accumulate. This shall be done in a series of public meetings whereby each stage of the project may be adequately presented for review.
2. **Application Fee.** An applicant for a Large Scale Wind Energy Facility shall remit an application fee and escrow deposit to the Township in the amount specified in the Fee Schedule adopted by resolution of the Township Board. An application fee shall be in addition to any other fees provided herein, such as, but not limited to, the costs associated with the Township hiring an independent engineering firm to assist in the review of site plan requirements and site studies. All materials submitted as part of the application for a Large Scale Wind Energy Facility may be processed and reviewed by third-party professional that is approved and hired by Reading Township for the purposes of providing professional opinion and recommendation to the Planning Commission regarding any or all portions of the materials in the application and their conformance to Reading Township Zoning Ordinance requirements.
3. **Application Material.** The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Large Scale Wind Energy Facility. A site plan, which differs from these standards, can be approved only upon the review of the planning commission and the approval of the Township Board that the modification is in the best interests of the Township and applicant.
 - A. **Avian Analysis.** The applicant shall submit an avian study to assess the potential impact of proposed wind energy facilities upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information of critical flyways. The applicant must identify any plans for post-construction monitoring and studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.
 - B. **Visual Appearance, Lighting, Power-Lines.** The applicant shall

use measures to reduce the visual impact of Wind Energy Turbines to the extent possible, utilizing the following:

1. Wind Energy Turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers, and buildings shall be maintained, throughout the life of the Wind Energy Facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.
 2. The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment.
 3. Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 4. Wind Energy Turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
 5. The electrical collection system consisting of all collector lines shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. All trenches shall be "double dug" so as to result in the top soil which was removed from the dig site being replaced in its position as top soil when the trench is filled. The collection system may be placed overhead adjacent to county roadways, near substations or points of interconnection to the electrical grid or in other areas as necessary.
 6. Any excavating for the towers, access roads or electrical collection systems must not result in the degradation of any existing field tiled drainage systems.
- C. Setbacks, Separation, and Security.
1. Occupied Building. Each Wind Energy Turbine shall be set back from the nearest residence, school, hospital, business, church or public library, a distance of no less than the greater of (a) two (2) times its hub height or (b) one thousand (1000) feet.
 2. Property line setbacks. Along the border of the Wind Energy Facility Overlay District, there shall be a setback distance equal to two (2) times the hub height of the Wind Energy Turbine. Wind Energy Turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Where a turbine location is proposed nearer to an internal property line than one and one half (1/2) times the hub height of the Wind Energy Turbine, a waiver shall first be obtained from the owner of the abutting parcel(s) that demonstrates the signer was fully apprised of the risks involved in the event of a traumatic failure

- of the wind turbine.
3. Public roads and Railroad tracks. Each Wind Energy Turbine shall be set back from the nearest public road or railroad track a distance no less than 700 feet or 1 and 1/2 times its hub height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road or railroad track.
 4. Communication and electrical lines. Each Wind Energy Turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 400 feet or 1.5 times its hub height, whichever is greater, determined from the existing power line or telephone line.
 5. Tower separation. Turbine/tower separation shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between towers of not less than 5 times the turbine (rotor) diameter; and, the Wind Energy Facility shall be designated to minimize disruption to farmland activity. Documents shall be submitted by the manufacturer confirming specifications for turbine/tower separation.
 6. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the wind energy site permit and, in addition, that appropriate security will be in place to restrict unauthorized access to wind energy facilities.
- D. Tower/Turbine Height – (Total Height): The total height of a Wind Energy Turbine shall be the distance of the base of the turbine to the center of the hub of the Wind Energy Turbine plus the radius of the turbine (length of the blade from center to tip). Generally, the hub height shall be limited to 350 feet from existing grade. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.
- E. Noise:
1. Within the Energy Overlay District, audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed forty five (45) dBA (L_{Amax}), at the boundary of any property participating in the Wind Energy Facility or forty (40) dBA (L_{Amax}) at the boundary of any non-participating property. Audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed thirty five (35) dBA (L_{Amax}) at the property line of any property outside the Wind Energy Overlay District. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard. Non-compliance shall be established when the L_{Amax} limit is exceeded for more than six (6) minutes in any one hour period.
 2. Operation of the Wind Energy Facility is prohibited when audible tones are present if such tones result in a complaint.
 3. Any noise level falling between two whole decibels shall be the lower of the two.

4. In the event the noise levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be approved provided that the following has been accomplished:
 - i. Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this article; and the consent is granted to allow noise levels to exceed the maximum limits otherwise allowed;
 - ii. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement must be recorded in the Hillsdale County Register of Deeds office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.
- F. Ground Clearance. The blade tip of any Wind Energy Turbine shall, at its lowest point, have ground clearance of not less than seventy five (75) feet.
- G. Signal Interference. No Large Scale Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No Large Scale Wind Energy Facility shall be installed in any location along the major axis of an existing microwave or broadband communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- H. Safety
 1. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 2. Wind Energy Turbine towers shall not be climbable on the exterior.
 3. All access doors to Wind Energy Turbine towers and electrical equipment shall be lockable.
 4. Appropriate warning signs shall be placed on Wind Energy Turbine towers, electrical equipment, and Wind Energy Facility entrances.
 5. Each Large Scale Wind Energy Facility shall be equipped with an uncontrolled rotation breaking system.
- I. Shadow Flicker. The Planning Commission shall require the applicant to perform an analysis of potential shadow flicker that may be caused by the Wind Energy Facility and the projected durations of the flicker from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may effect existing or future structures and describe measures that shall be taken to eliminate or mitigate the problem. In no event shall shadow flicker exceed thirty (30) hours per year.
 1. In the event the projected shadow flicker duration exceeds the level established above, a waiver of that level may be

approved provided that the following has been accomplished:

- i. written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the shadow flicker limitations imposed by this article, and that consent is granted to allow shadow flicker to exceed the maximum limits otherwise allowed;
 - ii. if the applicant wishes the waiver to apply to succeeding owners of the property, a permanent shadow flicker impact easement must be recorded in the Hillsdale County Register of Deed's office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that shadow flicker levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.
2. Site plans shall depict a contour around each propose wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated by the modeling software used in the report.

J. Public Inquiries and Complaints:

1. The applicant shall submit procedures which it intends to implement for receiving, acting upon and resolving complaints or allegations that it is not in compliance with noise and shadow flicker requirements.
 - i. Those procedures, at a minimum, shall:
 - a. provide a telephone number and mailing address at which the operator can be contacted for purposes of submitting complaints or allegations of non-compliance;
 - b. require that all such complaints or allegations be submitted in writing;
 - c. set forth all information that must be contained in the complaint or allegation;
 - d. set forth the number of days, not to exceed thirty (30) in which the applicant shall investigate and resolve any and all complaints or allegations, either by way of correction or formal denial of non-compliance;
 - e. require the applicant to provide copies of any and all complaints or allegations of non-compliance to the Township Zoning Inspector;
 - f. require the applicant to advise the Township Zoning Inspector of the resolution of any complaint or allegation of non-compliance within thirty (30) days of its receipt of the same;
 - g. prohibit the amendment or modification of the procedures without the prior approval of the Township.
 2. The submission of any complaint or the pendency of any investigation pursuant to the procedures established by applicant as herein required shall not prevent the enforcement of this ordinance or the abatement of violations through other authorized means.
4. Site Plan Review Required. Large Scale Wind Energy Facilities shall not be located, constructed, erected, altered or used without first obtaining a Large Scale Wind Energy Facilities permit pursuant to this

section and in compliance with Articles 13 and 14 of the Zoning Ordinance of Reading Township. The Wind Energy Facilities site plan must be reviewed and approved by the Reading Township Planning Commission pursuant to the standards contained herein and in Articles 13 and 14. A site plan which does not fully comply with the standards of this Article or other Articles of this Zoning Ordinance shall be submitted to the Township Board for further review and possible approval. Modifications of development standards shall be based upon recommendations by the Planning Commission that the modification is in the best interests of the Township and the applicant. Where modification of a standard is required, the Township Board shall hold a public hearing prior to consideration of a modified site plan. An applicant proposing a Large Scale Wind Energy Facility must submit the following site plan materials.

- A. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access; the site plan must also include the adjoining properties as well as the location and use of all structures and utilities within one-half mile of the property.
- B. Plans showing the location of proposed turbine towers, underground and overhead wiring (including the depth of underground wiring), access roads (including width), substations and accessory structures. This should include a table of GPS locations for major structures and routes.
- C. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by the construction of the Large Scale Wind Energy Facility.
- D. Engineering data concerning construction of the facility and its base or foundation, which may include, but shall not be limited to, soil boring data.
- E. Anticipated construction schedule. A description of the proposed operations, including anticipated regular and unscheduled maintenance.
- F. If the applicant does not own the land for the proposed facility, the application shall be accompanied by a statement from the owner that the owner does not object to the granting of the permit and a statement that he/she will abide by all applicable terms and conditions of the permit, if approved.
- G. The proposed number, representative types and height of each facility 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 any and all ancillary facilities.
- H. In addition to the site plan requirements listed previously, the facility shall be subject to the following:
 1. A site grading, erosion control and storm water drainage plan will be submitted to the Zoning Administrator prior to the issuance of a conditional use permit for a Large Scale Wind Energy Facility. At the Township's discretion, these plans may

- be reviewed by an engineering firm of the Township's choosing. The cost of this review shall be the sole responsibility of the applicant.
2. A statement indicating what hazardous materials will be used and stored on site. In the event hazardous materials will be used or stored, the applicant shall notify the appropriate fire department.
 3. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and aquifers and water tables and fragile eco systems. The studies shall conform to state and federal wildlife agency recommendations based on local conditions.
5. Certification and Compliance.
- A. Any approval for a Large Scale Wind Energy Facility shall require the applicant to provide a post construction certification that the project complies with all applicable codes and industry practices.
 - B. Reading Township reserves the right to inspect any Large Scale Wind Energy Facility in order to ensure compliance with this article and other applicable codes. Any cost associated with the inspection shall be paid by the owner/operator of the Large Scale Wind Energy Facility.
 - C. In addition, the Large Scale Wind Energy Facility shall also be subject to the following:
 1. sound pressure level analysis shall be conducted from a reasonable number of sample locations at the perimeter and at the interior of the property containing the facility to demonstrate compliance with the requirements of this article. Proof of compliance with the noise standards is required within ninety (90) days of the date the Large Scale Wind Energy Facility becomes operational. Sound shall be measured by a qualified third party qualified professional;
 2. the Large Scale Wind Energy Facility owner or operator shall provide the Reading Township Zoning Administrator with a copy of a yearly maintenance inspection report confirming compliance with applicable codes and industry practices.
 3. In the event it is determined that the applicant is not in compliance, the Reading Township Zoning Administrator shall give notice of non-compliance which shall describe the non-compliance and set forth the date by which the non-compliance must be cured. The amount of time to cure the non-compliance shall be a reasonable amount of time and shall take into account the nature of the non-compliance as well as the nature of any necessary repairs or modifications. In the event the non-compliance creates a clear and present danger to the health, safety and welfare of the general public, the Township Zoning Administrator shall demand that applicant immediately correct the non-compliance or take whatever other steps are necessary to neutralize the danger. Failure to cure a non-compliance or neutralize a danger to the public as notified so to do by the Township Zoning Administrator shall constitute a violation of the Reading Township Zoning Ordinance as well as a violation of the conditional use permit.

- D. Reading Township must be notified of a change of ownership of a Large Scale Wind Energy Facility or a change in ownership of the property on which the facility is located.
6. Decommissioning.
- A. The applicant shall submit a plan describing the intended disposition of the Large Scale Wind Energy Facility at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Not later than ten (10) years from the commercial start up date of the Large Scale Wind Energy Facility, a performance bond or equivalent financial instrument shall be posted and maintained in an amount not less than total decommissioning costs as hereinafter defined. Once the bond is posted, it shall be reviewed every three (3) years to determine the sufficiency of its amount and if it is deemed insufficient to cover the total decommissioning costs as hereinafter defined, the applicant shall increase the amount of the bond to the amount necessary to cover decommissioning costs. Until applicant is required to post a bond, it shall, as a condition to its being granted a conditional use permit, give a written guarantee in a form acceptable to the Township that it will be financially and otherwise responsible for all decommissioning activities as hereinafter set forth.
 - B. The Large Scale Wind Energy Facility owner or operator shall complete decommissioning within twelve (12) months after the end of the useful life of the Large Scale Wind Energy Facility or within twelve (12) months of not curing a default or other event of noncompliance. Upon request of the owner(s) or the assign of the Large Scale Wind Energy Facility, and for good cause, the Township Board may grant a reasonable extension of time in which to accomplish decommissioning. Each Large Scale Wind Energy Facility will be presumed to be at the end of its useful life if no more than 10% of nameplate capacity in commercially viable electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses shall be the responsibility of the owner(s) or operator(s).
 - C. Decommissioning shall include the removal of each Large Scale Wind Energy Facility, all electrical components, associated facilities and roads to a depth of forty eight (48) inches below original grade. Any foundation shall be removed to a minimum depth of forty eight (48) inches below original grade, or to the level of bedrock if less than forty eight (48) inches below original grade, provided, however, that the land owner may submit a request allowing concrete foundations to be left for other uses, subject to the approval of the Township Zoning Administrator. Following removal, the location of any remaining Wind Energy Turbine foundation shall be identified on a map as such and recorded with the deed to the property with the county register of deeds.
 - D. All access roads to the Large Scale Wind Energy Facility shall be removed, cleared and graded by the facility owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road.
 - E. The site and any disturbed earth shall be stabilized, graded and cleared of any debris by the owner of the Large Scale Wind Energy

Facility 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, unless the property owner(s) requests in writing that the land surface areas not be restored.

- F. In addition to the requirements listed previously, the Large Scale Wind Energy Facility shall also be subject to the following:
1. If the Large Scale Wind Energy Facility owner or operator fails to complete decommissioning within the period prescribed above, the Township may designate a contractor to complete decommissioning with the expense thereof to be charged against the posted bond, charged to the violator and/or to become a lien against the premises, at the discretion of the Township. If the Large Scale Wind Energy Facility is not owned by the property owner(s), a bond must be provided to the Township for the cost of the decommissioning each Large Scale Wind Energy Facility.
 2. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning. (“Decommissioning Costs”) with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommission Cost”). When determining this amount, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent). These estimates shall be submitted to the Township Zoning Administrator after the first year of operation and every fifth year thereafter.
 3. Not later than ten (10) years from the commercial start up date of the Large Scale Wind Energy Facility, the facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than 100% of decommissioning costs. The decommissioning funds shall be posted and maintained with the bonding company or federal or state charter lending institution chosen by the owner or operator and participating land owner(s) posting the financial security and approved by the Township.
 4. Decommissioning Funds shall be in the form of a performance bond made out to the Township.
 5. A condition of the bond shall be notification by the bond company to the Township Zoning Administrator when the bond is about to expire or be terminated.
 6. Failure to keep the bond in effect while a Large Scale Wind Energy Facility is in place shall constitute a violation of a conditional land use permit. If a lapse of the bond occurs, the Township may take action up to and including requiring ceasing operation of the Large Scale Wind Energy Facility until the bond is reposted.
 7. The escrow agent shall pay over to the Township the decommissioning funds when the Township has demonstrated that decommissioning has not been satisfactorily completed as required herein.
 8. The escrow agent shall release the decommissioning funds when the owner(s) has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or

upon written approval of the Township in order to implement the decommissioning plan.

9. If neither the owner(s) or operator(s), nor the land owner(s) complete decommissioning within the periods addressed previously, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as is necessary to implement the decommissioning plan.

SECTION 13.07 - APPROVAL OF CONDITIONAL USE PERMIT

Upon review of the application and site plan in accordance with the standards established in Section 13.06, holding of a public hearing in accordance with Section 13.02, and review of requirements of other provisions of this Ordinance as they apply to the proposed conditional use, the Township Board shall approve, subject to conditions in accordance with Section 13.08, or deny the conditional use within thirty (30) days following the public hearing.

For the purposes of this Section, the approval of the Site Plan shall constitute the approval of the conditional use permit. A request for approval of a conditional use permit which is in compliance with standards stated in the zoning ordinance, the conditions imposed pursuant to Section 13.08, other applicable ordinances, and state and federal statutes, shall be approved. Upon approval of the conditional use permit, a copy of the approved site plan shall be forwarded to the applicant, Clerk, Zoning Inspector, and Planning Commission along with full documentation regarding the findings of the review and approval or denial. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the approved site plan.

SECTION 13.08 - IMPOSITION OF CONDITIONS

Upon review of the application and site plan in accordance with the standards established in Section 13.06, and the requirements of other provisions of this Ordinance, the Township Board may require reasonable conditions necessary to insure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased service and facility loads generated 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. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon mutual consent of the Township Board and the landowner.

SECTION 13.09 - PERFORMANCE GUARANTEE

In authorizing a conditional use permit, the Reading Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved site plan and conditional use permit requirements. Such guarantee shall be deposited with the Reading Township Clerk at the time of the issuance of the conditional use permit. In fixing the amount of such performance guarantee, the Reading Township Board shall limit the amount to reasonable improvements required to meet the standards of this ordinance and to protect the natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area. These improvements may include, but are not limited to roadways, lighting, utilities, sewer, water, sidewalks, screening and drainage. The Reading Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions contained in the conditional use permit.

ARTICLE 14 SITE PLAN REVIEW

SECTION 14.01 - SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission and Township Board for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

SECTION 14.02 - BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN

The Zoning Inspector shall not issue a zoning compliance permit, conditional use permit, or building permit for any commercial, industrial, or any conditional use unless a site plan has been reviewed and recommended on by the Planning Commission and approved by the Township Board.

SECTION 14.03 - APPLICATION AND FEE FOR SITE PLAN REVIEW

Any person may file a request for a site plan review by the Planning Commission and Township Board by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of Reading Township.

Fees applicable to site plan reviews for conditional uses are waived in lieu of fees established by resolution of Reading Township for these purposes. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

SECTION 14.04 - PLANNING COMMISSION REVIEW OF SITE PLAN

Upon receipt of such application from the Township Clerk, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, make a recommendation to the Township Board to approve or disapprove such site plan, advising the applicant of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance. The Planning Commission shall submit one (1) copy of the approved site plan to the Township Board.

SECTION 14.05 - REQUIRED DATA FOR SITE PLAN

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- (a) Every site plan submitted, except site plans required for uses as prescribed in Subsection 14.05(b) of this Ordinance, shall be drawn to a readable scale and shall include the following:
 - (1) The name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
 - (2) All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
 - (3) The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
 - (4) The current zoning classifications on the subject property and all adjacent property.
- (b) Site plans submitted for the following uses shall be subject to the requirements of subsection 14.05(c).

The following conditional uses:

- (1) Quarries
- (2) Travel trailer parks
- (3) High Density Animal Feeding Operations
- (4) Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
- (5) Amusement enterprises
- (6) Automobile service stations
- (7) Hotels or motels
- (8) Drive-in businesses
- (9) Automobile repair garages

- (10) Junk yards
 - (11) Bulk oil storage
 - (12) Airports
 - (13) Multiple family dwellings
 - (14) Large Scale Wind Energy Facilities {Ord. No. 2010-04: Eff.12-24-2010}
- (c) Site plans submitted for the uses prescribed in subsection 14.05(b) shall be submitted in accordance with the following requirements.
- (1) The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.
 - (2) The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
 - (3) The site plan shall show the scale; north point; boundary dimensions; topography (at least two foot contour intervals); and natural features, such as, woodlots, streams, rivers, lake, drains, and similar features.
 - (4) The site plan shall show existing manmade features such as buildings, structures, high tension towers, and pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
 - (5) The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
 - (6) The site plan shall show the proposed streets, driveways, walks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.

- (7) The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- (d) Site plans submitted for High Density Animal Feeding operations shall, in addition to the above described terms, include the following:
 - (1) The site plan shall show the location of all floodplains and wetlands.
 - (2) The site plan shall show the location and size of all lagoons and other waste retention/disposal facilities.
 - (3) The site plan shall show the location of all land areas on site and off site which are proposed for animal waste application and shall include an indication of the concentration and frequency of waste application, and a soils report indicating the suitability of the site for animal waste application.
 - (4) The vicinity map shall also show the location of all residences, churches, businesses, schools, public buildings and recreational areas within a one (1) mile radius; the location of any area for which a recorded residential plat exists within a one (1) mile radius; the location of all private water supply wells within a one (1) mile radius and the location of all water bodies, rivers, wetlands and 100 year floodplains within a one thousand (1,000) foot radius.

SECTION 14.06 - STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and state and federal statutes. Further, in consideration of each site plan, the Planning Commission shall find that provisions of Subsections 14.04 and 14.05 of this Ordinance, as well as the provisions of the zoning district in which said buildings, structures and uses are indicated in the proposed site plan, have been satisfactorily demonstrated and met by the applicant.

SECTION 14.07 - TOWNSHIP BOARD APPROVAL

Upon the Planning Commission recommendation on the site plan to the Township Board, the applicant shall file with the Township Board eight (8) copies thereof. The Township Board shall have thirty (30) days to make a final decision on said site plan.

When the Township Board files approval of said recommended site plan, the Township Clerk shall within ten (10) days transmit to the Zoning Inspector one (1) copy with the

Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined and approved by the Township Board. If the site plan is disapproved by the Township Board, notification of such disapproval shall be given to the applicant within ten (10) days after such Board action. The Zoning Inspector shall not issue a zoning compliance, conditional use permit, or building permit, until he has received a certified, approved site plan.

SECTION 14.08 - EXPIRATION OF SITE PLAN CERTIFICATE

The site plan certificate shall expire, and be of no effect, three hundred sixty- five (365) days after the date of issuance thereof, unless within such time the Zoning Inspector has issued a zoning compliance permit or conditional use permit for any proposed work authorized under a said site plan certificate.

SECTION 14.09 - AMENDMENT, REVISION OF SITE PLAN

A site plan and site plan certificate, issued thereon, may be amended upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Article 14.03 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Township Board.

ARTICLE 15 GENERAL PROVISIONS

SECTION 15.01 - OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- (a) Plans: Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building or structure.

- (b) Location of Off-Street Parking Areas: Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single family and two family dwellings. The distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

- (c) Off-Street Parking Area Design:
 - (1) Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.

 - (2) There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

 - (3) Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces. The minimum width of such aisles shall be:
 - (i) For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.

 - (ii) For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.

- (iii) For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - (iv) For parallel parking, the aisle shall not be less than ten (10) feet in width.
 - (4) All off-street parking spaces shall not be closer than five (2) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
 - (5) All off-street parking areas shall be drained so as to prevent drainage to abutting properties.
 - (6) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
 - (7) Any off-street parking area providing space for five (2) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 - (8) All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
- (d) Collective Parking: Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.
- (e) Determining Requirements: For the purposes of determining off-street parking requirements, the following units of measurement shall apply:
- (1) Floor Area: In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service, storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.
 - (2) Places of Assembly: In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other

similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

- (3) Fractions: When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

- (4) Schedule of Off-Street Parking Spaces: The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

f) Schedule of Off-Street Parking Spaces:

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or Machinery Sales and Service Garages	One (1) space for every two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for every two (2) employees.
Bank, Business, and Professional Offices	One (1) space for every two hundred (200) square feet of gross floor area.
Barber Shops and Beauty Parlors	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools	One (1) space for every four (4) seats.
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for every fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for every four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for every two (2) employees.

<u>Use</u>	<u>Parking Space Requirements</u>
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for every two (2) employees.
Automobile, Service Stations	One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every four (4) employees.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for every two (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for every two hundred (200) square feet of floor area plus one (1) space for each employee.
Restaurants, Beer Parlors, Taverns and Night Clubs	One (1) space for every two (2) patrons of maximum seating capacity plus one (1) space for every two (2) employees.
Self-Service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private or Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for every thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for every four (4) students.
Super Market, Self-Service Food and Discount Stores	One (1) space for every two hundred (200) square feet of floor area plus one (1) space for every two (2) employees.
Wholesale Establishments and Warehouses	One (1) space for every four hundred (400) square feet of floor area plus one (1) space for every two (2) employees.

- (g) Exception: The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other

contiguous land uses, such that particular land use parking areas can be advantageously used during nonconflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

SECTION 15.02 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every building, structure, or use hereafter erected, except single- and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

- (a) Plans: Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit.
- (b) Off-Street Loading Area Design:
 - (1) Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty five (55) feet in length with not less than fifteen (15) feet in height clearance.
 - (2) Any loading unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless screened by a wall, fence, or compact planting not less than six (6) feet in height.
 - (3) All off-street loading and unloading facilities that make it necessary to back in or out directly into a public road shall be prohibited.
- (c) Off-Street Loading Area Space Requirements:
 - (1) In the case of mixed use on one (1) lot or parcel, the total requirements for off-street loading unloading facilities shall be the sum of the various uses computed separately.
 - (2) All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading unloading space.

- (3) All industrial and wholesale commercial land uses shall provide one (1) loading space for every ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 15.03 - SIGN REGULATIONS

(a) General Sign Regulations:

- (1) No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign, signal, or device.
- (2) All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest B.O.C.A. Code. In addition, all signs shall be erected in such a manner, and with such materials, to remain safe and secure during the period of use.
- (3) Any light used to illuminate signs shall be so arranged as to reflect light away from adjoining premises and streets.
- (4) All signs shall conform to the yard and height requirements of the district in which said sign is located, except signs may be placed no closer to the street right-of-way line than one-half (1/2) the minimum authorized front yard depth.

(b) Specific On-Site Sign Regulations in the Agricultural District: Signs in the Agriculture District shall be regulated as follows:

- (1) Freestanding signs shall not exceed thirty-two (32) square feet in area.
- (2) Signs attached or painted on the face of a building shall not extend beyond the surface area of that building.
- (3) Signs may be illuminated only by nonflashing reflected light.

(c) Specific Sign Regulations in the Residential and Lake Residential Districts: The following on-site signs are permitted on any one (1) lot in Residential or Lake Residential Districts:

- (1) One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.

- (2) One (1) on-site sign announcing a home occupation, boarding home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.
 - (3) One (1) on-site sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
 - (4) One (1) on-site sign identifying a multiple family building or development or mobile home park, not to exceed eighteen (18) square feet in area.
 - (5) One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed eighteen (18) square feet in area.
- (d) Specific Sign Regulations in the Commercial, and Light Industrial Districts: The following on-site signs are permitted in the Commercial and Light Industrial Districts:
- (1) Freestanding signs shall not exceed thirty-two (32) square feet in area.
 - (2) Signs attached or painted on the face of a building shall not extend beyond the surface area of that building.
 - (3) Signs may be illuminated internally or by reflected light provided the source of the light is not directly visible and is so arranged to reflect away from the adjoining premises and streets.
- (e) Off-Site Signs: Off-site signs larger than six square feet are only permitted along M-49 and are subject to the regulations of the State of Michigan Department of Transportation.
- (f) Nonconforming Signs: Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any nonconforming sign damaged by fire, collapse, explosion, acts of God, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60%) percent of the total replacement cost of the entire sign at the time such damage occurred.

SECTION 15.04 - HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed.

- (a) Such home occupation shall be carried on within the dwelling or within a building accessory thereto.
- (b) No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- (c) There shall be no exterior storage of materials or equipment.
- (d) No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matter at any time.
- (e) No hazard of fire, explosion or radioactivity shall exist at any time.
- (f) Not more than one (1) person other than the family occupying the dwelling shall be employed.

SECTION 15.05 - STORAGE OF MATERIALS

It is the intent of these regulations to remove from public view the location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material. They shall be regulated as follows:

- (a) On any lot in any residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.
- (b) On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, not to exceed and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- (c) On any lot in any agricultural district, the owner or tenant, but not for hire or for business, may locate such materials on an area of land not to exceed 2,000 contiguous square feet. This area shall be contiguous to the principal structure and shall meet all setback requirements.

SECTION 15.06 - MOBILE HOMES AND TRAVEL TRAILERS - TEMPORARY

- (a) The Zoning Inspector shall have authority to grant a permit for the temporary occupancy of mobile homes on any lot in any residential district which permits residences, subject to the following conditions:

- (1) During the period of construction of a new permanent dwelling, but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one (1) mobile home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
- (2) Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
- (3) The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
- (4) The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises, and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Hillsdale County Health Department for the permanent dwelling to be constructed thereat.
- (5) The Planning Commission may require a security deposit or bond of an amount necessary to assure compliance with this section.

SECTION 15.07 - VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) lines at points which are thirty-five (35) feet distance from the point of intersection, measured along the street right-of-way line.

SECTION 15.08 - ACCESS TO PUBLIC STREETS

- (a) In any residential district, commercial district, and industrial district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.
- (b) In the Agricultural District, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public or private easement of access to a public street.

SECTION 15.09 - FENCES

Fences in all districts which enclose property shall not exceed seven (7) feet in height measured from the surface of the ground, unless otherwise specified herein.

SECTION 15.10 - FLOOD PLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreational uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

SECTION 15.11 - TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Township Board based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare.

SECTION 15.12 - ESSENTIAL SERVICE

- (a) Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- (b) Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

SECTION 15.13 - MOTOR HOMES, TRAVEL TRAILERS, AND TENTS

No motor home, travel trailer, or tent shall be used as a permanent dwelling. A motor home, travel trailer, or tent may be temporarily occupied in a duly licensed tent campground or travel trailer park, or for a period of ten consecutive days in any given year provided such motor home, travel trailer, or tent is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the motor home, tent, or travel trailer occupants and certified by the Zoning Inspector. Motor homes, travel trailers, and tents shall not be permitted to be occupied in commercial or industrial zoning districts.

SECTION 15.14 - DESTROYED, DAMAGED AND UNUSABLE BUILDINGS

The public health, safety and general welfare of the public being considered, any building or structure which is damaged, destroyed or made unusable, through whatever acts, shall be rebuilt or torn down. Within a period of 30 days a plan of corrective action shall be initiated. This plan shall meet the approval of the zoning inspector and shall be completed within six months. {Ord. No. 2009-01; Eff. 11-27-09}

SECTION 15.15 - ACCESSORY STRUCTURES

- (a) No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure.
- (b) All accessory structures in nonresidential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- (c) An accessory building attached to the principal building of a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building.

SECTION 15.16 - RIPARIAN LOT USE REGULATIONS

{Ord. No. 2007-01; Eff. 02-01-07}

- (a) Purpose: Reading Township has 15 named lakes comprising over 700 acres of open water. The majority of these lakes are within the Hog Creek Watershed which is part of the larger St. Joseph Watershed. Protection of these lakes is major goal of the Reading Township Master Plan.

It is the purpose of this article to promote the integrity of the lakes within Reading Township while preserving the quality of recreational use of the inland water; to protect the quality of the lakes by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines.

Nothing within this Ordinance shall be construed to limit access to the 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. Further, this Ordinance shall not apply to any private access site which legally existed and served as access property before the effective date of this section regulating access to a lake or waterway.

- (b) Definitions:
 - (1) “Access property” shall mean a property, parcel, or lot abutting a lake or pond, either natural or man-made, and used or intended to be used, for the purpose of providing access to a lake or pond by pedestrian or vehicular

traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

- (2) "Public Easement " shall mean the right to cross or the right of way across any parcel of land from a public or private road to any lake or pond within Reading Township provided such easement has been granted to the public for that parcel.
- (c) Regulations: In any zoning district where a parcel of land is contiguous to a lake, pond or similar body of water, either natural or man-made, such parcel of land may only be used as access property if the following conditions are met:
 - (1) A parcel created after the effective date of this section which is to be used as access property shall have a minimum depth of 100 feet and shall contain at least 100 feet of frontage on the water for each dwelling unit, single-family dwelling, condominium unit, site condominium unit, apartment unit or family utilizing the water frontage for access to the lake. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
 - (2) That in no event shall water frontage of such parcel of land consist of 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 Department of Natural Resources; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by drainage of water for the purpose of increasing the water frontage required by this article.
 - (3) A canal or channel shall not be excavated for the purpose of increasing the water frontage required by this section.
 - (4) Access property, as provided for in and meeting the conditions of this Ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.
- (d) Use of existing public easements: For public easements as defined herein the following regulations shall apply:
 - (1) Use shall be by pedestrian traffic only.
 - (2) No person shall place anything on any easement.
 - (3) No person shall be prevented from crossing any easement to gain access to

any lake within Reading Township.

- (4) No dock, raft, boat cradle or similar equipment shall be placed in any lake within the boundaries of any easement.
- (5) No watercraft shall be moored at the end of any easement.
- (6) These rules shall not apply to any easement within Reading Township where a court of law has previously established operating regulations.

ARTICLE 16 BOARD OF APPEALS

SECTION 16.01 - BOARD OF APPEALS ESTABLISHED

{Ord. No.2007-03: Eff.06-08-2007}{Ord. No.2009-02: Eff.11-27-2009}

- (a) A Board of Appeals having been previously established is hereby continued and it shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2008, as amended, in such a way that the objectives of this ordinance shall be observed, the public health and safety secured, and substantial justice done.
- (b) The Board of Appeals shall consist of three members whom shall be appointed by a majority vote of the members of the Township Board. One of the appointed members shall be a member of the Township Planning Commission. The remaining two members shall be selected from the electors of the Township.
- (c) One regular member of the Board of Appeals may be a member of the Township Board but shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township Board shall not serve as a member of the Board of Appeals.
- (d) The Township Board may appoint not more than two alternate members for the same term as regular members to the Board of Appeals. The chairman of the Board of Appeals, or in the absence of the chairman, the vice chairman or secretary of the Board of Appeals may call either of the alternate members to serve as a regular member whenever a regular member is absent from or will be unable to attend one or more meetings of the Board of Appeals or a regular member has abstained for reason of a conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Board of Appeals.
- (e) A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- (f) The term of office for members appointed to the Board of Appeals shall be for three years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired.
- (g) A vacancy on the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

SECTION 16.02 - DUTIES OF THE BOARD OF APPEALS

{Ord. No.2009-02: Eff.11-27-2009}

(a) **Duties** The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Board of Appeals shall not have the power to alter or change the zoning districts classification of any property; nor to make any changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance (such as parking space requirement, height of buildings, setback requirements, signs, etc.) to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

(b) **Voting.** Except as otherwise provided herein, the concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, interpretation or determination of any administrative official or to decide in favor of the appellant on any matter appealed.

A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board 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 or the Township Board. The member may consider and vote on the other unrelated matters involving the same property.

SECTION 16.03 - VARIANCE

The Board of Appeals must make a determination within 90-days from receipt of an appeal, whether or not to authorize a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. Examples of other variance considerations would include parking space, sign size, and height regulations. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- (a) A written application for a variance is submitted, demonstrating the following:
 - (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - (2) That literal interpretation of the provisions of this Ordinance would

deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

- (3) That the special conditions and circumstances do not result from the actions of the applicant.
 - (4) That granting the variance requested will 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 no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (b) The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
 - (c) The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the maximum variance that will make possible the reasonable use of the land, building, or structure.
 - (d) The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - (e) In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
 - (f) Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - (1) The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
 - (2) The occupancy of land or buildings authorized by such variance has taken place within three hundred sixty-five (365) days after the granting of such variance.
 - (g) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

- (h) The Board of Appeals shall not grant a use variance. For purposes of this section a use variance is defined as allowing a use in any zoning district in which such use is otherwise not permitted by this Ordinance. {Ord. No.2007-03: Eff. 06-08-07}

SECTION 16.04 - INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 16.05 - APPEALS TO THE BOARD OF APPEALS

- (a) Appeals, How Taken: Appeal from the ruling of the Zoning Inspector of Reading Township concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by general rule. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.
- (b) Who May Appeal: Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.
- (c) Fee for Appeal: A fee prescribed by Reading Township shall be paid to the Board of Appeals at the time of filing the notice of appeal which the Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of Reading Township.
- (d) Effect of Appeal; Restraining Order: An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.
- (e) Notice of Hearing for Variances, Interpretations and Appeals of Administrative Decisions: {Ord. No. 2007-03: Eff. 06-08-07}
 - (1) When a request for a variance has been filed in proper form with the Board of Appeals, a public hearing shall be held on the request and the Board of Appeals Secretary or the Reading Township Clerk shall place the request upon the calendar for the hearing. . Notice of the public hearing shall be

made in accordance with the requirements of Section 18.05 herein.

- (2) For a request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing.

In addition to the newspaper notice required by the above paragraph, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

- (f) Representation of Hearing: Upon the hearing, any party or parties may appear in person or by agency or by attorney.

- (g) Decisions of the Board of Appeals and Appeals to the Circuit Court: The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Inspector or Reading Township from whom the appeal is taken. The Board of Appeals decision shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.

The decision of the Board of Appeals shall be final, and any party aggrieved by any such decisions may appeal to the Circuit Court for Hillsdale County. The records of the Board of Appeals shall be made available for the courts review. Such appeal shall be filed within 30 days after the Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Board of Appeals approves the minutes of the decision. {Ord. No. 2007-03: Eff.06-08-07} {Ord. No. 2009-02: Eff.11-27-2009}

- (g) Decisions of the Board of Appeals and Appeals to the Circuit Court: The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end

shall have all the powers of the Zoning Inspector or Reading Township from whom the appeal is taken. The Board of Appeals decision shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.

The decision of the Board of Appeals shall be final, and any party aggrieved by any such decisions may appeal to the Circuit Court for Hillsdale County. The records of the Board of Appeals shall be made available for the courts review. Such appeal shall be filed within 30 days after the Board of Appeals certifies its decision in writing or approves the minutes of this decision. : {Ord. No. 2007-03: Eff. 06-08-07}

ARTICLE 17 ORDINANCE ADMINISTRATION

SECTION 17.01 - PURPOSE

It is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violations, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 17.02 - ADMINISTRATION

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Inspector or by such deputies of his department as the Reading Township Board may designate to enforce the provisions of this Ordinance.

SECTION 17.03 - DUTIES OF ZONING INSPECTOR

The Zoning Inspector shall have the power to grant zoning compliance permits, and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Inspector to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Inspector vary or change any terms of this Ordinance. The Zoning Inspector shall maintain a record of all zoning compliance permits and all certificates of occupancy.

If the Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violation of its provisions.

The Zoning Inspector is hereby authorized to issue municipal civil infraction citations for violations of the provisions of this Ordinance. The authority to issue municipal civil infraction citations shall be in addition to the other powers herein conferred upon the Zoning Inspector and the issuance of the civil infraction citation shall not prevent the enforcement of this Ordinance or the abatement of violations through other authorized means. {Ord. No. 2008-03: Eff.4-1-2008}

SECTION 17.04 - ZONING COMPLIANCE PERMITS

- (a) Issuance of Zoning Compliance Permits: No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building,

structure, or land without a zoning compliance permit having been obtained from the Zoning Inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Inspector.

The Zoning Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:

- (1) The actual dimensions and shape of the lot to be built upon; and,
- (2) The exact size and location of existing structures on the lot, if any; and
- (3) The location and dimensions of the proposed structure or alteration.

One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. The Zoning Inspector shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Inspector shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Board of Appeals, Planning Commission, or Township Board is required in any case, as set forth in this Ordinance, the Zoning Inspector shall issue such permit promptly following such action.

- (b) Voiding of Zoning Compliance Permit: Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is completed within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 17.05 - CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

- (a) Issuance of Certificate of Occupancy: No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure, or part thereof, for the establishment of a use, shall make application to the Zoning Inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Zoning Inspector within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

- (b) Voiding of Certificate of Occupancy: Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the Zoning Inspector to be in violation of this Ordinance. Upon finding such violation, the Zoning Inspector shall immediately notify the Township Board of said violation and void the certificate of occupancy.

SECTION 17.06 - FEES, CHARGES, AND EXPENSES

{Ord. No. 2009-01; Eff.11-27-2009}

The Reading Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, conditional use permits, site plan reviews, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Reading Township Board. No permit, certificate, conditional use permit, or variance shall be issued unless or until such costs, charges, fees, or expenses established by the Board have been paid in full, nor shall any action be taken on proceeding before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 17.07 - VIOLATIONS AS MUNICIPAL CIVIL INFRACTIONS AND NUISANCES PER SE; PENALTIES AND ABATEMENT

{Ord. No. 2008-04; Eff.4-1-2008}

A. Violations as Civil Infractions – Penalties

Any violation of any provision of this ordinance shall constitute a municipal civil infraction. Upon a defendant being determined to be responsible or responsible with explanation for such a violation, the court shall impose a civil fine of not less than \$100 nor more than \$500, in the discretion of the court, together with costs of the action which may include all expenses, directly or indirectly, to which the Township has been put in connection with the municipal civil infraction, up to the entry of Judgment. Costs of not more than \$500 shall be ordered and, except as otherwise provided by law, shall be payable to the general fund of the Township. The imposition or payment of any municipal civil infraction penalty shall not prevent the Township from seeking injunctive relief as may be allowed by law.

B. Violations as Nuisances per se, Abatement

Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle used, altered, raised or converted in violation of this ordinance is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land, is liable for maintaining a nuisance per se.

C. Separate Offense

Each day that a violation of this ordinance is continued and permitted to exist shall constitute a separate violation punishable upon an admission or determination of responsibility or responsibility with explanation as prescribed herein.

ARTICLE 18
AMENDMENT AND PUBLIC NOTIFICATION REQUIREMENTS

SECTION 18.01 - INITIATING AMENDMENTS AND FEES

The Township Board may from time to time, on recommendation from the Planning Commission, on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and general welfare require such amendments. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, the petitioner requesting an amendment shall, at the time of application, pay the fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner.

SECTION 18.02 - AMENDMENT PROCEDURES

The Township Board may, from time to time, amend by ordinance the boundaries of zoning districts or the regulations of this Ordinance in accordance with the procedures of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended and with the public notification requirements of Section 18.05 herein. {Ord. No. 2007-03: Eff. 06-08-07}

SECTION 18.03 - TIME ELEMENT BETWEEN REZONING REQUESTS

No petition to amend the Zoning Ordinance or effect a district change shall be reconsidered by the Planning Commission after the same has been rejected by the Township Board for a period of 365 days from such denial, except those petitions containing new evidence or proof of changed conditions concerning said petition.

SECTION 18.04 - CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Reading Township Board and the amendments published without referring the same to any other board agency.

SECTION 18.05 - PUBLIC NOTIFICATION REQUIRMENTS

{Ord. No. 2007-03: Eff. 06-08-07}

All applications for development approval for which a public hearing is required by this Ordinance shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and the following provisions of this Section with regard to public notification.

AMENDMENT AND PUBLIC NOTIFICATION REQUIREMENTS

- (a) Responsibility for Public Notice: The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Reading Township and mailed or delivered as provided in this Section.
- (b) Notice Requirements: Notice of a public hearing for a rezoning, special land use, text amendment, planned unit development; variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.
- (1) Newspaper Notice: The notice shall be published in a newspaper that circulates in Reading Township.
- (2) Mail and Personal Notice: Except for an Ordinance text amendment and an Ordinance interpretation which does not apply to a specific property, notice shall be sent by first class mail or personal delivery to:
- (i) The owner of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
- (ii) Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the boundaries of Reading Township.
- If the name of the occupant is not known, the term “occupant” may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing. {Ord. No. 2009-02: Eff.11-27-2007}
- (iii) All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to Section 18.05(c), Registration to Receive Notice by Mail.
- (3) Record of Mailing: The Clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.

AMENDMENT AND PUBLIC NOTIFICATION REQUIREMENTS

- (4) Content of Notice: The public notice shall:
- (i) Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - (iii) Indicate the date, time and place of the public hearing(s).
 - (iv) Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.
- (c) Registration to Receive Notice by Mail: Any neighborhood organization, public utility, company, railroad or any other person may register with the clerk to receive written notice of all applicants for development approval pursuant to Section 18.05(b) (2)(iii) herein.

ARTICLE 19 LEGAL STATUS

SECTION 19.01 - CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

SECTION 19.02 - VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 19.03 - PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 19.04 - REPEAL OF ORDINANCE

The "Zoning Ordinance of Reading Township, Michigan", adopted on _____, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 19.05 - EFFECTIVE DATE

This Ordinance was adopted by the Reading Township Board, Hillsdale County Michigan, at a meeting held on March 30, 1992, and notice published in the Hillsdale Daily News, a newspaper having general circulation in Reading Township.

Notice Published: April 11, 1992

Effective Date: May 11, 1992