



# Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)  
120 W. Michigan Avenue • Jackson, MI 49201  
Phone (517) 788-4426 • Fax (517) 788-4635

## MEETING NOTICE

FOR FURTHER INFORMATION CONTACT: Kade Peck R2PC Planner (517) 416-0405 kpeck@mijackson.org	DATE: March 12, 2026 TIME: 6:00 p.m. PLACE: 5 <sup>th</sup> Floor Commission Chambers Jackson County Tower Building 120 W. Michigan Avenue Jackson, Michigan 49201
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## MEETING AGENDA

1. Call to order and pledge of allegiance
2. Public comment [**3 MINUTE LIMIT**]
3. Approval of Minutes  
Approval of the February 12, 2026, meeting minutes [**ACTION**] ..... 3
4. Approval of Agenda  
Approval of the March 12, 2026, meeting agenda [**ACTION**]
5. Request(s) for review, comment, and recommendation
  - a. Consideration of township zoning amendment(s) –  
 (1) CZ | #26-04 | Waterloo Township Zoning Text Amendment  
 Application [**ACTION**] ..... 6  
 (2)CZ | #26-05 | Henrietta Township Rezoning Application [**ACTION**] ..... 142
  - b. Consideration of master plan(s) – *None*
  - c. Farmland and Open Space Preservation Program (PA 116) application(s) – *None*
6. Other business
  - a. Unfinished business –  
 (1) Example Data Center Ordinance.....174
  - b. New business – *None*
  - c. Notices - *None*
7. Public comment [**2 MINUTE LIMIT**]
8. Commissioner comment
9. Adjournment

**The next scheduled meeting of the Jackson County Planning Commission is April 9th, 2026**

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# Jackson County Planning Commission

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120 W. Michigan Avenue • Jackson, MI 49201  
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## MEETING MINUTES

February 12, 2026

5<sup>th</sup> Floor Commission Chambers • Jackson County Tower Building • Jackson, Michigan

**Members Present:** Mr. Mark Baldwin, Economic; Mr. Kurt Cole, At Large; Ms. Celia Croff, Agriculture; Ms. Nancy Hawley, Chair; Mr. Ted Hilleary, Education; Ms. Mary Wolcott, At Large.

**Members Absent:** Mr. Russ Jennings, At Large; Mr. Corey Kennedy, Board of Commissioners; Mr. John Brennan, At Large.

**Staff Present:** Mr. Kade Peck, Planner.

**Others Present:** None.

Item 1. **Call to Order and Pledge of Allegiance.** Comm. Hawley called the meeting to order at 6:00 p.m. Those in attendance rose and joined in the Pledge of Allegiance.

Item 2. **Public Comment.**

Mr. Markester, a nearby resident, commented that he had concerns individuals that would park at the parcel being addressed in the CZ26-02 rezoning may use the private road nearby and be an issue for residents that live on that road.

Mr. Cielen, the owner of Lakeside Market and Spirits, who is applying for the rezoning for additional parking in CZ26-02, discussed wanting to put screening to block individuals trying to use the nearby private road. Stated he wanted to be a good neighbor and limit disturbances to nearby residents when putting in this parking lot.

Mrs. Shmelinski, a nearby resident, supported the additional parking as customers at the store will currently illegally park wherever they can which can be a danger to nearby residents.

Item 3. **Approval of Minutes.** Comm. Baldwin made a motion, seconded by Comm. Hilleary, to approve the January 8, 2025, meeting minutes. Changes were made about who was present and absent at the meeting. *The motion was approved unanimously.*

Item 4. **Approval of the Agenda.** Comm. Cole made a motion to approve the agenda for February 12, 2026, seconded by Comm. Baldwin. *The motion was approved unanimously.*

Item 5. **Request(s) for Review, Comment, and Recommendation.**

a. **Consideration of Township Zoning Amendment(s).**

(1) **CZ | #26-02 | Columbia Charter Township**

Staff referred to a report regarding a rezoning request for a parcel in Columbia Charter Township from Residential Suburban to Local Commercial. Residents gave comments both in support and against the rezoning. Commissioners asked questions about the rezoning to the owner.

Comm. Cole made a motion to recommend **approval** of the rezoning, supported by Comm. Baldwin. *Commissioners approved the motion with Commissioners Baldwin, Cole, Hawley, Hilleary, and Wolcott voting for it and Commissioner Croff voting against it.*

(2) **CZ | #26-03 | Napoleon Township**

Staff referred to a report regarding a rezoning request for a parcel in Napoleon Township from Residential Suburban to Local Commercial. Residents gave comments both in support and against the rezoning. Commissioners asked questions about the rezoning to the owner.

Comm. Cole made a motion to recommend **approval** of the rezoning, supported by Comm. Hilleary. *The motion was approved unanimously.*

b. **Consideration of Master Plan(s).** None.

c. **Farmland & Open Space Preservation Program (PA 116) application(s).** None.

Item 6. **Other Business.**

a. **Unfinished Business.** None.

b. **New Business.**

(1) Elections: Comm. Hawley was nominated for Chairperson. She was voted `unanimously for the position. Comm. Jennings was nominated for Vice Chairperson. He was voted unanimously for the position.

c. **Notices.** None.

Item 7. **Public Comment.**

A resident asked a question about master plan impacts on zoning ordinances and commissioners gave their opinions.

A resident highlighted the importance of the parking lot for the CZ26-02 agenda item.

Item 8. **Commissioner Comment.**

(1) Discussion happened related to data centers and the possibility of sending out an educational letter telling townships that they need to have zoning rules and regulations if

they want to have rules for data centers coming into their community. Comm. Hawley discussed what Henrietta Township did for their zoning ordinance regulating data centers.

Item 9. **Adjournment.**

Comm. Cole made a motion to adjourn, supported by Comm. Wolcott. *Commissioners approved the motion unanimously.*

The meeting adjourned at 7:05 p.m.

Respectfully submitted by:

Kade Peck, Recording Secretary



# Jackson County Planning Commission

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120 W. Michigan Avenue • Jackson, MI 49201  
Phone (517) 788-4426

## COORDINATED ZONING REPORT | #26-04

**To:** County Planning Commissioners  
**From:** Kade Peck, R2PC Planner  
**Date:** March 12, 2026

**Proposal:** **Zoning text amendment for Waterloo Township's zoning ordinance. The entire ordinance is being changed with updates to language, updated reference to state law, changes to the zoning classifications, and more.**

### Background Information

The township is updating large swaths of their zoning ordinance. Some of the changes include adding more definitions, updating the reference to state law to be the Michigan Zoning Enabling Act, changes to zoning districts, changes to site development standards, removal of some language, and other updates.

### Analysis and Recommendation

**JCPC Staff Analysis and Advisement** – The zoning text amendment updates and modernizes much of the ordinance. Changes appear normal, with many of the changes being necessary to update the names and laws that are being referenced in the zoning ordinance. For these reasons, staff recommends **Approval** for the zoning text amendment.

*Staff Report Attachment(s):*

- *Background information provided by Waterloo Township*

#### Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

**ZONING AMENDMENT FORM**



**JACKSON COUNTY PLANNING COMMISSION**  
(COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE WATERLOO TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

**A. DISTRICT BOUNDARY CHANGE (REZONING):**

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. The above described property has a proposed zoning change FROM \_\_\_\_\_ ( \_\_\_\_\_ ) ZONE TO \_\_\_\_\_ ( \_\_\_\_\_ ) ZONE.
2. PURPOSE OF PROPOSED CHANGE: \_\_\_\_\_

**B. ZONING ORDINANCE TEXT AMENDMENT:**

The following Article(s) and Section(s) is amended or altered: ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) \_\_\_\_\_

The entire zoning ordinance is being updated.

- C. PUBLIC HEARING on the above amendment was held on: month Feb day 10<sup>th</sup> year 2026
- D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month Dec day 23 year 2025  
(Notice must be provided at least fifteen days prior to the public hearing.)
- E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: The Exponent

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to  APPROVE or  DISAPPROVE.

Ralph Schumacher  Chair or  Secretary 2 / 11 / 26 (enter date)

**JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_
  2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:
    - Recommends APPROVAL of the zoning change
    - Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
    - Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
    - Takes NO ACTION.
- \_\_\_\_\_, Recording Secretary \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (enter date)

**TOWNSHIP BOARD ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_
2. The \_\_\_\_\_ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment  PASSED,  DID NOT PASS, or was  REFERRED ANEW to the Township Planning Commission.

\_\_\_\_\_  
Township Clerk

## Waterloo Township Planning Commission



Bill Steere – Chair  
Cynthia Richardson-Vice Chair  
Ralph Schumacher – Secretary  
John Beck– Waterloo Township Board  
Mark Zweifler- Representative

### Agenda

**Tuesday February 10, 2026 - 7 pm**  
**Waterloo Township Public Hall**

Call to Order. Pledge of Allegiance

Roll Call

Acceptance of distributed Agenda including any additions or deletions

Public Comments and Correspondence:

Review draft minutes: January 20, 2026

#### **New Business:**

1. Review Commission Terms
2. Other New Business
3. Public Hearing for Zoning Ordinance and Map Revisions
  - a. Open for Public Comment
  - b. Read any written comments into the record
  - c. Close for public comment and reopen regular meeting
4. Summary of hearing input and discussion, outline findings for Township Board

**Adjournment, announcement: Next regular meeting has been changed from March 17th to March 3rd.**

**The Next regularly scheduled meeting of the Planning Commission on March 3, 2026 at Waterloo Township Facilities, 9773 Mt. Hope Rd.**



Waterloo Township  
Located at: 9773 Mt. Hope Rd. Munith, MI 49259  
517-596-8200 office/517-596-8600 fax  
Hours: 9:00 AM - 1:00 PM Monday, Tuesday, Thursday &  
Friday, Wednesday 1:00 - 5:00PM  
[www.waterlootwpmi.gov](http://www.waterlootwpmi.gov)

**- Public Hearing Notice -  
Waterloo Township  
Tuesday, February 10, 2026 at 7:00pm**

The Waterloo Township Planning Commission will hold a Public Hearing on Tuesday, February 10, 2026 at 7:00pm at the Waterloo Township Offices located at 9773 Mt. Hope Road, Munith, MI 49259. The purpose of the Public Hearing is to receive public comment on the entire revised text of the Waterloo Township Zoning Ordinance and the Updated Zoning Map.

A copy of the proposed text updates, the updated zoning map and a frequently asked questions document may be viewed at The Township Offices during normal business hours or on-line at The Township website.

Written comments should be mailed to: Waterloo Township Offices, 9773 Mt. Hope Rd, Munith, MI 49259 or dropped off at the offices during regular business hours prior to February 9, 2026.

Individuals with special needs requiring auxiliary aids or services should contact the Waterloo Township Board by writing or calling the Clerk's Office, 9773 Mt. Hope Rd, Munith, MI 49259. Phone: 517-596-8400.

Ralph Schumacher  
Planning Commission Secretary

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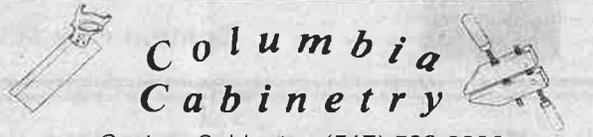
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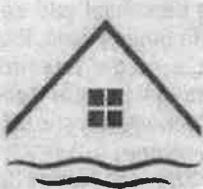


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**WATERLOO TOWNSHIP**

Tuesday, February 10, 2026 at 7:00pm 21  
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**Planning Commission Vacancy Woodstock Township**

Woodstock Township is accepting applications for one regular member to serve on the Planning Commission. This is a paid position, with meetings held as needed. The term length is 2

1-6-26

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### Planning Commission Vacancy Woodstock Township

Woodstock Township is accepting applications for one regular member to serve on the Planning Commission. This is a paid position, with meetings held as needed. The term length is 3 years. The application deadline is January 16, 2026. Interested individuals should contact Supervisor Jim Anderson at 517-547-6598 option 5 and leave a message to schedule an interview.

### WATERLOO TOWNSHIP

Tuesday, February 10, 2026 at 7:00pm

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Ralph Schumacher  
Planning Commission Secretary

21

1-16-26

### STORAGE UNITS TO BE AUCTIONED

## **PREAMBLE**

An Ordinance enacted by Waterloo Township under Michigan Zoning Enabling Act (Michigan Public Act 110 of 2006), as amended, to provide for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures 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, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, welfare, and to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance. The continued administration of this Ordinance, amendments to this Ordinance and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, the Michigan Zoning Enabling Act.

### **Article 1 TITLE and PURPOSE**

#### **Section 1.01 Title**

This Ordinance shall be known and cited as the Waterloo Township Zoning Ordinance.

#### **Section 1.02 Purpose**

It is the purpose of this Zoning Ordinance to establish districts, standards and review procedures in association with the use of land in Waterloo Township.

A zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation including public transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties. A zoning ordinance shall be made with reasonable consideration of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

***End of Article 1***

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**Article 2**  
**INTERPRETATION, SEVERABILITY,**  
**VESTED RIGHT, REPEAL, and EFFECTIVE DATE**

**Section 2.01 INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of public health, safety, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control. When applicable, interpretation shall rely on specific definitions detailed in Section 2.02.

**Section 2.02 DEFINITIONS**

- A. "Agricultural land" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.
- B. "Conservation easement" means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.
- C. "Development rights" means the rights to develop land to the maximum intensity of development authorized by law.
- D. "Family child care home" and "group child care home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group child care home.
- E. "Greenway" means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
- F. "Improvements" means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.
- G. "Intensity of development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.
- H. "Legislative body" means Waterloo Township Board of Trustees.
- I. "Local unit of government" means Waterloo Township.
- J. "Other eligible land" means land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.
- K. "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
- L. "Population" means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.
- M. "Site plan" includes the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.
- N. "State licensed residential facility" means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

O. "Undeveloped state" means a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

P. "Planning Commission" means a zoning commission as described under section 301.

Q. "Zoning jurisdiction" means the area encompassed by the legal boundaries of Waterloo Township.

### **Section 2.03 SEVERANCE CLAUSE**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

### **Section 2.04 VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

### **Section 2.05 REPEAL**

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Michigan Zoning Enabling Act 110 of 2006, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

### **Section 2.06 EFFECTIVE DATE**

This Ordinance shall take effect seven (7) days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Michigan Zoning Enabling Act, PA 110 of 2006 184 of 1943, as amended. Made and passed by the Township Board of the Township of Waterloo, Jackson County, Michigan on the 16th day of November 2004.

1. Date of Adoption by Township Board: November 16, 2004.
2. Date Notice of Adoption Published in Newspaper: November 23, 2004
3. Date Ordinance Shall Take Effect: November 30, 2004

***End of Article 2***

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## Article 3 ADMINISTRATION, ENFORCEMENT, and PENALTIES

### Section 3.01 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, and such personnel as designated by the Township Board in accordance with the Michigan Zoning Enabling Act 110 of 2006, as amended, "Township Zoning Act"; and this Ordinance. The Township Board shall appoint one or more Zoning Administrators who shall act as an officer in the administration and enforcement of this Ordinance. The Township Board, Planning Commission, Office of Zoning Administration and any other person or body involved in the administration and enforcement of this Ordinance may exercise any authority conferred upon it by law, including the Michigan Zoning Enabling Act 110 of 2006, as amended.

### Section 3.02 Duties of the Zoning Administrator Office of Zoning Administration

Under no circumstances is a member of the Office of Zoning Administration Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Office of Zoning Administration to enforce the provisions of this Ordinance and in doing so shall perform, but not necessarily be limited to, the following duties:

- A. **Receive Applications and Issue Compliance Permits:** All applications for zoning compliance permits, including permits for signs, businesses, home occupations, dwellings, special land uses, temporary uses, and temporary dwellings, as well as applications for appeals, site plan and plot plan approvals; and requests for changes to a nonconforming use shall be submitted to the Office of Zoning Administration which may issue permits when all applicable provisions of this Ordinance have been met and, where required by this Ordinance, approval has been granted by the Township Board (after review and recommendation of the Planning Commission) or Zoning Board of Appeals.
- B. **Maintain File of Applications and Compliance Permits:** The Office of Zoning Administration shall maintain files of all permit applications and shall keep a record of all compliance permits issued by parcel identification number. The Office of Zoning Administration shall provide the Township Clerk with a copy of all zoning compliance permits which shall be filed in the office of the Township Clerk and shall be available for public inspection.
- C. **Inspections:** The Office of Zoning Administration shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall assault and/or otherwise interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek authority through the Township Supervisor or legal counsel to obtain a search warrant any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
- D. **Record of Complaints:** The Office of Zoning Administration shall keep a record of every complaint of an alleged violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint. Such records shall be open for public inspection.
- E. **Violations:** Enforcement actions may be initiated by a complaint, or by the Office of Zoning Administration independently anytime he or she identifies a violation.
- F. **Report to the Township Board:** The Office of Zoning Administration shall report to the Township Board as needed summarizing for the period since the last previous report, all Zoning Compliance Permits issued and all complaints of violation and any action taken on each complaint.

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### Section 3.03 Compliance Permit Procedures and Regulations

It is the intent and purpose of this Section to create a review and compliance permit process for the administration of this Ordinance. The primary process shall require the issuance of one permit which shall be the Zoning Compliance Permit. Issuance of such a Permit, pursuant to this Section, shall indicate that the uses and plans for which the Zoning Compliance Permit is requested comply with this Ordinance. Upon the issuance of a Zoning Compliance Permit, the applicant may erect or alter a building or structure for which the Zoning Compliance Permit has been issued only after receiving a Building Permit from the Township Building Inspector.

- A. **Zoning Compliance Permit Required:** No excavation shall be initiated, no building greater than 200 square feet shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, or patios) initiated, nor any principal use be established to replace a previous use of the property until a Zoning Compliance Permit has been issued by the Office of Zoning Administration and, where required, a Building Permit has been issued by the Building Inspector. The Office of Zoning Administration shall not issue a Zoning Compliance Permit until the applicant has submitted a complete and adequate application for such Zoning Compliance Permit, and the designated review body holding approval authority has granted approval. No Zoning Compliance Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board of Appeals. An application for a Zoning Compliance Permit shall be available from the Office of Zoning Administration.
- B. **Zoning Compliance Permit Approval Authority and Procedures:** Authority and procedures for the granting of approval of a zoning compliance permit application shall be as follows:
1. **Township Board Authority and Procedures:**
    - a. The Township Board shall be the approving body for all Zoning Compliance Permits for the following:
      - (i) All uses permitted by right within any Commercial or Industrial zoning district, excluding single family and two family dwellings, whether such use is a new use on a vacant parcel or a new use established to replace an existing or previous use such as, for example purposes only, a hardware store converted into an office building or grocery store, or another retail establishment where the principal product or service for sale is substantially different than the previous retail establishment.
      - (ii) All special land uses.
      - (iii) All uses for which this Ordinance requires five (5) or more off-street parking spaces.
      - (iv) All single family and two family dwellings are subject to the platting requirements of [Michigan Land Division Act 288 of 1967, as amended.](#)
      - (v) All condominium subdivisions subject to [Michigan Condominium Act 59 of 1978 as amended.](#)
    - b. The following procedure shall be followed in the review of Zoning Compliance Permit applications for which the Township Board is the approving body:
      - i) In addition to the submittal of a Zoning Compliance Permit application, the applicant shall submit a Site Plan pursuant to Article 4 (Procedures for Plot Plan and Site Plan Review) to the Planning Commission which shall recommend approval, denial, or approval with conditions to the Township Board. The Township Board shall subsequently approve, deny, or approve with conditions the application and site plan, pursuant to Article 4. Upon approval of the Site Plan by the Township Board, the Office of Zoning Administration shall issue the applicable Zoning Compliance Permit.
      - ii) In the case of a Zoning Compliance Permit application for a use which is listed as a "Special Land Use" in the District within which the subject property is located, the procedures of Article 5 (Procedures for Special Land Uses) shall apply.

2. **The Office of Zoning Administration Authority and Procedures:**

- a. The Zoning Administrator shall be the approving body for all Zoning Compliance Permits for all other uses not delineated above for Township Board approval, including single family and two-family dwellings and accessory structures associated with such dwellings.
- b. The following procedure shall be followed in the review of Zoning Permit applications for which the Office of Zoning Administration is the approving body:
  - (i) In addition to the submittal of a zoning compliance permit application, the applicant shall submit to the Office of Zoning Administration a plot plan that adequately portrays proposed construction and uses upon the property, pursuant to the procedures and requirements of Article 4 (Procedures for Plot Plan and Site Plan Review).
  - (ii) After conducting a review, the Office of Zoning Administration shall reject, approve, or conditionally approve the application and plot plan pursuant to Article 4. Upon approval by the Office of Zoning Administration of the application, including the plot plan, the Office of Zoning Administration shall issue the applicable Zoning Permit.
  - (iii) The Office of Zoning Administration may, after review of an application determine that the Township Board (after review and recommendation of the Planning Commission) shall be the approving authority.

C. **Permit Issuance, Withholding, Expiration, and Revocation.**

- 1. **Issuance:** Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Office of Zoning Administration shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to ensure conformance with the requirements of this Ordinance (see Section 3.06). In any case where a permit is denied, the reasons shall be stated in writing to the applicant **as well as part of the parcel file**.
- 2. **Withholding Permit:** The Office of Zoning Administration may withhold any Zoning Compliance Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Office of the Zoning Administration or Township Board, the Office of Zoning Administration or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Office of Zoning Administration not to issue a Zoning Compliance Permit until said permits from other agencies have been obtained.
- 3. **Expiration of Permit:** Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first inspection by the Office of Zoning Administration. Before voidance is actually declared, the Office of Zoning Administration shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective, provided however, that the Township Board may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration without a waiver extension, the permit shall be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.
- 4. **Revocation:** The Office of Zoning Administration shall have the power to revoke or cancel any Zoning Compliance Permit in case of failure or neglect to comply with any provisions of this Ordinance, non-compliance with the provisions of the permit, or in the case of any false statement or misrepresentation made in the application. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Office of Zoning Administration may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

- D. **Relation to Nonconforming Uses:** It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance, to obtain a Zoning **Compliance** Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article **9 10** (Nonconforming Lots, Structures, and Uses) until a Zoning **Compliance** Permit has been issued by the Office of Zoning Administration. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance. **If denied, the reasons for the denial will be included in the notice and filed in the parcel file.**

### Section 3.04 Fees

- A. **General Fees:** Fees for review of applications for zoning permits, ordinance amendment requests, appeals to the Zoning Board of Appeals, inspections and the issuance of permits or certificates required under this Ordinance shall be received by the Township in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is received by the Township **Clerk**. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including newspaper notice, postage, photocopying, and staff time; **Planning Commission, Township Board and/or Zoning Board of Appeals time**; mileage; and any costs associated with reviews by qualified professionals including professional planners and/or engineers, **and legal counsel**.
- B. **Professional Review Fee:** An additional fee may be requested for any project or application which may, in the discretion of the **Office of Zoning Administration**, Zoning Board of Appeals, Planning Commission, or Township Board, involve matters of land appraisal, land title work, legal assistance or other matters, or may create conditions on the subject site hazardous to the general public health, safety, or welfare, or create an identifiable and potentially negative impact on public infrastructure or services or on adjacent properties, and because of which professional input and/or assistance is desired before a decision to approve, deny or approve with conditions is made. The applicant shall receive a copy of any professional review contracted by the Township and a copy of the statement of expenses for the professional services rendered. The applicant is entitled to a refund of any unused fee at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the **initial** fee, the applicant shall pay the balance due prior to receipt of any Zoning **Compliance** Permit or other permit issued by the Township in response to the applicant's request.

### Section 3.05 Violations

- A. **Violations are Nuisances Per Se.** Violations of any provisions of this Ordinance are declared to be nuisances *per se* **and shall be subject to judicial abatement as provided by law**. A violation includes any act that is prohibited or made or declared to be unlawful or an offense by this Ordinance and any **neglect, refusal, omission or failure to act where the act is required by this Ordinance or by any permit, variance or approval under this Ordinance**.
- B. **Notice of Violation.** The **Office of Zoning Administration** ~~or~~ shall inspect each alleged or apparent violation. Whenever the **Office of Zoning Administration** ~~Zoning Administrator~~ determines that a violation of this Ordinance exists, said **Office of Zoning Administration** ~~Zoning Administrator~~ shall issue a Notice of Violation, in writing, which specifies all circumstances found to be in violation. A Notice of Violation or stop order posted by the **Office of Zoning Administration** ~~Zoning Administrator~~ on a structure or dwelling shall not be removed without written authorization from the **Office of Zoning Administration** ~~Zoning Administrator~~ .
- C. **Service of Notice.** Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address

shown on the tax records.

- D. **Stop Work Order.** Upon a finding by the Office of Zoning Administration Zoning Administrator that work on any structure or premises is being undertaken contrary to this Ordinance, the Office of Zoning Administration Zoning Administrator may issue a stop work order requiring that such work shall immediately cease. The stop work order shall be posted on the property with a copy mailed or delivered to the owner of the property in question, person occupying the property or the person doing the work, and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop work order, except such work as such person is directed by the Office of Zoning Administration Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be found responsible for a violation of this Ordinance
- E. **Violation Correction Period.** All violations shall be corrected within the time period specified on the Notice of Violation, as deemed appropriate in the reasonable discretion of the Office of Zoning Administration Zoning Administrator, but not less than fifteen (15) days nor more than six (6) months.
- F. **Legal Action.** If the owner or party in interest fails to correct the violation within the time period specified, the Township Board and Township Attorney shall be notified of such failure for the commencement of appropriate legal action. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law.
- G. **Violations as Misdemeanors Civil Infractions.** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, approved site plans, zoning permits, or other authorizations by any permit, variance or approval under this Ordinance, shall constitute a misdemeanor civil infraction. Any person who violates or disobeys this Ordinance or fails, refuses, omits or neglects to comply with any of its requirements or provisions shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case may be found to be responsible for a municipal civil infraction, subject to payment of a civil fine of up five hundred dollars (\$500.00) per violation and all costs incurred by the Township in prosecuting the violation, including up to attorney fees of five hundred dollars (\$500.00) per violation. Each day that a violation continues or recurs shall be considered and may be prosecuted as a separate offense, subject to additional civil fines, costs and attorney fees. The owner of record and tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of liable for a separate offense and suffer the penalties herein provided shall be subject to civil fines, costs and attorney fees under this Ordinance.
- H. **Other Remedies.** The Township may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from The imposition of any fine, or jail sentence or both civil fine shall not exempt the violator from other available remedies to compel compliance with the provisions of this Ordinance.

### Section 3.06 Performance Guarantees for Compliance

- A. **Purpose.** In authorizing any Zoning Permit permit or, variance or approval under this Ordinance, the body or official which approves the respective request, as designed by this Ordinance, granting the permit, variance or approval may require that a performance guarantee or bond be furnished to the Township: (1) to ensure compliance with the requirements conditions, improvements and specifications imposed with the grant of such approval, required by the permit, variance or approval; (2) to ensure the discontinuance and complete removal of a temporary use by a stipulated required time; and (3) to provide sufficient resources for the Township to complete required conditions, improvements, specifications, removal, reclamation, restoration or other requirements in the event the

permit holder applicant does not. A performance guarantee may be required as a condition for the issuance of a Zoning Permit in addition to any other condition established pursuant to Section 20.01.

**B. Requirements of Performance Guarantee.** The performance guarantee shall meet the following requirements:

1. **Conditions, Improvements and Specifications Covered.** Conditions, improvements and specifications that shall be covered by the performance guarantee include those features and actions associated with the project that are considered necessary by the approving body to protect 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, including, without limitation, roadways, lighting, utilities, parking facilities, common open space improvements, drainage, buffers, screening, grading, landscaping, parks, common or public amenities, sidewalks, bike and walking paths and removal, reclamation, restoration or other requirements.
2. **Form.** The performance guarantee shall be in the form of cash, certified check or irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township, which names the applicant or property owner as the obligor and the Township as the obligee. The letter or credit or other acceptable performance guarantee shall provide that any documents required by the Township to obtain the funds may be hand delivered to a financial institution within 50 miles of the Township or transmitted by email or facsimile. The form of the performance guarantee shall be approved by the Township Treasurer and Township Attorney. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. **Amount and Time Required to Provide Performance Guarantee.** The amount of the performance guarantee or bond shall be ~~one hundred fifty percent (150%) of~~ equal to the estimated cost of completing the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved or amended by the Township Board, after consultation with the Township Engineer and Township Attorney. After approval of the detailed cost estimate, the performance guarantee or bond shall be submitted at the time of issuance of the permit, variance or approval authorizing commencement of the activity of the or project. The Township may not require the deposit of the performance guarantee until it is prepared to authorize commencement of the activity or project.
4. **Expiration of Performance Guarantee.** The performance guarantee shall provide that it shall not terminate or expire without providing the Township at least sixty (60) days written notice prior to the date of termination or expiration. If a new performance guarantee in a form and amount acceptable to the Township is not filed with the Township Clerk at least thirty (30) days prior to the date of termination or expiration, the Township may draw upon the existing performance guarantee.
5. **Additional Performance Guarantee.** If at any time it appears the amount of the performance guarantee is inadequate to cover the purposes for which the performance guarantee was posted, and the applicant or property owner declines to provide requested additional or further performance guarantees, then the Office of Zoning Administration Zoning Administrator may issue a stop work order and/or decline to issue further approvals or certificates of compliance or of occupancy for buildings or other structures for which the performance guarantee is intended to benefit, or take such other action as provided by law.

**C. Return of Performance Guarantee or Bond:** The following procedure shall be followed in the return of performance guarantees or bonds:

1. **Request for Payment.** As required improvements, conditions and specifications are completed, or when all of the required improvements, conditions and specifications have been completed, the obligor shall send written notice to the Township Clerk Office of the Zoning Administrator Zoning Administrator of completion of said improvement, conditions and specifications. Thereupon, the

Office of Zoning Administration Zoning Administrator shall inspect all of the improvements project and the work and shall transmit recommendation to the Township Board indicating either approval, partial approval, or rejection of the improvements, conditions and specifications with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected any additional required improvements, conditions or specifications shall be set forth by the Office of Zoning Administration Zoning Administrator.

2. **Approval of Payment.** As the conditions, improvements and specifications covered by the performance guarantee are satisfactorily completed, the Office of Zoning Administration Zoning Administrator, upon direction of the Township Board, may decrease the amount of the performance guarantee. "Satisfactorily completed" means the Office of Zoning Administration Zoning Administrator or Township Engineer has conducted a final inspection and recommended that the work performed by the applicant appears to meet or exceed applicable standards. The Township Board shall either approve, partially approve or reject the improvements or satisfactory completion of the conditions, improvements or specifications based upon the recommendation of the Office of Zoning Administration Zoning Administrator and shall notify the obligor in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of the conditions, improvements or specifications. Where approval or partial approval is granted, the Township Board shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable conditions, improvement or specification.

a. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision satisfactory completion of the conditions, improvements and specifications not yet approved completed.

3. **Lack of Full Satisfactory Completion; Forfeiture of Performance Guarantee.** Should installation of improvements begin and fail Upon failure to meet full completion based on the approved Site Plan, complete any condition, improvement or if the project area is reduced in size and improvements are only partially completed or conditions partially met, specification of this Ordinance or any permit, variance or approval under this Ordinance, the performance guarantee, or portion thereof, shall be forfeited by the applicant. The Township Board shall determine the amount to be forfeited, including administrative costs and attorney fees, and have the authority to correct the violation. Whenever required conditions, improvements or specifications are not completed, properly installed or are damaged within the specified time, the Township may complete, correct or repair the necessary conditions, improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions specifications and charge the costs, including administrative costs and attorney fees, against the performance guarantee or bond. Any balance remaining of the performance guarantee shall be returned to the applicant, less the Township's costs to complete the conditions, improvements or specifications, including the Township's administrative costs and attorney fees.

D. **Record of Performance Guarantees.** A record of all authorized and required performance guarantees shall be maintained by the Office of Zoning Administration Zoning Administrator.

### Section 3.07 Reserved for Future Use

### Section 3.08 Public Hearing Notices (Amended 10-17-06, Ord. #06-10-17-03)

A. **Hearing Notice Content.** Unless otherwise required by Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
  2. 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 identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  3. Indicate the date, time and place of the hearing(s)
  4. Indicate when and where written comments will be received concerning the request.
- B. **Recipients and Means of Notice.** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.
1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
  2. To the owners of the property for which approval is being considered, and to the applicant if the applicant is different than the property owner, by mail or personal delivery.
  3. To all persons to whom real property is assessed within 300 feet of the boundary of the project 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 in Waterloo Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
    - a. Subsection ~~(3)~~ 08.B.3 above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
  4. In the case of a text amendment or zoning map amendment, to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail.
  5. ~~Wesley to provide language on signage at October 2020 meeting~~
- C. **Timing of Notice.** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered for approval, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations.
- D. **Confirmation of Notices Made by Mail or Personal Delivery.** Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed and postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

***End of Article 3***

## Article 4

# PROCEDURES for SITE PLAN REVIEW and PLOT PLAN REVIEW

### Section 4.01 Purpose

It is the purpose of this Article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. A site plan contains comprehensive and detailed information about improvements proposed on the site and is required for land uses such as business, industrial, and multiple family/household developments. Plot plans are less detailed plans pertaining to improvements proposed on the site and are required for less complex developments, such as single family and two family dwellings.

### Section 4.02 Approval of Site Plan or Plot Plan Required

- A. **Township Board Approval for Site Plans:** Site plan approval is required by the Township Board, prior to the issuance of a Zoning Permit, for the following uses:
1. All uses permitted by right within any Commercial or Industrial zoning district, excluding single family and two family dwellings, whether such use is a new use on a vacant parcel or a new use established to replace an existing or previous use.
  2. All Special Land Uses.
  3. All uses for which this Ordinance requires five (5) or more off-street parking spaces.
  4. All single family and two family developments dwellings are subject to the platting requirements of P.A 591 of 1967, the Land Division Act Michigan Act 288 of 1967 as amended: [http://www.legislature.mi.gov/\(S\(ivakozagca5q5ywdz2mvymii\)\)/mileg.aspx?page=GetObject&objectname=mcl-Act-288-of-1967](http://www.legislature.mi.gov/(S(ivakozagca5q5ywdz2mvymii))/mileg.aspx?page=GetObject&objectname=mcl-Act-288-of-1967).
  5. All condominium subdivisions subject to P.A. the Condominium Act 59 of 1978 as amended: <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-59-of-1978.pdf>.
  6. Any change in use subject to site plan review.
  7. Amendments to the Zoning Map.

~~B. **Zoning Administrator Approval for Plot Plans:** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Zoning Permit, for all other uses not listed in Section 4.02 (A) above, including single family and two family dwellings.~~

### Section 4.03 Plot Site Plan Review Procedures

- A. **Submittal Requirements:** In addition to the submittal of a zoning permit application, the applicant shall submit to the Zoning Administrator drawings and plans that adequately portray proposed construction and uses upon the property. Such drawings and plans shall adequately portray, in the judgment of the Zoning Administrator, sufficient information to determine compliance of such proposed construction or use with the standards of this Ordinance. An accurate, readable, scale drawing, at a scale no less than 1" = 20', showing the following shall be submitted with applications for Zoning Permits for uses requiring plot plan review, except in the case of minor alterations and repair, as determined by the Zoning Administrator. At least twenty (20) copies of the application and site plan shall be submitted to the Office of Zoning Administration, along with all required fees. Each site plan shall be provided on a professional quality drawing of scale not less than 1"=100'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and all drawings shall include names, signatures, addresses and telephone numbers of the property owner, developer, or

representative agent. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Zoning Compliance Permits for uses requiring a site plan. The Planning Commission may waive any of the submittal requirements specified below upon the applicant's successful demonstration to the Planning Commission that such information is not necessary for the Planning Commission to make a sound and educated recommendation regarding the site plan's conformance to the standards of the Ordinance.

1. Name, address and telephone number of the applicant (and owner if different).
2. Property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
3. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
4. Dimensions of yards, parking lots and space dimensions, and the number of spaces.
5. A description of proposed use(s) of the building(s), land and structures.
6. The proposed number of sleeping rooms, dwelling units, and employees, as applicable.
7. Configuration of the driveway and parking areas.
8. Existing public right-of-ways or easements.
9. Evidence of approval and location of proposed septic waste disposal and potable water source.
10. Any other information deemed necessary by the Zoning Administrator to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.

1. A certified survey showing property dimensions and legal description, including angles, net and gross lot area and dimensions, and an arrow pointing north.
2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
  - a. Dimensions of property, of the total site area, locations of all buildings, driveways, parking areas or other structures on adjacent properties within one hundred (100) feet of the property, including those located across the street from the property.
  - b. Required and proposed building setbacks.
  - c. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, including existing right-of-way and pavement widths.
  - d. Proposed common open spaces and recreational facilities, if applicable.
3. Natural features such as woodlands, wetlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
4. Existing and proposed man-made features such as, but not limited to:
  - a. public right-of-ways, private easements of record, and deed restrictions.
  - b. streets, alleys, sidewalks, and driveways, including dimensioned cross-sections and inside radii of all curves); acceleration, deceleration or right turn lanes; loading/unloading areas; parking spaces, the total number of parking spaces, including handicapped spaces and dimensions of a typical individual parking space and associated aisles; and traffic control measures (including signs) and proposed street or road names.
  - c. location, screening, dimensions, and heights of proposed buildings, structures such as trash receptacles, utility pads, etc., including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening such equipment, where appropriate.
  - d. utilities; water supply; exterior drains, dry wells, catch basins, and retention and/or detention areas; sumps, septic tanks and drain fields and other facilities designed to collect, store or transport storm water, waste water, and other wastes; any easements that exist or are proposed to be established for installation, repair and maintenance of utilities; and trash

- storage/receptacle pads and areas. The point of discharge for all drains and pipes shall be specified on the site plan.
- e. lighting, including height of light fixtures, type and style of fixture; and measures intended to shield adjacent properties from such lighting and assure compliance with Article 18.
  - f. signs, including location, dimensions and elevations.
5. Location and specifications for any existing or proposed hazardous materials including above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
  6. A landscaping plan pursuant to Article 17 (Landscaping and Screening) indicating the locations of plant materials to be preserved and locations of proposed planting and screening; fencing; proposed alterations to natural features including but not limited to topography, woodland stands, and drainage courses; and proposed locations of open spaces and intended uses of such spaces.
    - a. Proposed landscaping, including quantity, size at planting, botanical, and common names of plant materials.
    - b. Erosion control plan.
  7. Proposed density for residential uses including the number of dwelling units per acre, the types of units, and the number of each unit type.
  8. A statement from the applicant identifying all federal, state and local permits required, if any.
  9. Project phase and completion schedule.
  10. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s). Aerial imagery is recommended.
  11. Development plans for residential projects, such as multiple family developments, mobile home subdivisions, and mobile home parks. The plans shall include the following additional information:
    - a. Minimum floor area of the dwelling units.
    - b. Total number of units proposed.
    - c. Number of bedrooms per unit in multiple-family developments.
    - d. Areas to be used for open space and recreation.
    - e. Space allowance for accessory buildings in mobile home subdivisions and mobile home parks.
  12. Such other information as is necessary to enable the Township Board to determine whether the proposed site plan will conform to the provisions of this Ordinance.
- B. **Office of Zoning Administration Review and Distribution:** The ~~Zoning Administrator~~ **Office of Zoning Administration** shall record the date of receipt of the application and site plan. The ~~Zoning Administrator~~ **Office of Zoning Administration** shall review the application materials for completeness. If such materials do not appear complete, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Specifically that the Office of Zoning Administration, when considering a Zoning Application, is unsure if the submitted drawings are adequate to make an official determination that the proposal will conform to the provisions of ~~the~~ this Ordinance they may require that the applicant submit a current certified survey of the specific parcel boundaries that are judged to be inadequate. Upon receipt of completed and adequate application materials, the ~~Zoning Administrator~~ **Office of Zoning Administration** shall ~~review the application materials and determine their conformity with the applicable provisions of this Ordinance.~~ transmit seven (7) copies thereof to the Planning Commission; five (5) copies thereof to the Township Board, and the remaining shall be transmitted to other review bodies as may be deemed desirable such as but not limited to public agencies and engineering and planning staff and consultants. At least one (1) copy shall be retained by the ~~Zoning Administrator~~ **Office of Zoning Administration**.
- C. **Planning Commission Review and Action:**

1. The Planning Commission shall review the application and site plans for completeness and if such application or plans are not complete according to Section 4.04(A) 03 above, the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed application and plans, the Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.04 4.05. The Planning Commission may, at its discretion, delay deliberating upon a site plan at its next regularly scheduled or special meeting unless the site plan and all supporting documents, including a zoning permit application form, have been received by the Zoning Administrator Office of Zoning Administration within thirty (30) days of such meeting and the Zoning Administrator Office of Zoning Administration had made the site plan available to the Planning Commission at least ten (10) days prior to such meeting.
  2. After conducting a review, the Planning Commission shall recommend denial, approval, or conditional approval of the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05 4.04. Recommendations by the Planning Commission shall be made within ninety (90) days of the receipt of a complete application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a recommendation.
- D. **Township Board Review and Final Action:** After receiving the Planning Commission's recommendation and conducting its own review of the application and site plan, the Township Board shall deny, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05 4.04. The decision of the Township Board shall be made within sixty (60) days of the receipt of the Planning Commission's recommendation unless, in the opinion of the Township Board, an extension of time is necessary to adequately collect and review information pertinent to a final decision. A site plan shall be approved by the Township Board if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant.
- E. **Approved Site Plans:** Three (3) copies of the approved site plan, with any conditions contained within shall be maintained as part of the Township parcel records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Township Supervisor, attested by the Township Clerk, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township parcel records as a part of the site plan and delivered to the applicant for information and direction.

## Section 4.04 Site Plan Approval Standards

- A. Each site plan shall conform with the applicable provisions of this Ordinance including requirements pertaining to lot area, lot width, setbacks and permitted uses, and the standards listed below:
1. Applicable provisions of:
    - a. Article 5: Special Land Use
    - b. Article 15: Signs
    - c. Article 16: Off-Street Parking and Loading
    - d. Article 17: Landscaping and Screening
    - e. Article 18: Environmental Protection
    - f. Article 20: General Provisions
  2. All elements of the Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement

of surrounding property for uses permitted in this Ordinance. The location of buildings, outside storage areas, parking areas, screen walls, utility areas and other site alterations shall minimize adverse effects upon the users of the site and upon the use and enjoyment of adjoining properties.

3. The landscape shall be preserved in its natural state, insofar as practical, by minimizing trees, other vegetative material, soil removal **and redistribution**, and by topographic modifications which are in keeping with the general appearance of adjacent and surrounding uses and development. Priority shall be given to the preservation of woodlands, wetlands, steep slopes, water courses, ponds, lakes, and groundwater recharge areas.
4. The **removal drainage** of storm waters shall not increase erosion, sedimentation, or degradation **of surface or groundwater quality**, nor **that** adversely affect neighboring properties **or adjacent surface water**. ~~The removal~~ **Any alteration** of storm waters **movement** shall rely upon the site's natural drainage characteristics to the greatest extent practical.
5. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
6. ~~Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the Jackson County Department of Transportation.~~
7. ~~There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.~~
8. ~~The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.~~
7. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative impacts of such parking areas both on the site and in relation to surrounding properties.
8. Residential and nonresidential development shall not include unnecessary curb cuts. ~~Nonresidential uses shall use shared drives and/or service drives unless precluded by substantial practical difficulties.~~
9. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
10. Site plans shall conform to all applicable requirements of state and federal statutes **and regulations**.
11. Sites which are characterized by the presence of hazardous materials or wastes, including fuels, salts, and chemicals, shall be designed to contain spills and discharges of polluting materials. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
  - a. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to **a public sewer system** an on-site closed holding tank (not a septic system) or regulated through a State of Michigan ground water discharge permit.
  - b. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

- B. Each site plan shall conform with any conditions imposed by the Township Board pursuant to Section 20.01.

### Section 4.05 Conformity to Approved Site Plans

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received approval by the Township Board. If construction and development does not conform with such approved plans, the approval of any Township permit shall be revoked by the Office of Zoning Administration pursuant to Section 3.03. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

### Section 4.06 Changes

- A. **Changes to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township Board or ~~Zoning Administrator~~ **the Office of Zoning Administration** according to the following procedures:
1. **Minor Changes:** Minor changes to an approved Site Plan involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the ~~Zoning Administrator~~ **Office of Zoning Administration** unless the ~~Zoning Administrator~~ **Office of Zoning Administration** defers judgment to the Township Board.
  2. **Major Changes:** Major changes or amendments to an approved Site Plan involving changes **that effect setbacks or** in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Township Board, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
    - a. Such changes will not adversely affect the initial basis for granting approval;
    - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
    - c. Such changes shall not result in the reduction of open space area as required herein.

~~B. **Changes to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in accordance with the same procedures, requirements, and standards used by the Planning Commission as specified in Section 4.03. Changes to a Plot Plan which contain elements which require Site Plan approval according to Section 4.02(A) shall require that the entire project be processed as a Site Plan according to the procedures of Section 4.04.~~

### Section 4.07 Plot Plan Review Procedures *(this header was originally Section 4.03)*

- A. **The Office of Zoning Administration Approval for Plot Plans:** Plot Plan approval is required by the Office of Zoning Administration, prior to the issuance of a Zoning Compliance Permit, for all other uses not listed in Section 4.02 (A) above, including single family and two-family dwellings.
- B. **Submittal Requirements:** In addition to the submittal of a Zoning Compliance Permit application, the applicant shall submit to the Office of Zoning Administration drawings and plans that adequately portray proposed construction and uses upon the property. Such drawings and plans shall adequately portray, in the judgment of the Office of Zoning Administration, sufficient information to determine compliance of such proposed construction or use with the standards of this Ordinance. An accurate, readable, scale drawing, at a scale no less than 1" = 20', showing the following shall be submitted with applications for Zoning Compliance Permits for uses requiring plot plan review, except in the case of minor alterations and repair, as determined by the Office of Zoning Administration. If the submitted application does not provide accurate and specific information to enable review Office of Zoning Administration may require

drawings prepared by a state certified engineer. The Office of Zoning Administration may require a site plan.

1. Name, address and telephone number of the applicant (and owners if different).
  2. Property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
  3. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
  4. Dimensions of yards. ~~parking lots and space dimensions, and the number of spaces.~~
  5. A description of proposed use(s) of the building(s), land and structures.
  6. The proposed number of sleeping rooms, dwelling units, and employees, as applicable.
  7. Configuration of the driveway and parking areas. ~~Parking lots and space dimensions, and the number of spaces.~~
  8. Existing public right-of-ways or easements.
  9. ~~Evidence of approval and location~~ ~~Location~~ of proposed septic waste disposal and potable water source.
  10. Any other information deemed necessary by the ~~Zoning Administrator~~ ~~Office of Zoning Administration~~ to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.
- C. **Review:** The ~~Zoning Administrator~~ ~~Office of Zoning Administration~~ shall review the application materials for completeness and compliance with the standards of this Ordinance. If such materials are not complete or do not adequately portray proposed construction and use of the property, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Specifically ~~that if~~ the Office of Zoning Administration when considering a Zoning Application is unsure if the submitted drawings are adequate to make an official determination that the proposal will conform to the provisions of this Ordinance they may require that the applicant submit a current certified survey of the specific parcel boundaries that are judged to be inadequate. Upon receipt of completed and adequate application materials, the ~~Zoning Administrator~~ ~~Office of Zoning Administration~~ shall review the application materials and determine their conformity with the applicable provisions of this Ordinance.
- D. **Action:** After conducting a review, the ~~Zoning Administrator~~ ~~Office of Zoning Administration~~ shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the ~~Zoning Administrator~~ ~~Office of Zoning Administration~~ shall be stated in writing and shown on the plot plan, together with the reasons, and delivered to the applicant. The decision by ~~Zoning Administrator~~ ~~Office of Zoning Administration~~ shall be made within thirty (30) days of the receipt of ~~required fees and~~ complete and adequate application materials. A plot plan shall be approved if it contains the information required by law, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. ~~The Office of Zoning Administration shall maintain files of all applications for plot plans and actions taken and shall keep a record by parcel identification number of all plot plan applications and approvals issued.~~
- E. **Changes to a Plot Plan:** The ~~Zoning Administrator~~ ~~Office of Zoning Administration~~ shall review proposed changes to an approved Plot Plan in accordance with the same procedures, requirements, and standards used by the Planning Commission as specified in Section 4.03. Changes to a Plot Plan which contain elements which require Site Plan approval according to Section 4.02(A) shall require that the entire project be processed as a Site Plan according to the procedures of Section 4.03 and 4.04.

## Section 4.08 Sketch Plan Review Option

An applicant may seek review of a sketch plan, the purpose of which is to receive review of the general design and layout of the project prior to preparing a detailed site plan. The following procedures and standards shall apply to the submittal and review of such sketch plans.

- A **Submittal of Sketch Plans:** At least ~~twenty (20)~~ **ten (10)** copies of the application and sketch plan shall be submitted to the ~~Zoning Administrator~~ **Office of Zoning Administration**, along with all required fees. Each sketch plan shall be provided on a professional quality drawing of scale not less than 1"=200'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and all drawings shall include name, address and telephone number of the property owner, developer, or representative agent. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for sketch plan ~~approval~~ **review**.
1. Property dimensions.
  2. Topographic elevations at no greater than five (5) foot intervals.
  3. Significant vegetation.
  4. Water courses, water bodies, ~~and wetlands~~ including man-made surface drainage ways.
  5. Existing public right of way, pavements, and/or private easements, ~~roads or driveways~~.
  6. Existing uses, buildings, structures, and lots.
  7. Proposed uses and general location of buildings, structures, and lots.
  8. Zoning classification of adjacent properties, ~~including distance to habitable buildings on abutting parcels~~.
  9. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared.
- B ~~Zoning Administrator~~ **Office of Zoning Administration** / **Planning Commission / Township Board**  
**Action:** The sketch plan shall be acted upon by the ~~Zoning Administrator~~ **Office of Zoning Administration**, Planning Commission, and Township Board in the same manner as provided for site plans in Section ~~4.04~~ **4.03**.
1. ~~Approval~~ **Review** of a sketch plan does not authorize the initiation of any construction activities associated with the proposed project. No project construction activities shall be initiated prior to final site plan approval and issuance of a Zoning Permit.
- C. One Year Approval Period: Approval of a sketch plan is valid for a period of one (1) year. If a complete site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the sketch plan shall be null and void.
1. **Applicant may request an extension from the Township Board.**

**End of Article 4**

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## Article 5 PROCEDURES for SPECIAL LAND USES

### Section 5.01 Purpose

It is the purpose of this Article to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of special land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Articles 9 and 11 of this Ordinance identify those uses that are classified as “special land uses” and the respective Districts in which each is permitted. Approval of such a use may be authorized by the issuance of a Zoning Permit for a Special Land Use. By such a procedure, the Township Board shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

### Section 5.02 Procedures for Special Land Uses

- A. **Submission of Application:** Any person owning or having an ownership interest in the subject property may file an application for a special land use as provided for in this Ordinance. An application shall be submitted through the ~~Zoning Administrator~~ **Office of Zoning Administration** on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board. Twenty (20) sets of the following materials, constituting the special land use application, shall be submitted to the Office of Zoning Administration:
1. Application form supplied by the ~~Zoning Administrator~~ **Office of Zoning Administration**.
  2. Site plan meeting the requirements of Section ~~4.04(A)~~ **4.03(A) – Site Plan Review Procedures**, ~~except in the case of a proposed single family dwelling in an Agricultural-1 District, in which case the site plan submittal requirements shall be those of Section 4.03(A)(1) – (10), in addition to any data the applicant may submit to illustrate conformance with Section 11.23.4.07(B).~~
  3. Written statement of analysis regarding the estimated population holding capacity of any proposed residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.
  4. **The application for a special land use must have a projected completion date.**
  5. **Termination of a special use permit shall occur when the property is no longer being used in accordance with the special land use application.**
- B. **Forwarding of Application to Planning Commission:** Upon certification by the ~~Zoning Administrator~~ **Office of Zoning Administration** that the site plan and application form are complete, seven (7) copies of the site plan shall be forwarded to the Planning Commission and five (5) copies shall be forwarded to the Township Board. The Township Office of Zoning Administration may also submit one (1) copy of the site plan and application to each of the following agencies considered to be impacted or affected by the application for a Special Land Use.
1. ~~County Road Commission~~ **Department of Transportation**.
  2. County Health Department.
  3. County Drain Commissioner.
  4. ~~Fire Department~~ **Emergency Service Agencies** providing service to that part of the Township.
  5. Other agencies as relevant.
- C. **Planning Commission Hearing and Recommendation:**

1. **Application Review and Public Hearing:** The Planning Commission shall review the special land use application at its next scheduled meeting, and, finding that the application is complete, schedule a date for public hearing and deliberation. The Planning Commission may, at its discretion, delay deliberating upon the application at its next regularly scheduled or special meeting unless the site plan and all supporting documents, including a zoning permit application form, have been received by the ~~Zoning Administrator~~ **Office of Zoning Administration** within thirty (30) days of such meeting and the ~~Zoning Administrator~~ **Office of Zoning Administration** had made the site plan available to the Planning Commission at least ten (10) days prior to such meeting. The Planning Commission shall publish a notice of public hearing. The notice shall conform to Section 3.08. ~~(Amended 10-17-06, Ord. #06-10-17-03)~~
2. **Planning Commission Recommendation:** Upon review of the special land use application, and a review of all supporting materials and the public hearing comments, the Planning Commission shall recommend to the Township Board to deny, approve, or approve with conditions the application for special land use approval. The recommendation shall be incorporated in a statement of findings and conclusion relative to the application which specifies the basis for the recommendation and any suggested conditions. In arriving at its recommendation, the Planning Commission shall refer to and be guided by those standards set forth in Article 11 (Standards for Special Land Uses). ~~(Amended 10-17-06, Ord. #06-10-17-03)~~

D. **Township Board Action:** Following receipt of the Planning Commission's recommendation, the Township Board shall, within sixty (60) days of the receipt of the Planning Commission's recommendation, deny, approve, or approve with conditions the special land use application, unless the applicant and the board agree to an extension of time, which shall be specified in the minutes. Its decision shall be incorporated in a statement of findings and conclusions relative to the application which specifies the basis for the recommendation and any conditions imposed. In arriving at its decision, the Township board shall refer to and be guided by those standards set forth in Article 11 (Standards for Special Land Uses). A request for approval of a special land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Township Board may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to ensure completion of improvements. ~~(Amended 10-17-06, Ord. #06-10-17-03)~~

### Section 5.03 Appeal to Circuit Court

An appeal on a special land use application decision shall not be appealable to the Zoning Board of Appeals. An appeal on a special land use application decision may be taken to the Circuit Court.

### Section 5.04 Reapplication

No application for a Zoning Permit for a special land use which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions that the Planning Commission determines has significant bearing upon the basis for the original decision. A reapplication shall require a new fee and the process shall follow all provisions of Section 7.02.

### Section 5.05 Revisions

- A. **Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved the site plan. Revisions to the approved Site Plan shall comply with the application and review procedures of Section 6.07.
- B. **Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:

1. the addition of land any change to the legal parcel description of the original special land use permit;
2. the establishment of another special land use(s);
3. the addition of more sales or service area, or the addition of dwelling units; and
4. an expansion or increase in intensity of use.

***End of Article 5***

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## Article 6 ZONING BOARD OF APPEALS (ZBA)

### Section 6.01 Purpose

The purpose of this Article is to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

### Section 6.02 Creation And Membership

- A. **Establishment:** The Zoning Board of Appeals (ZBA) established by the Waterloo Zoning Ordinance adopted June 23, 1992, is hereby retained in accordance with ~~Act 184 of the Public Acts of 1943~~ Michigan Public Act 110 of 2006, as amended, and shall consist of five members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the ZBA but not serve as the chairperson. The ~~Zoning Administrator~~ Office of Zoning Administration or other employee or contractor of the Township Board may not serve on the ZBA. ~~(Amended 10-7-06, Ord. #06-10-17-03)~~
- B. **Alternate Members:** The Township board may appoint not more than two (2) alternate members for the same term as regular members of the ZBA. No alternate member may be either a member of the Township Board or the Planning Commission. An alternate member may be called as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA and shall serve in the case until a final decision is made. ~~(Amended 10-17-06, Ord. #06-10-17-03)~~
- C. **Terms of Office:** Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. ~~(Amended 10-17-06, Ord. #06-10-17-03)~~
- D. **Conflict of Interest:** A member of the ZBA 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 to do so shall constitute malfeasance in office. ~~(Amended 10-17-06, Ord. #06-10-17-03)~~

### Section 6.03 Organization

- A. **Rules of Procedure:** The ZBA may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary ~~at the July meeting~~.
- B. **Meetings and Quorum:** Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.
- C. **Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of any witness ~~es~~ in order to ensure a fair and proper hearing.

- D. **Records:** The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The ZBA shall file its minutes in the office of the Township Clerk.
- E. **Legal Counsel:** An attorney for the Township shall act as legal counsel for the ZBA pursuant to procedures established by the Township Board.

### Section 6.04 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in ~~Act 184 of the Public Acts of 1943~~ Michigan Public Act 110 of 2006, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary zoning permit. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Office of Zoning Administration, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in Sec. 6.05. ~~(Amended 10-17-06, Ord. # 06-10-17-06)~~

### Section 6.05 Authorized Appeals

The ZBA shall hear the following specified categories of appeals in accordance with the following standards, and may hear other appeals or take action on other matters as may be provided for in this Ordinance:

- A. **Administrative Review:** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Office of Zoning Administration or by any other body or official in administering or enforcing the provisions of this Ordinance, except in the case of a special land use or planned unit development decision.
  - 1. The Zoning Board of Appeals shall reverse or otherwise modify the decision of such body or official only if it finds that the action or decision appealed:
    - a. was arbitrary or capricious, or
    - b. was based upon an erroneous finding of a material fact, or
    - c. constituted an abuse of discretion, or
    - d. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
    - e. did not follow required procedures.
  - 2. The ZBA may remand the case to the official or body whose decision is the subject of the appeal for further proceedings and decisions, with appropriate instructions.
- B. **Interpretation of the Ordinance:** The Zoning Board of Appeal's interpretive authority shall include, but not be limited to, the following:
  - 1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the ZBA shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
  - 2. Interpret the precise location of the boundary lines between zoning districts where the Official Zoning Map does not provide adequate clarification.
  - 3. Determine the parking space requirements of any use not specifically mentioned, either by classifying it with one of the groups listed in Article 16, Off Street Parking and Loading, or by an analysis of the specific needs.
  - 4. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the ZBA shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.

### C. Variances and Required Findings:

1. The ZBA shall have the power to authorize specific variances from site development requirements of this Ordinance such as, but not limited to, lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements, but in no case shall the ZBA have the authority to issue a variance to permit a special land use or prohibited use in such District. The ZBA may grant a variance only upon a finding that practical difficulties exist. **If an applicant is seeking a variance from a common neighboring property line, the applicant must provide a current certified survey to verify the existing property line.** A finding of practical difficulties shall require demonstration by the applicant of all of the following:
  - a. That strict compliance with area, setbacks, frontage, height, bulk, density or other site development standards would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome
  - b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
  - c. That the difficulty or special conditions or circumstances do not result from actions of the applicant or applicant's predecessors.
  - d. That the variance will relate only to property under control of the applicant.
  - e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
  - f. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
2. It shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings.
3. The record of proceedings of the ZBA shall contain evidence supporting its decision on a variance request.

### Section 6.06 Appeal Procedures

- A **Notice of Appeal and Fee:** Appeal requests for Ordinance interpretations, variances, and administrative reviews may be made to the ZBA by completing and filing a written Notice of Appeal with the Office of Zoning Administration on forms established for that purpose, along with the established fee and such information as is necessary to decide such request. Upon receipt of a Notice of Appeal and fee, the Office of Zoning Administration shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the ZBA.
- B **Scheduling and Notice of Hearing:** Upon receipt of a Notice of Appeal, the chairperson of the ZBA shall fix a reasonable time and date for a public hearing. Notice of the hearing shall comply with Section 3.08. ~~(Amended 10-17-06, Ord. # 06-10-17-03)~~
5. The ZBA may, at its discretion, delay deliberating upon an appeal at its next regularly scheduled or special meeting unless the appeal application materials have been received by the Office of Zoning Administration within thirty (30) days of such meeting and the Office of Zoning Administration had made the appeal application materials available to the ZBA at least ten (10) days prior to such meeting.
- C. **Hearing:** Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.
- D. **Decision:** The ZBA shall render its decision within sixty (60) days of filing of an adequately completed Notice of Appeal, unless in the opinion of ZBA, an extension of time is necessary to review information

pertinent to making the decision. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. The ZBA shall state the grounds of each determination.

1. **Conditions:** In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance (See Section 20.01). 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.
  2. **Variance Authorization Period:** Each variance granted under the provisions of this Ordinance shall become null and void unless the construction or other actions authorized by such variance have commenced within one hundred eighty (180) days of the granting of such variance and occupancy of the land, buildings, or premises authorized by the variance has taken place within one year of the granting of the variance. Upon written application filed with the Township Clerk prior to the termination of the one hundred eighty (180) days time period, the ZBA may authorize a single extension of the time limit for an additional period of not more than one hundred eighty (180) days upon the finding by the ZBA that the project has a reasonable expectation of being completed.
- E. **Reapplication:** A rehearing on an application upon which the ZBA initially took action shall not be permitted within a period of one (1) year from the date of the initial action, except on proof of changed conditions, or upon the grounds of newly discovered evidence or a falsehood previously relied upon, found to be valid upon inspection by the ZBA.
- F. **Performance Guarantee:** In authorizing any variance, or in granting any temporary housing permits, the ZBA may require a performance guarantee covering the estimated cost of conditions or improvements associated with a project, pursuant to Section 3.06.

### **Section 6.07 Stay**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Office of Zoning Administration certifies to the ZBA after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. Under such conditions, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the ZBA, or, on application, by court of record. This paragraph shall not be in derogation of any rights the Township may have at law.

### **Section 6.08 Review by Circuit Court**

- A. **Circuit Court Review:** The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof both on the facts and the law, in the Circuit Court; provided that application is made to the Court within 30 days after the ZBA certifies its decision in writing or approves the minutes of its decision. ~~(Amended 10-17-06, Ord. #06-10-17-03)~~

**End of Article 6**

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## Article 7 PROCEDURES for AMENDMENTS

### Section 7.01 Purpose

The purpose of this Article is to identify the procedures and guidelines for amending this Ordinance. This Ordinance is intended to establish and maintain sound, stable and desirable development within the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with changes to the Land Use Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Land Use Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### Section 7.02 Initiation of Amendments

Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may amend this Ordinance.

### Section 7.03 Filing Fee

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Planning Commission.

### Section 7.04 Procedures

- A. **Application:** A petitioner shall submit a completed application for ordinance amendment to the Office of Zoning Administration on a form established for that purpose, which shall include a detailed description of the proposed amendment and reasons for such requested amendment. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall submit a scaled map of the property clearly showing the property's location, correlated with the legal description, and sealed by a professional engineer or registered land surveyor. This requirement may be waived for applications made by the Planning Commission or Township Board if comparable documentation is provided.
- B. **The Office of Zoning Administration Review:** The office shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission **with comments and recommendations regarding compliance with the ordinance.**
- C. **Notice of Hearing:** After the Office of Zoning Administration has transmitted the amendment application to the Planning Commission, the Planning Commission shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within sixty (60) days of the date of application receipt. The Planning Commission shall give notice of the public hearing in conformance with Section 3.08. ~~(Amended 10-17-06, Ord. # 06-10-17-03)~~
- D. **Planning Commission Review:** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.
  1. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?

- b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
  - c. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
  - d. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
  - e. Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district?
  - f. Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
  - g. Does the petitioned district change generally comply with the Township's Master Plan?
  - h. Is the proposed rezoning consistent with the zoning classification of surrounding land?
  - i. Can all requirements in the proposed zoning classification be complied with on the subject parcel?
2. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - a. Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
    - b. Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
    - c. Is the proposed amendment supported by significant case law?
  3. In determining the above-mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, ~~County Road Commission~~, **County Department of Transportation**, County Drain Commission, County Sheriff Department, any school district affected, and the ~~County~~ **Regional** Planning Commission.

E. **Planning Commission Action / Recommendation:** The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board, along with its recommended action on the amendment request at their next scheduled meeting. The Planning Commission shall transmit its findings of fact to the ~~County~~ **Regional** Planning Commission within a period of sixty (60) days following the required public hearing in subsection (C) above.

F. **Township Board Actions**

1. After receiving the findings and recommendations of the Planning Commission, and after receiving the findings and recommendations of the ~~County~~ **Regional** Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board. Thereafter, the Township Board may adopt the amendment with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. All hearings subject to this subsection shall comply with the notice requirements of Section 3.08. ~~(Amended 10-17-06, Ord. #06-10-17-03).~~
  - a. If the recommendation of the ~~County~~ **Regional** Planning Commission has not been received by the Township within Thirty (30) days of the ~~County~~ **Regional** Planning Commission's receipt of the Township Planning Commission's findings and recommendations, the Township shall conclusively

presume that the County **Regional Planning Commission** has waived its right for review and recommendation.

G. **Publication of Notice of Ordinance Amendments:** Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township **by the next available publication date fifteen (15) days after adoption and will be posted on the township's website when appropriate.** The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

### **Section 7.05 Resubmittal**

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of substantially changed conditions, found upon inspection by the Planning Commission to be valid.

### **Section 7.06 Comprehensive Review of Zoning Ordinance**

The Planning Commission shall, from time to time, or at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

***End of Article 7***

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**Article 8**  
**(RESERVED FOR FUTURE USE)**

***End of Article 8***

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## Article 9 ZONING DISTRICTS, REGULATIONS, and MAP

### Section 9.01 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names and shall have boundaries as delineated on the Official Zoning Map.

- PC Public Conservation District
- Ag-1 Primary Agriculture District
- ~~A-2 Secondary Agriculture District~~
- ~~RNF Rural Non-Farm District~~

R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District Lake Residential District

- R-4 Manufactured Housing Community District
- C-1 Local Commercial District
- C-2 General Commercial District
- I-1 Light Industrial District

### Section 9.02 Zoning District Map

- A. The boundaries of the respective Districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map entitled WATERLOO TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.
- B. This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Waterloo Township Zoning Ordinance adopted on the XX day of MONTH, YEAR.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.
- C. The Official Zoning Map shall be located at the Township Hall and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.

### Section 9.03 Purposes of Zoning Districts

See Table 9-1.

### Section 9.04 Interpretation Of District Boundaries

- A. Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals, in arriving at a decision on such matters, shall apply the following standards:
  1. Zoning boundaries must conform to parcel boundary lines. No parcel may be in multiple boundary districts.
  2. Boundaries indicated as approximately following roads or highway shall be construed as following the center lines of said roads or highways.
  3. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
  4. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.

5. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
7. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the centerlines of streams, canals, or other bodies of water shall be construed to follow such centerlines.
8. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question.

## Section 9.05 Permitted Uses in Zoning Districts

- A. **Compliance with Zoning Regulations:** Except as may otherwise be provided in this Ordinance, 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 and 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 use, building, or structure shall be located. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.
- B. **Uses Permitted in Each Zoning District:** Tables 9-2 and 9-3 identify the principal land uses permitted in each of the zoning districts enumerated in Section 9.01. No land use shall be established on a lot or parcel except in conformance with Tables 9-2 and 9-3. In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the Table delineates whether a land use permitted in a particular District is a “Use Permitted by Right” or a “Special Land Use”.
  1. **Uses Permitted by Right:** Uses permitted by right are the primary uses and structures specified for which the District has been established.
  2. **Special Land Uses:** Special land uses are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures permitted in the District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses shall be subject to a public hearing. See Article 5, Procedures for Special Land Uses. Commercial/Utility Solar Energy Systems are permitted in the Public Conservation and Agricultural Zones as a Special Land Use provided that they are approved according to the provisions of Article 11.02 and 11.26.
    - a. To assure adequate review of proposed land developments and meet the goals and objectives of this Ordinance and the Waterloo Township Land Use Plan, any use that includes a building that exceeds 3,000 sq. ft. in gross floor area in the C-1 District, or 6,000 sq. ft. in gross floor area in the C-2 District, is classified as a Special Land Use and subject to the provisions of Article 5: Procedures for Special land Uses.
- C. **Accessory Uses:** Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to, and customarily associated with the principal use of the property, are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.20 (Accessory Uses, Buildings, and Structures). Private solar and energy systems are permitted as an accessory use in all Zoning Districts.
- D. **Prohibited Uses:** Any use of land not specifically permitted is prohibited. The Zoning Board of Appeals shall have the power to classify a use which is not specifically identified, according to a comparable permitted or prohibited use, for the purpose of clarifying the use regulations in any District, if so petitioned and in accord with the requirements of Sections 6.05(B)(4) and 6.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of

the Ordinance to establish the appropriate district(s) and/or type of use (use permitted by right or special land use), and criteria that will apply for that use. If the Ordinance is amended to include the new regulations, then an application can be processed to establish that use.

## **Section 9.06 Site Development Requirements of Zoning Districts**

- A. All land uses shall comply with the specific site development requirements of the District in which it is located, as delineated in Table 9-4, unless otherwise specified by this Ordinance including:
  - 1. Article 11: Standards for Specific Special Land Uses.
  - 2. Article 20: General Provisions.
- B. In addition to compliance with Section 9.06(A) above, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles:
  - 1. Article 15: Signs
  - 2. Article 16: Off-Street Parking and Loading
  - 3. Article 17: Landscaping and Screening
  - 4. Article 18: Environmental Standards
- C. No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot size and lot width.
- E. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.
- F. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such law or ordinance shall govern.

## **Section 9.07 Special District Provisions**

### **A. Manufactured Housing Community District (R-4)**

- 1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 4 of this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
- 2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act.

3. In addition to complying with the provisions of P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:
  - a. Minimum Parcel Size: Ten (10) acres.
  - b. Minimum Site Size: The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square foot standard for any one site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space.

**Table 9-1  
PURPOSES of ZONING DISTRICTS**

DISTRICT TYPE	DISTRICT	PURPOSE
ALL DISTRICTS	All DISTRICTS	It is the purpose of all zoning districts enumerated in Section 9.01 to protect sensitive environmental resources that may be part of a development site, and that all uses be adequately served by facilities and services including sewage disposal, potable water, fire protection, and streets, and recognize natural constraints presented by the lack of public sewer and water. In addition, it is the purpose of all Residential Districts that development assure a stable and sound residential environment with suitable open spaces associated with dwellings, and it is the purpose of all Business and Industrial Districts that development minimize negative impacts on abutting properties. The lot area requirements of each District are minimum requirements, and larger lot areas may be necessary to facilitate sewage disposal and potable water where natural conditions dictate. In addition to the above purposes, additional purposes of each District are delineated below:
CONSERVATION DISTRICTS	PC	It is the purpose of the PC (Public Conservation) District to protect the quantity and quality of the publicly owned natural resources in the Township comprising the Waterloo State Recreation Area. The enjoyment and long-term protection of this facility is of great public interest and importance to the Township, the State of Michigan, and other public entities. Much of the land in this District is characterized by extensive wetland and woodland environments. These resources are important in providing for wildlife habitats, water and air purification, flood control, and recreation opportunities, and support the desired rural character of the Township. It is the purpose of this District to carefully review and limit the introduction of uses that could undermine the recreational and environmental benefits derived from such resources.
	A-1 Ag	It is the purpose of the <del>Agriculture (Ag) A-1 (Primary Agriculture)</del> District to encourage and provide opportunities for agriculture and retention of land areas in Waterloo Township which are well suited for production of food and fiber, while also providing opportunities for comparatively low density rural residential lifestyles and development patterns that encourage the preservation of open spaces, and other natural resources, and the Township's rural character. <del>Conditions in this District are more supportive of long term economically viable farming as compared to the A-2 District, including lesser residential encroachment, comparatively large parcel sizes, and a greater presence of prime farmland soils.</del> The purpose of this District is to provide opportunities for the conversion of farmland and vacant land to residential use of an overall rural character where farming may no longer be viable or desirable to the landowner. This District is characterized by extensive natural resources and these resources embody important environmental benefits and support the desired rural character of the community. The purpose of this District is to provide opportunities for comparatively low-density residential development in a manner which encourages the preservation of both the quantity and quality of these resources. Persons considering residing within this District should be aware that the traditional smells, noises, pesticide applications, and other generally recognized agricultural activities associated with farming may well continue on a long-term basis.
	A-2	<del>The purpose of the A-2 (Secondary Agriculture) District is identical to the purpose of the A-1 District described above except that, because the A-2 District is characterized by conditions that are less supportive of long term economically viable farming, the A-2 District is intended to accommodate comparatively low density rural residential lifestyles of a somewhat greater density.</del>

Table 9-1 Continued Next Page

(Table 9-1 continued)

DISTRICT TYPE	DISTRICT	PURPOSE
RESIDENTIAL DISTRICTS	<b>RNF</b>	It is the purpose of the RNF (Rural Non Farm) District to recognize land areas previously considered to be suitable for low density single family dwelling under the provisions of the RNF District established by the Waterloo Township Zoning Ordinance adopted on June 23, 1992 and zoned RNF prior to the adoption of this subsequent Zoning Ordinance. As this District is now retained solely to recognize such pre-existing conditions, and the policies of the Waterloo Township Master Plan do not support the expansion of the District's boundaries beyond current limits, it is the intent of this Ordinance that no new RNF Districts be expanded or newly established after the effective date of this Ordinance.
	<b>R-1</b>	It is the purpose of the R-1 (Low Density Residential) District to provide opportunities for comparatively low-density single family residential dwelling patterns and lifestyles in an overall rural/suburban setting.
	<b>R-2</b>	It is the purpose of the R-2 (Medium Density Residential) District to provide opportunities for residential development patterns and lifestyles of somewhat greater densities than the R-1 District. In light of the smaller lot sizes authorized, this District is not intended to be established except where public sewer is present or expected to be extended to in the near future, or where existing land division patterns reflect the development patterns anticipated by this District.
	<b>R-3</b>	It is the purpose of the R-3 ( <del>Lake Residential</del> <b>High Density Residential</b> ) District to provide opportunities for residential development patterns and lifestyles of a typical higher density associated with water frontage parcels. Because of the close association with surface water, special attention may be required for site development requirements. more urban character than the R-2 District. In light of the comparatively small lot sizes authorized in this District, this District is not intended to be established except where public sewer is present or expected to be extended to in the near future, or where existing land division patterns reflect development patterns anticipated by this District.
COMMERCIAL DISTRICTS	<b>C-1</b>	The C-1 (Local Commercial District) is intended to provide opportunities for business establishments that primarily address the local day-to-day retail and service needs of Township residents and visitors. It is the intent of this District that the buildings and uses within this District be of comparatively small size and bulk in light of the local market such buildings and uses are intended to serve and the desired rural character of the Township. This District is not intended to accommodate regional or highway retail and service uses, or other uses which may undermine the intended function and character of this District.
	<b>C-2</b>	The C-2 (General Commercial District) is intended to provide opportunities for business establishments that primarily address the retail and service needs of both local and regional populations, including the highway traveler.
INDUSTRIAL DISTRICTS	<b>L-1</b>	It is the intent of the L-1 (Light Industrial District) to provide for a variety of manufacturing and other industrial uses that can be generally described as being of low intensity, including comparatively small building sizes, the absence of objectionable external effects such as noise and fumes, and limited demands for public services. Manufacturing operations in this District are generally intended to rely on previously prepared materials, as opposed to the use, alteration, or manipulation of raw materials. No use shall be established in this District that does not have adequate provisions for the safe and lawful disposal of all chemicals, waste(s) and hazardous materials that it may use or generate.

End of Table 9-1

**Table 9-2  
Permitted Principal Uses in Conservation and Residential Zoning Districts**

PRINCIPAL USES		ZONING DISTRICTS							
		BR = Use Permitted by Right, S = Special Land Use, and – = Prohibited Use							
		PC	Ag A-1	A-2	RNE	R-1	R-2	R-3	R-4
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character</b>									
1	Agriculture	BR	BR	BR	–	BR	–	–	–
2	Agricultural service establishment	–	S	–	–	–	–	–	–
3	Commercial stables	S	S	S	–	–	–	–	–
4	Retail sales of ornamental trees, shrubs, and nursery stock that is grown on the premise.	–	BR	BR	–	–	–	–	–
5	Farm equipment sales, service, and repair	–	S	–	–	–	–	–	–
6	Public or private conservation areas, areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	BR	BR	BR	–	–	–	–	–
7	Outdoor commercial recreation, limited to campgrounds, recreational fields, hunt clubs, and shooting ranges.	S	S	S	–	–	–	–	–
8	Golf courses and country clubs	S	S	S	S	S	S	S	S
9	Retreat Center	S	S	S	–	–	–	–	–
10	Extraction operation	–	S	S	–	–	–	–	–
11	Onsite Wind Power (Amended 12/7/09 Ord # 09-12-15-1)	–	S	S	S	–	–	–	–
12	Lots providing keyholing access	S	S	–	–	S	S	S	S
<b>Uses of a Primarily Residential Character</b>									
1	Single family dwellings	BR	BR	BR	BR	BR	BR	BR	BR
2	Two family dwellings	–	–	–	–	–	BR	BR	–
3	Multiple family dwellings	–	–	–	–	–	–	S	–
3	Manufactured housing communities, including accessory sales and storage of mobile homes.	–	–	–	–	–	–	–	BR
4	Adult and Child Care Facilities Day care, family dwelling	BR S	BR S	BR	BR	BR S	BR S	BR S	BR S
5	Day care, group dwelling	S	S	S	S	S	S	S	–
6	Foster care facility, family dwelling	BR S	BR S	BR	BR	BR S	BR S	BR S	–
7	Foster care facility, group dwelling	S	S	S	S	S	S	S	–
8 5	Nursing home	–	S	S	–	S	S	S	–
<b>Uses of a Primarily Commercial or Business Character</b>									
1	Adult and Child Care Facilities Day care center	–	–	–	S	S	S	S	–
2	Communication towers, Class One.	–	S	S	–	–	–	–	–
3	Communication towers, Class Two.	–	S	S	–	–	–	–	–
4	Communication towers, Class Three.	S	S	S	S	S	S	S	S
5	Kennels	S	S	S	–	–	–	–	–
6	Veterinarian clinics	S	S	S	–	–	–	–	–
7	Bed and breakfast establishments	S	S	S	–	–	–	–	–
8	Hospitals and clinics.	–	–	–	S	S	S	S	–
9	Lots providing keyholing access	S	S	–	–	S	S	S	S
<b>Other Uses Not Listed Above</b>									
1	Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, and museums.	S	S	S	S	S	S	S	–
2	Public facilities not otherwise included in (1) above such as, but not limited to, fire stations, police stations, substations, jails, and public parking lots.	S	S	S	S	S	S	S	–

3	Clubs, lodges, and similar social centered organizations.	S	S	<del>S</del>	<del>S</del>	S	S	S	–
4	Outdoor Wood Fired Boilers ( <del>Amended 12/7/09 Ord #09-112-15-2</del> )	–	S	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	–	–
5	Onsite wind energy system	<b>BR</b>	<b>BR</b>	<del><b>BR</b></del>	<del><b>BR</b></del>	<b>BR</b>	<b>BR</b>	<b>BR</b>	<b>BR</b>
6	Commercial/utility wind energy system	–	–	<del>–</del>	<del>–</del>	–	–	–	–
7	Onsite solar energy system	<b>BR</b>	<b>BR</b>	<del><b>BR</b></del>	<del><b>BR</b></del>	<b>BR</b>	<b>BR</b>	<b>BR</b>	<b>BR</b>
8	Commercial/Utility Photovoltaic Solar Energy Systems	S	S	<del>S</del>	<del>–</del>	–	–	–	–

*End of Table 9-2*

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**Table 9-3  
Permitted Principal Uses in Commercial and Industrial Zoning Districts**

PRINCIPAL USES		ZONING DISTRICTS <sup>1</sup>		
		C-1	C-2	L-1
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character</b>				
1	Agriculture	-	-	BR
2	Agricultural service establishment	-S	S	S
3	Retail sales of ornamental trees, shrubs, and nursery stock grown on the premise.	BR	BR	-
4	Farm equipment sales, service, and repair.	S	BR	-
5	Outdoor commercial recreation, limited to campgrounds, golf courses and country clubs; recreational fields, hunt clubs, and shooting ranges.	-	S	-
6	Marinas	S	-S	-
7	On-site Use Wind Energy System (Amended 12/7/09 Ord #09-12-15-1)	S	S	S
8	Outdoor Wood Fired Boilers (Amended 12/7/09 Ord # 09-12-15-2)	S	S	S
9	Lots providing keyholing access	S	S	S
<b>Uses of a Primarily Residential Character</b>				
1	Single family household dwellings	S <sup>2</sup>	S <sup>2</sup>	-
<b>Uses of a Primarily Commercial or Business Character<sup>1</sup></b>				
1	Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.	BR	BR	-
2	Service station, standard	S	S	-
3	Service station, multiple use	S	S	-
4	Vehicle repair shop	S	S	S
5	Sale of new or used cars, farm machinery, and other vehicles and equipment, and the service and repair of such vehicles and equipment provided such service and repair is an accessory use.	-S	S	-
6	Motels and hotels	-	S	-
7	Storage facilities, including mini-storage and bulk storage.	-S	S	S
8	Standard restaurants, clubs, and other establishments which provide food or drink for consumption on the premises, but shall not serve alcohol or provide entertainment.	BR	BR	-
9	Standard restaurants, clubs, and other establishments which provide food or drink for consumption on the premises, and may serve alcohol. and/or provide entertainment	S	S	-
10	Indoor commercial recreation such as theaters, bowling alleys, skating rinks, indoor shooting ranges, and similar uses.	-	S	-
11	Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, and similar facilities.	S	S	-
12	Funeral homes and mortuaries, including a dwelling occupied by the facility owner.	-	S	-
13	Adult and Child Care Facilities Day-care center	S	S	-
14	Communication towers, Class One.	-	S	S
15	Communication towers, Class Two.	BR	BR	BR
16	Communication towers, Class Three.	S	S	S
16	Kennels	S	S	-
17	Veterinarian clinics	BR	BR	-
18	Arcade	S	S	-
19	Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners.	BR	BR	-
20	Office establishments which perform services on the premises including but not limited to financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, and architects, and similar office uses.	BR	BR	-

*Table 9-3 Continued Next Page  
See End of Table for Explanation of Footnotes*

(Table 9-3 continued)

PRINCIPAL USES		ZONING DISTRICTS <sup>1</sup>		
		C-1	C-2	I-1
		<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
<b>Uses of a Primarily Commercial or Business Character<sup>1</sup> (continued)</b>				
21	Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display.	- S	BR	-
22	Hospitals and clinics.	S	S	-
23	Vehicle / car wash facility.	- S	S	-
24	Adult entertainment business.	-	S	-
25	Retail sales, delivery and service of oil and oil fuel systems, and accessory storage of oil for retail sale, existing on the effective date of this Ordinance.	S	- S	-
26	Retail sales, delivery and service of propane and propane fuel systems, and accessory storage of propane for retail sale.	S	- S	-
27	Lots providing keyholing access.	S	S	S
<b>Uses of a Primarily Industrial Character<sup>1</sup></b>				
1	Truck Terminals.	-	S	S
2	Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.	-	S	BR
3	Junkyards and salvage yards.	-	-	S
4	Tool and die manufacturing establishments.	-	-	S
5	Plastic molding and extrusion.	-	-	S
6	Monument and art stone production and sales.	-	S	BR
7	Printing and publishing.	-	BR S	BR
8	The manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, hardware and cutlery, and food products (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving the creation of odors or other offensive impacts).	-	-	S
9	The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. "Previously prepared materials" are materials processed, manufactured or created at another location and shipped to the facility permitted in this district for assembly into new products.	-	-	BR
10	Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts used in such appliances, such as condensers, transformers, and crystal holders.	-	-	BR

Table 9-3 Continued Next Page  
See End of Table for Explanation of Footnotes

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(Table 9-3 continued)

PRINCIPAL USES		ZONING DISTRICTS <sup>1</sup>		
		BR= Use Permitted by Right S = Special Land Use, – = Prohibited Use		
		C-1	C-2	I-1
Other Uses Not Listed Above				
1	Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, and museums.	S	–	–
2	Public facilities not otherwise included in (1) above such as, but not limited to, fire stations, police stations, substations, jails, and public parking lots.	S	S	S
3	Clubs, lodges, and similar social centered organizations.	S	S	–
4	Onsite wind energy system.	BR	BR	BR
5	Commercial/utility wind energy system.	-	-	-
6	Onsite solar renewable energy system.	BR	BR	BR
7	Commercial/Utility Photovoltaic Solar Energy Systems.	S	S	S

**Footnotes for Table 9-3**

- <sup>1</sup> Irrespective of the particular labeling of a cell in this table, any use that includes a building that exceeds 3,000 sq. ft. in gross floor area in the C-1 District, or 6,000 sq. ft. in gross floor area in the C-2 District, is classified as a Special Land Use and subject to the provisions of Article 5, Procedures for Special Land Uses.
- <sup>2</sup> Dwellings permitted as a special land use when located above the first or second story of a commercial building in a C-1 or C-2 District.

**End of Table 9-3**

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**Table 9-4  
Site Development Requirements<sup>1</sup>**

All land uses shall comply with the site development requirements in Table 9-3, unless otherwise specified by Article 11 – Standards for Specific Special Land Uses, or Article 20 – General Provisions, or as may be authorized pursuant to Article 12 – Open Space Communities. See Section 9.06.

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage <sup>2</sup>	Maximum Building Height	Maximum Lot Coverage	Minimum Yard Setback		
					Front <sup>3</sup>	Side	Rear
PC: Public Conservation	5 acres <sup>4</sup>	300 ft.	35 ft.	N/A See Footnote 9	60 ft.	30 ft. <sup>5</sup>	50 ft. <sup>5</sup>
A-1: Primary Agriculture	5 acres <sup>4,11</sup> 3 acres	300 ft.	35 ft. <sup>7 10</sup>	See Footnote 6 9	60 ft.	30 ft.	50 ft.
A-2: Secondary Agriculture	3 acres <sup>4,11</sup>	225 ft.	35 ft. <sup>10</sup>	See Footnote 9	60 ft.	30 ft.	50 ft.
RNF: Rural Non-Farm Residential	2 acres <sup>4</sup>	200 ft.	35 ft.	See Footnote 9	35 ft.	20 ft.	35 ft.
R-1: Low Density Residential	1 acre <sup>4</sup> 2 acres <sup>4</sup>	125 ft. 200 ft.	35 ft.	See Footnote 6 9	35 ft.	20 ft.	40 ft.
R-2: Medium Density Residential	1 acre <sup>4</sup> 1/2 acre with public sewer <sup>4,6</sup>	125 ft. 85 ft. with public sewer <sup>6</sup>	35 ft.	See Footnote 6 9	35 ft.	20 ft.	40 ft.
R-3: High Density Lake Residential	1 acre <sup>4</sup> 10,000 sq. ft. with public sewer <sup>4,6</sup>	125 ft. 65 ft. with public sewer <sup>6</sup>	35 ft.	See Footnote 6 9	40 ft. <sup>25</sup> ft. <sup>8</sup>	10 ft.	25 ft. 40 ft. <sup>8</sup>
R-4: Manufactured Housing Community		See	Section	9.07A			
C-1: Local Commercial	1/2 acre	100 ft.	35 ft.	35%	35 ft.	20 ft. <sup>5 7</sup>	35 ft. <sup>5 7</sup>
C-2: General Commercial	1 acre	200 ft.	35 ft.	35%	50 ft.	20 ft. <sup>5 7</sup>	35 ft. <sup>5 7</sup>
L-1: Light Industrial	1 acre	200 ft.	35 ft.	35%	75 ft.	20 ft. <sup>5 7</sup>	35 ft. <sup>5 7</sup>

ft. = feet  
sq. ft. = square feet

See following page for Footnotes.

**Footnotes for Table 9-4  
SITE DEVELOPMENT REQUIREMENTS**

1. All uses shall comply with the site development requirements in Table 9-4, unless otherwise specified by Article 11 – Standards for Specific Special Land Uses or Article 20 – General Provisions or authorized pursuant to Article 12 – Open Space Communities. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles: Article 15 - Signs; Article 16 - Off-Street Parking and Loading; Article 17 - Landscaping and Screening; and Article 18 - Environmental Standards.
2. The depth of a lot shall not exceed four (4) times its width. This standard shall not apply in the case of a lot in a platted or condominium subdivision where the Township Board finds during site plan review proceedings, that compliance with this standard will undermine the orderly development of the subdivision due to the subdivision’s unique or irregular shape, and there exists no reasonable alternatives to creating the lot in conformance with this standard.
3. The front yard setback shall be measured from the road right-of way line. A front yard setback shall be maintained along both yards abutting a right-of-way on a corner lot.
4. See Article 12, Open Space Communities, for additional lot area, width, and density options.
5. ~~Minimum lot area, width and frontage for two-family dwellings in the R-2 District are as follows:~~
  - a. ~~Without public sewer: 70,000 sq. ft. lot area, 150 ft. lot width/frontage.~~
  - b. ~~With public sewer: 30,000 sq. ft. lot area, 110 ft. lot width/frontage.~~
6. ~~Minimum lot area, width and frontage for two-family dwellings in the R-3 District are as follows:~~
  - a. ~~Without public sewer: 70,000 sq. ft. lot area, 150 ft. lot width/frontage.~~
  - b. ~~With public sewer: 15,000 sq. ft. lot area, 65 ft. lot width/frontage.~~
5. *(previously 7.)* Minimum setback shall be increased to 75 feet in the case where the yard abuts a Conservation or Residential District.
8. ~~In the case of a lakefront lot, the minimum front yard setback shall be 40 feet and the rear yard setback shall be 25 feet. See Article 21 for definitions of “Lakefront Lot” and “Lot Line, Front.”~~
6. *(previously 9.)* Maximum lot coverages for residentially used parcels in ~~Conservation and~~ Residential Districts shall comply with the following table, based upon the acreage of the parcel.

PARCEL ACREAGE	MAXIMUM LOT COVERAGE
1.50 Acres or Less	15%
1.51 – 3.00 Acres	10%
3.01 – 5.00 Acres	5%
5.01 Acres or Greater	3%

7. *(previously 10.)* The maximum height of farm buildings and structures shall be one hundred (100) feet. All farm buildings and structures over eighty (80) feet in height shall be set back from a lot line a distance at least equal to one-half the height of the building or structure.
11. ~~One lot of less than five (5) acres in area in the A-1 District, or less than three (3) acres in area in the A-2 District, may be created for each whole forty (40) acres of land comprising a parcel existing on the effective date of this Ordinance, provided the following:~~
  - a. ~~The parcel existing on the effective date of this Ordinance was, for a minimum period of six (6) months during the previous two (2) years, used for bona fide agriculture as determined by the Township Board.~~
  - b. ~~Newly created lots shall be a minimum of one (1) acre in area.~~
  - c. ~~No more than four (4) lots of less than five (5) acres in area in the A-1 District, or less than three (3) acres in area in the A-2 District, may be created from the parcel existing on the effective date of this Ordinance.~~

**End of Article 9**

## **Article 10**

### **NONCONFORMING LOTS, USES, and STRUCTURES**

#### **Section 10.01 Purpose**

It is recognized that there exists lots, structures and uses of land and structures within the Districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed, but not to encourage their survival.

It is the purpose of this Article to permit legal nonconforming lots, structures and to continue until they are removed, but not to encourage their survival. It is recognized that there exists lots, structures and uses of land and structures within the Districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance.

#### **Section 10.02 Nonconforming Lots**

- A. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals.

#### **Section 10.03 Nonconforming Uses of Land**

- A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Article as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. However, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
  2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
  3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
  4. No nonconforming use shall be substituted for or otherwise replace an existing nonconforming use.
  5. If a nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions of this Ordinance for the district in which such lot or parcel is located.
  6. A nonconforming use of a structure may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are in conformance with the requirements of said district.

#### **Section 10.04 Nonconforming Structures**

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions

on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in any way which increases its nonconformity.
2. Should such structure be a dwelling or residential garage and be destroyed by any means and to any extent, it may be reconstructed or repaired provided that it is not enlarged or otherwise altered in any way which increases its nonconformity as it existed prior to being destroyed.
3. Should such structure not be a dwelling or residential garage and be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located.
4. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
6. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

### **Section 10.05 Repairs and Maintenance**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. No structural alterations shall be made, except that nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **Section 10.06 District Changes**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Article shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

### **Section 10.07 Deleted, [enter date updated ZO is passed] Hardship Cases**

~~Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Zoning Board of Appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the hardship.~~

### **Section 10.08 Illegal Nonconforming Uses**

Nonconforming uses of structures or land existing at the effective date of **this Ordinance** that were established without approval of zoning compliance or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of **this Ordinance**, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

***End of Article 10***

## **Article 11**

### **STANDARDS for SPECIAL LAND USES**

#### **Section 11.01 Purpose**

The purpose of this Article is to establish appropriate standards and requirements for the review and approval of special land uses, as authorized in each District according to Table 9-2 and Table 9-3, and assure potential negative impacts of such uses are minimized through such applicable general and specific site development standards. A special land use shall be approved only where such application complies with the general standards of Section 11.02 and those standards contained in this Article for specific special land uses. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise. See Article 5: Procedures for Special Land Uses.

#### **Section 11.02 General Standards Applicable To All Special Land Uses**

- A. Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and comply with the following standards:
1. Be harmonious with and in accordance with the general principles and objectives of the Township's Master Plan.
  2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
    - a. The bulk, placement, and materials of construction of proposed structures.
    - b. Pedestrian and vehicular circulation.
    - c. The location of vehicular use or parking areas.
  3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and not substantially impact property values in the immediate vicinity and in the community as a whole.
  4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or pollution.
  5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties.

~~Be necessary to meet the intent and purpose of the zoning regulations and be related to the standards established in the Ordinance for the land use or activity under consideration.~~
  6. Protect the natural environment and special natural resources, such as wetlands, woodlands, hillsides, and water courses, and ensure that the natural landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
  7. Meet the site plan review requirements of Article 4.
  8. Any Special Land Use shall not have a negative impact on the health and safety of humans or animals.
  9. Any Special Land Use and the surrounding premises must be maintained in good repair and condition at all times and must continuously conform to all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Special

Land Use are maintained according to industry standards, and that no portion of the Special Land Use including buffering and shielding areas is in a blighted, unsafe, or substandard condition.

10. Conform with all applicable county, state and federal requirements for that use.

### Section 11.03 Bed And Breakfast

#### A. The following site and developmental requirements shall apply:

1. No bed and breakfast use shall be permitted within a subdivision plat or condominium development.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

#### B. Special Performance Standards:

1. The bed and breakfast facility shall be a single family/household dwelling which is operated and occupied by the owner of the dwelling.
2. Meals may be served to employees and overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
3. The number of bedrooms available for use by guests shall not exceed six (6).
4. No receptions, private parties or activities for which a fee is paid shall be permitted.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. Rooms utilized for sleeping must be part of the primary residential structure.
7. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
8. Lavatories and bathing facilities shall be available to all persons using the premises.
9. Each sleeping room shall be equipped with a smoke detector.
10. The exterior appearance of the structure shall not be altered from its single family character.

### Section 11.04 Junk Yards

#### A. The following site and developmental requirements shall apply:

1. The minimum lot size shall be five (5) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used for the storage or dismantling of materials. Walls and fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously, and maintained in such condition.
3. No portion of the enclosed area shall be located within 1000 feet a school, adult and child care facilities, day care facility, church, hospital, and convalescent or nursing home.
4. All enclosed areas shall be set back at least fifty (50) feet from any lot line. A landscaped buffer strip at least one hundred (100) feet in width shall be provided between the enclosed area and any adjoining Conservation or Residential district.
5. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

#### B. Special Performance Standards:

1. All activities shall be confined to within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height.
2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environment, Great Lakes and Energy.
6. All non-operational vehicles shall have batteries removed and be drained of all liquids, and all batteries and drained liquids shall be disposed of according to law.

### **Section 11.05 Cemeteries**

#### **A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be one (1) acre.
2. No more than five percent (5%) of the site area may be occupied by buildings.
3. All structures shall be no less than fifty (50) feet from any lot line or road right-of-way
4. Parking areas and driveways shall be provided on the site, and all parking areas, driveways, and burial plots shall be at least ten (10) feet from any lot line.
5. Cemeteries will provide for independent perpetual care.

#### **B. Special Performance Standards:**

1. A natural barrier shall be established along all lot lines which abut a property zoned or used for residential uses.

### **Section 11.06 Public Facilities and Public Assembly Facilities**

#### **A. The following site and developmental requirements shall apply:**

1. No more than sixty percent (60%) of the site shall be covered by impervious surface
2. No building, driveway, or parking area shall be closer than fifty (50) feet from any lot line or road right-of-way.
3. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation, excluding a spire.

### **Section 11.07 Commercial and Private Stables**

#### **A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be three (3) acres.
2. Off-street parking shall be provided at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable. Overflow parking for special events shall be identified on the site plan.
3. Commercial stables shall not be located in platted subdivisions or condominium subdivisions unless specifically designed as an equestrian community.
4. Stables, buildings housing horses, and manure piles shall be set back a minimum of seventy-five (75) feet from any lot line.
5. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.

#### **B. Special Performance Standards:**

1. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
2. Manure piles shall be stored, removed, and/or applied in accordance with the Michigan Agriculture Commission's most recently published Generally Accepted Agricultural Management Practices.
3. No special events such as shows, exhibitions, and contests shall be permitted within seventy-five (75) feet of a residentially used or residentially zoned property, including the parking of cars and viewing areas.
4. Animal density shall not exceed one (1) horse for the first three (3) acres, and one (1) additional horse for each additional one-half (1/2) acre, up to seven (7) horses. One (1) additional acre of lot area shall exist for each additional horse thereafter.

## **Section 11.08 Adult and Child Care Facilities ~~Day Care Facility, Group Home~~**

All State licensing is required before operations begin. All adult and child care facility applications provided to the township must specify the type of facility they plan to have.

### **A. The following site and developmental requirements shall apply:**

1. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
2. At least one (1) off-street parking space shall be provided for each non-family employee of the **adult and/or child care facility** ~~group day care home~~ in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.

### **B. Special Performance Standards:**

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A **adult and/or child care facility** ~~group day care home~~ should not require exterior modifications to the dwelling nor shall the front yard be the location of play equipment.
3. Hours of operation **for adult and/or child care facilities** ~~day care facilities~~ shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
4. **Adult and/or child care facilities shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.**

## **Section 11.09 Drive-in and Drive-Through Facilities**

### **A. The following site and developmental requirements shall apply:**

1. Ingress and egress driveways shall be located at least seventy-five (75) linear feet from any corner when said property abuts an intersection of two streets. Further, no driveway shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway providing access to or from the drive-in business. All driveways providing ingress and egress to a drive-in business shall be not more than thirty (30) feet wide at the property line.

### **B. Special Performance Standards:**

2. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.
3. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for the service ordering station shall be provided.

### **Section 11.10 Foster Care Facility, Group Home**

#### **A. The following special performance standards shall apply:**

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may not be used for this purpose.

#### **B. Special Performance Standards:**

1. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
2. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

### **Section 11.11 Kennels**

#### **A. The following site and developmental requirements shall apply:**

1. The lot shall be at least five (5) acres in size and three hundred (300) feet in width.
2. Kennels shall not be located in a platted or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a Conservation or Residential district or any adjacent building used by the general public. Runs and exercise areas shall be located in the rear yard only.

#### **B. Special Performance Standards:**

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 9:00 p.m. and 7:00 a.m.
6. During the hours of 7 a.m. until 9 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. Indoor runs shall be a minimum of four (4) feet wide and ten (10) feet long.
8. The kennel shall be staffed during all day-light hours.
9. The kennel owner or kennel manager shall reside on the same lot as the kennel.
10. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
11. All kennels shall be subject to all applicable permitting or licensing requirements of Jackson County and the state. The applicant shall submit satisfactory evidence verifying the issuance of such permits, or the absence of the need for such permits.

### **Section 11.12 Motels and Hotels**

#### **A. The following site and developmental requirements shall apply:**

1. A hotel or motel shall not be located within two hundred (200) feet of any adjacent Conservation or Residential District.
2. Ingress and egress to the facility shall be only from a paved road.

#### **B. Special Performance Standards:**

1. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
2. Motels and hotels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

### **Section 11.13 Nursing Homes, Hospitals, and Sanitariums**

#### **A. The following site and developmental requirements shall apply:**

1. The lot shall be a minimum of five (5) acres.
2. All ingress and egress for the site shall be from a paved road.
3. No building shall be closer than one-hundred (100) feet to any parcel in a Conservation or Residential District.

#### **A. Special Performance Standards:**

1. Parking areas shall not be located within fifty (50) feet of a Conservation or Residential District.
2. A nursing home shall provide a minimum of two-thousand (2,000) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas and driveways shall not be counted as required open space.
3. Parking requirements will be determined during the site plan review process.
4. All facilities shall be licensed by the Michigan Department of Health and Human Services (MDHHS) and shall conform to applicable state and federal laws.

### **Section 11.14 Open Air Businesses (Vehicles, Landscape Supplies, and Similar Uses)**

#### **A. The following site and developmental requirements shall apply:**

1. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
2. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

#### **B. Special Performance Standards:**

1. In the case of automotive related businesses:
  - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
  - b. Outside storage areas for vehicles shall be screened on all sides except the side facing the principal road from which access to the property is gained.
  - c. All areas subject to vehicular use shall be paved with a durable dust-free surface.
2. Storage or display of goods and materials shall only occur in designated areas.
3. The storage or dumping of any contaminated or hazardous soil, fertilizer, job-related waste or loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways.
4. Devices for the transmission or broadcasting of voice or music outdoors shall be prohibited.

### **Section 11.15 Vehicle Repair Shops and Service Stations**

#### **A. The following site and developmental requirements shall apply:**

1. No more than two (2) driveways onto a roadway shall be permitted. Driveway approach width shall not exceed thirty-five (35) feet and no driveway shall be located closer than thirty-five (35) feet from property zoned for residential use.

2. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest straight-line distance between lot lines.
3. All buildings and accessory structures, including gasoline pumps, shall be located at least forty (40) feet from all lot lines, seventy (70) feet from the road right-of-way, and one hundred (100) feet from a Conservation or Residential District.
4. The entire area used for vehicle service shall be paved and adequately drained.
5. Ingress and egress to the facility shall be only from a paved road.
6. The applicant shall provide evidence of compliance with all appropriate federal, state, and county and local permits as appropriate.

**B. Special Performance Standards:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, and tires shall be limited to a period of not more than ten (10) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall be limited to a rear yard, comply with required rear yard setbacks, and be screened by an obscuring wall or fence of not less than six (6) feet. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited.
3. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
4. ~~The sale, rent, or lease of vehicles is prohibited.~~ The sale, rent or lease of vehicles is permitted only as a clearly incidental and accessory use to the principal repair shop use.
5. All batteries and drained liquids shall be disposed of according to law.
6. Operational hours are maintained within 7 a.m. to 9 p.m.
7. Outdoor storage of any parts shall be limited to a rear yard, comply with required rear yard setbacks, and be screened by an obscuring wall or fence of not less than six (6) feet.

## Section 11.16 Vehicle / Car Wash Establishment

**A. The following site and developmental requirements shall apply:**

1. All washing activities shall be carried on within an enclosed building, or under a covered structure with side walls separating individual washing bays.
2. Vacuuming activities shall be set back a minimum of one hundred (100) feet from property zoned or used for residential purposes.
3. All maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.

**B. Special Performance Standards:**

1. ~~Buildings shall be oriented so that self-serve open bays do not face onto adjacent thoroughfares, unless otherwise screened by landscaping.~~
1. Each bay shall be graded and drained to collect run-off originating in the bay.
2. Must meet all Federal and state licensing requirements regarding groundwater discharge.

## Section 11.17 Veterinary Clinics

**A. The following site and developmental requirements shall apply:**

1. Buildings where animals are kept, dog-runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a Residential District, or to any adjacent building used by the general public, and shall not be located in any required yard.

**B. Special Performance Standards:**

1. Uses permitted include medical treatment and boarding for animals receiving treatment. Retail sales are permitted only as a clearly incidental and accessory use to the principal clinic use.
2. All principal use activities shall be conducted within a totally enclosed main building.
3. There shall be no storage or boarding of animals outside of the fully enclosed building.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

### **Section 11.18 Multiple-Family Duplex Dwellings**

#### **A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be 30,000 sq. ft. 1 acre. for the first three (3) dwelling units, and an additional two thousand five hundred (2,500) square feet for each additional dwelling unit.
2. Any multiple family development consisting of more than ten (10) units shall gain direct access from a paved county primary or county local road.
2. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
3. All developments shall provide for underground installation of all utilities.
4. Adequate off-street parking is required on a designated hard-packed surface. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area. Adequate off-street parking is required.
5. The distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations.
5. Maximum building heights shall comply with zoning district requirements, see Article 9. not exceed thirty five (35) feet, except that maximum building heights shall not exceed twenty five (25) feet where such buildings exceed one hundred (100) feet in length.
6. The maximum number of dwelling units contained in a single building shall be eight (8).
7. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or five hundred (500) square feet per four dwelling units, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided.

#### **A. Special Performance Standards:**

1. All group off-street parking facilities shall be adequately lighted during hours of darkness.
2. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet.
3. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including an office for conducting the business of the development, utility areas for laundry facilities and auxiliary storage for tenants, recreation areas such as community buildings, playgrounds, and open space for tenants, and administrative offices.

### **Section 11.19(A) Communication Towers | Class One**

#### **A. Site Development Requirements**

The following site and developmental requirements shall apply:

1. The tower shall be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by an engineering firm approved by the Township, that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all costs associated with the engineering review.
2. The maximum height of a communication tower shall be less than two hundred (200) feet. The Township Board may waive this standard upon the applicant successfully demonstrating that a

greater height is necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). However, in no case shall the height exceed two hundred fifty (250) feet.

3. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet.
4. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
5. All towers and accessory buildings shall be secured to prevent unauthorized access.
6. The plans of the tower construction shall be certified and sealed by a registered structural engineer and these plans shall be in compliance with all applicable building and electrical codes.
7. All towers must meet the standards of the State of Michigan and Federal Aviation Administrations, and the Federal Communications Commission.
8. No part of any tower shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area. In no case shall a tower be located within thirty (30) feet of a property line or within two hundred (200) feet of an existing dwelling.
9. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
10. All towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable statutes, regulations and standards.
11. Towers and antennae shall be designed to withstand a uniform wind loading as prescribed in the applicable building code.
12. All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
13. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant.
14. The base of the tower shall occupy no more than five hundred (500) square feet.
15. Minimum spacing between tower locations shall be three (3) miles. The Township Board may waive this standard upon the applicant successfully demonstrating that a lesser distance is necessary for reasonable communication by the applicant (and by other entities to collocate on the structure).
16. Towers shall not be artificially lighted unless required by State or Federal Aviation Administrations. Lights shall not be lit except during those specific hours required by the Federal Aviation Administration. Except where specifically required otherwise by the Federal Aviation Administration, lights shall be red in color and shall not emit light in a downward direction. Strobe lights are prohibited.
17. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes or as required by State and Federal regulatory agencies.
18. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme shall be designed to minimize off-site visibility of the tower and antenna.
19. Existing on-site vegetation shall be preserved to the maximum extent practical.
20. Where the property adjoins any residentially zoned property or land use, the operator shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.
21. Parking and drive areas shall be provided and maintained by the tower owner/operator.
22. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

**B. Special Performance Standards:**

1. Structures shall be subject to any and all State and Federal regulations concerning nonionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use

approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator.

2. The tower shall be removed by the property owner or leasee within six (6) months of non-use or abandonment. The Township Board shall require posting a performance bond of insure funding for removal of abandoned towers.
3. Collocation:
  - a. Definition: Collocation is the location by two or more communication providers on a common structure, tower, or building, with the view toward reducing the overall number of towers.
  - b. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for communication towers in the community, and encourage the use of existing towers to facilitate adequate and efficient opportunities for communication while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. Each licensed provider of a communication tower must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of towers reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate in the interest of achieving the purposes of this Section and Ordinance. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township.
  - c. Feasibility of Collocation: Collocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:
    - 1) The communication provider entity under consideration for collocation will be charged reasonable market rent or other market compensation for collocation.
    - 2) The site on which collocation is being considered, taking into consideration reasonable modification of replacement of a facility, is able to provide structural support.
    - 3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
    - 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards contained in this Section.
  - d. Requirements for Collocation:
    - 1) A special land use permit for the construction and use of a new Class One communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
    - 2) All new and modified communication towers shall be designed and constructed so as to accommodate collocation.
    - 3) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a communication tower shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure.
    - 4) If a party who owns or otherwise controls a communication tower shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new tower, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new towers in the Township for a period of five years from the date of the failure or refusal to permit the collocation.
    - 5) The application shall include a map showing existing and known proposed communication towers within the Township, and further showing existing and known proposed communication towers within three (3) miles from the borders of Waterloo Township, and in

the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed.

## **Section 11.19(B) Communication Towers | Class Two**

### **A. Site Development Requirements**

The following site and developmental requirements shall apply:

#### **1. Applicability**

- a. Communication towers affixed to existing structures (buildings, water towers, utility poles, etc.), where the total height added does not exceed twenty (20) feet or 20% of the existing structure's height, whichever is greater.
- b. Collocation on an existing communication tower that was pre-approved for such collocation.

#### **2. Aesthetics and Screening**

- a. When located in or adjacent to residential zones, visual screening (e.g., parapet walls, rooftop equipment enclosures) may be required.
- b. No lighting shall be allowed except as required by the FAA or FCC.

#### **3. Setbacks**

- a. Class Two installations shall not project beyond the existing structure's property setback line. Any accessory ground equipment must meet standard setbacks of thirty (30) feet from all property lines.

#### **4. Accessory Equipment**

- a. Equipment cabinets or shelters shall not exceed 300 square feet unless additional space is demonstrated to be necessary and approved by the Township.
- b. Ground equipment shall be enclosed with fencing and locked for security.

#### **5. Code Compliance**

All Class Two towers shall:

- a. Meet uniform wind loading and structural standards per applicable codes.
- b. Be grounded and protected against lightning per national safety standards.
- c. Comply with all FCC and FAA regulations.

### **B. Special Performance Standards**

#### **1. Electromagnetic Radiation Standards**

Towers shall comply with all State and Federal regulations regarding non-ionizing electromagnetic radiation. Future changes to regulations shall apply retroactively, and non-compliant towers shall be subject to Special Use revocation.

#### **2. Removal of Equipment**

All components shall be removed by the property owner or lessee within six (6) months of abandonment or cessation of use

#### **3. Mapping Requirements**

Applications shall include a map of all known communication towers within the Township and within three (3) miles of its borders, identifying suitability for collocation and proximity to the proposed site.

### **C. Administrative Review and Approval**

#### **1. Administrative Approval Process**

Class Two towers may be approved administratively by Office of the Zoning Administration, provided all standards herein are met. Public hearings shall not be required unless the Office of the Zoning Administration deems the application materially inconsistent with the ordinance.

**2. Permit Requirements**

**a. A building permit shall be required.**

**b. Evidence of FAA and FCC compliance shall be provided.**

**Section 11.19(C) Communication Towers | Class Three**

**A. Site Development Requirements**

The following site and developmental requirements shall apply:

1. The tower shall be set back from all property lines a distance equal to its height plus five feet.
2. The maximum height of the communication tower shall be less than seventy-five (75) feet.
3. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet.
4. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
5. All towers and accessory buildings shall be secured to prevent unauthorized access.
6. The plans of the tower construction shall be in compliance with all applicable building and electrical codes.
7. Towers and antennae shall be designed to withstand a uniform wind loading as prescribed in the applicable building code.
8. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
9. Towers shall not be artificially lighted.
10. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes or as required by State and Federal regulatory agencies.

**B. Special Performance Standards:**

1. The tower shall be removed by the property owner or leasee within six (6) months of non-use or abandonment. The Township Board may require posting a performance bond of insurance funding for removal of abandoned towers.

**Section 11.20 Outdoor Commercial Recreation**

**A. Special Performance Standards For All Outdoor Commercial Recreation Facilities:**

1. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
2. Facilities shall provide off-street parking and passenger loading areas.
3. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
4. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
5. A recreational accessory use shall not predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
6. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.
7. The minimum front, side and rear yard setbacks for principal and accessory structures shall be seventy-five (75) feet, except that no temporary sanitary facility or trash receptacle, or spectator

seating facility or area, shall be located within one hundred (100) feet of a lot in a Conservation or Residential District. The first fifty (50) feet of all yards shall be kept free of off-street parking and shall be landscaped.

**B. Site, Development and Performance Standards for Camping Facilities**

1. Each campsite shall be set back from any right-of-way or lot line at least one hundred fifty (150) feet and all principal and accessory buildings shall be setback a minimum distance of two hundred (200) feet from all right-of-way and lot lines.
2. A common use area shall be provided on the parcel at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
- ~~4. At least one public telephone shall be provided in the facility.~~
4. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
5. Each campsite shall have a picnic table and designated place for fires.
6. All campgrounds shall be licensed by the Michigan Department of Public Health.
7. 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.
8. Each campsite made available as a travel trailer space shall contain at least 2,000 square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
9. All entrances and exit lanes within a campground shall be lighted.
10. Refuse and recyclables shall be stored in appropriate containers with tight fitting lids, or bagged and secure in caged enclosures, and shall be regularly picked up weekly by curbside service with a licensed waste hauler.

**C. Site, Development and Performance Standards for Golf Courses and Country Clubs**

- ~~1. A minimum of sixty (60) acres shall be provided for a nine hole golf course; and one hundred twenty (120) acres for an eighteen (18) hole golf course.~~
1. All principal or accessory buildings and parking areas shall be not less than one hundred (100) feet from any lot line.
2. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
3. All parking areas shall be surfaced to minimize or so treated as to prevent any dust nuisance.
4. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
5. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction.
  - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
  - c. All chemical applications associated with herbicides, insecticides, fungicides or rodenticides must be by a Michigan Department of Agriculture Licensed Applicator. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
7. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses and wetlands shall be maintained as part of a golf course. The buffer zone must contain

natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.

8. Major accessory uses such as a standard restaurant and bar shall be housed in a single building within the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.

**D. Site, Development and Performance Standards for Shooting Ranges and Hunt Clubs.**

1. **Minimum Recommended minimum** lot area shall be forty (40) acres for outdoor shooting activities. The Planning Commission may require additional acreage where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant, in order to minimize the potential for a projectile to cross a property line.
2. Minimum setbacks from all lot lines for outdoor shooting ranges shall be two hundred fifty (250) feet.
3. A minimum eight (8) foot high fence shall be provided around the entire area devoted to or used for the outdoor shooting of firearms to assure that individuals will not unknowingly trespass on the property.
4. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
5. The Planning Commission may submit the site plan to law enforcement agencies for comment.
6. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association.
7. Hours of outdoor operation shall be between 8:00 a.m. and dusk, excluding facilities operated by law enforcement agencies.

**Section 11.21 Extraction Operations**

**A. Additional Materials to be Submitted for Special Use Review:** In addition to the data requirements of Section 4.04(C), each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be excavated.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state, county and local permits required, if any.
4. Provisions for landscaping and screening.
5. A master plan for the extraction of minerals on the site, including:
  - a. The area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes.
7. Proposed plans for fencing, and signs.
8. Depth to groundwater.
9. Vertical aerial photography, enlarged to a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.

10. A detailed reclamation plan that identifies, at a minimum, the following:
  - a. Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
  - b. Depiction of finished, stabilized, side slopes, including methods and plant materials.
  - c. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
  - d. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
  - e. The restoration of vegetation upon the site, including seeding of grasses, or the planting of trees
  - f. The restoration of the site topography.
  - g. Schedule of removal of buildings and structures associated with extraction activities.

**B. Site, Development and Performance Requirements Shall Apply:**

1. Minimum parcel size shall be forty (40) acres.
2. All extraction operations shall comply with the standards and requirements of the Waterloo Township Sand and Gravel Ordinance.
3. Applicant must show by sufficient evidence that there is a demonstrated need for the extraction operation and the specific natural resources to be extracted from the subject property, either by the applicant or in the market served by the applicant.
4. Applicant must show by sufficient evidence that there is a specific public benefit to the citizens of Waterloo Township that will be derived from the extraction operation on the subject property.
5. Applicant must show by sufficient evidence that no very serious consequences would result from the extraction or by mining of the natural resources on the subject property, including an assessment of all the following factors:
  - a. The relationship of the proposed extraction and associated activities with existing land uses.
  - b. The impact on existing land uses in the vicinity of the property.
  - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
  - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  - e. The impact on other identifiable health, safety, and welfare interests in Waterloo Township.
  - f. The overall public interest in the extraction of the specific natural resources on the subject property.

**Section 11.22 Adult Entertainment Business**

A. **Purpose:** The purpose of this Section is to clearly define what constitutes an adult entertainment business and regulate the location and concentration of such businesses but not exclude such businesses. These regulations are created with the understanding that Waterloo Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location, causing deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult related businesses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

**B. Definitions**

1. Adult Entertainment Business: Any business, club or organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined in this Section, either in person or by photograph, motion picture, television or other type of image. This definition includes the following as defined by this Section: "adult bookstore," "adult novelty shop," "adult theater," "massage parlor," "public bath" and "taxi dance hall."

2. Adult Book Store: An establishment partly or wholly devoted to the display, sale or rental of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to *"specified sexual activities" or "specified anatomical areas"* as defined by this Section, where the floor area or shelf space devoted to such material and accessible to customers exceeds fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.
3. Adult Novelty Shop: Any establishment where the floor area or shelf space devoted to the sale of devices which stimulate human genitals or devices designed for sexual stimulation accounts for more than fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.
4. Adult Theater: Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to *"specified sexual activities"* or *"specified anatomical areas"* as defined by this Section, for observation by patrons or customers.
- ~~5. Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term "massage parlor" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.~~
- ~~6. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not "public baths."~~
6. Specified Anatomical Areas: Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
7. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
8. Taxi Dance Hall: An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

**C. The following site and developmental requirements shall apply:**

1. No adult entertainment business shall be established on any premises where there exists another adult entertainment business within one thousand (1,000) feet, measured as a straight-line distance between the closest property lines.
2. The property on which an adult related business is located shall be situated at least three hundred (300) feet from a residential lot line and one thousand (1,000) feet from a church or school, measured as a straight-line distance between the closest property lines.
3. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include *"specified anatomical areas"* or *"specified sexual activities."*
4. Adult entertainment businesses shall not be located in a building in which one (1) or more dwelling units are located.
5. Operational hours are permitted between 10:00 a.m. and 10:00 p.m. only.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
7. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and

illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.

8. The premises shall be configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
9. Activities conducted within a building devoted to an adult entertainment business shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.

### **Section 11.23 (Deleted)**

(Amended 7-18-06, Ord. #06-07-18-02)

### **Section 11.24 On Site Use Wind Power**

- A. All On Site Use Wind Energy systems shall comply with the standards and requirements of the Waterloo Township Wind Power Ordinance. (Adopted, 12-06-2009; Ord. # 09-12-15-01)

### **Section 11.25 Outdoor Wood-fired Boilers**

1. All Outdoor Wood-fired Boilers shall comply with the standards and requirements of the Waterloo Township Outdoor and Open Burning Ordinance.
- B. The outdoor wood-fired boiler shall be located in such a way as to satisfy the following requirements:
  1. be at least 50 feet from any property line or right of way.
  2. be at least 50 feet from any building on the parcel in which the boiler is placed.
  3. be at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
  4. shall not be located in front of the principle structure on the property.
- C. The Site Plan must indicate the location of all buildings on parcels adjacent to the parcel containing the wood burner and located within 300 feet of the final location of the wood burner. (Amended 12-06-09, Ord. # 09-12-15-02)

### **Section 11.26 Commercial/Utility Photovoltaic Solar Energy Systems**

Commercial/Utility Photovoltaic Solar Energy Systems are only permitted in the Public Conservation and Agricultural Zones as a Special Land Use provided that they are approved according to the general provisions of Article 11.02 and the specific provisions of this Section, 11.26.

The purpose and intent of this ordinance is to establish a process for a Special Use Permit for Commercial/Utility Photovoltaic Solar Energy Systems development in Waterloo Township, for the review and permitting of such facilities, to protect the health, welfare, safety and quality of life of the general public and to ensure compatible land uses in the vicinity of the areas affected by such facilities. If, in the opinion of the Waterloo Township Planning Commission or Board of Trustees, the applicant meets the general intent of this ordinance, but would like a variance on any of the provisions of this ordinance, the Township may waive certain requirements or have the applicant use the Zoning Board of Appeals process to address any possible variance requests.

#### **A. Commercial Solar Energy Systems - General Requirements**

All solar commercial energy systems are subject to the following general requirements:

1. All Solar Energy Systems must conform to all applicable federal, state, county and township requirements, as well as any applicable industry standards, and any applicable NFPA & IFC codes.
2. No signage will be allowed except for public and employee safety, instructions for emergency response personnel and that required by federal, state, county, and township regulations.

3. No Solar Energy System shall be installed until evidence has been given to the Zoning Administrator that the electric utility company has approved the developer's intent to install an interconnected customer-owned generator to the grid. "On Site" systems shall be exempt from this requirement.
4. Any on-site electrical storage, Battery Energy Storage Systems (BESS) must conform to industry standards and applicable federal, state and local regulations, including but not limited to any applicable NFPA & IFC codes.
5. No Solar Energy System shall produce electromagnetic interference that adversely affects normal operation of radio, television, Internet, or cellular telephone service or exceeds any applicable standards established by federal or state regulations. Such interference is grounds for the Township to restrict the operation of the Solar Energy System until it is resolved.
6. Concentrating solar thermal devices or any other various experimental solar technologies are not allowed in any zoning district.
7. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground and comply with the National Electrical Code (NEC). The Planning Commission may modify this requirement if, in its sole discretion, it determines that it would be impractical to install, place or maintain such transmission lines underground.
8. Drainage, including stormwater, soil erosion and sediment control, and snowmelt runoff shall be managed in a manner consistent with all applicable federal, state, and local regulations. All drainage infrastructures on-site, including drain tile and ditches, shall be maintained during the operation of the Solar Energy System, and shall not impact setback/buffer areas or neighboring properties.
9. No Solar Energy System shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice to the owners of the Solar Energy System from the Complaint Resolution Committee or Township Supervisor, that glare from the Solar Energy System is causing a nuisance to neighboring residents, or to persons traveling neighboring roads, the owner of the Solar Energy System shall have a reasonable time (not to exceed sixty (60) days) from the date of such notice to remediate such glare.
10. An applicant for a Solar Energy Facility Zoning or Special Land Use Permit (SUP) shall remit an application fee in the amount specified in the fee schedule. The fee schedule may be amended by resolution of the Township Board.
11. The Photovoltaic Panels and all other components of the commercial photovoltaic system shall meet all applicable national standards, such as UL (Underwriters Laboratories) standards and IEC 61215, in effect at the time of construction. The applicant shall provide written specifications, material safety data sheets (MSDS), and countries of origin of the panels used.
12. Applicant must provide updated specifications as panels and other major electrical components are replaced, including energy storage.
13. In the instance that an unavoidable Act of God inhibits, damages, or destroys part of, or the majority of the Solar Energy Facility, the owner or operator shall provide a Rehabilitation Plan to remedy the damage and said plan shall be submitted to the Waterloo Township Renewable Energy Committee, and approved by the Township Board. Said plan will outline the necessary protocol and time schedule for returning the Solar Energy System to energy production and must be submitted to the Township within sixty (60) days of the date the damage was incurred, or a time determined reasonable by the Township Board.
14. No operating Solar Energy System shall produce noise that exceeds Forty-Five (45) dBA, as measured at the property line of any neighboring lot. Adequate setbacks and screening shall be provided to comply with this requirement.
15. Whenever any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.
16. No more than 10% of the Waterloo Township agricultural zoned acreage may be made up of Commercial/Utility Photovoltaic Solar Energy Systems

**B. Definitions:**

1. **Commercial/Utility Photovoltaic Solar Energy Systems:** A solar energy system where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of electricity to a person or entity, by the conversion of solar energy through photovoltaic technology to electricity. Such a system will include multiple components such as solar photovoltaic cells, system controllers, voltage regulators, electrical converters, and wiring and connection systems. Such a system may also include a battery energy storage system and appropriate controls and connection system.
2. **Habitable Structure:** Any existing structure useable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by these definitions, the Office of Zoning Administration shall make a determination of any structure regarding whether or not it is habitable.
3. **Parcel Tract:** More than one parcel that are adjoining and have identical ownership. The parcels are considered adjoining even if they are located on opposite sides of a road or Section Line.
4. **Participating Site:** A property within a parcel or tract that participates in a lease or easement agreement or other contractual agreement, with an entity submitting a Special Lane Use Permit application for the purpose of developing a Commercial/Utility Photovoltaic Solar Energy System.
5. **Solar Array:** Includes the aggregate solar panels and their structural supports.
6. **Battery Energy Storage System –** One or more batteries (cells which store energy electrochemically) assembled together, capable of storing energy in order to supply electrical energy at a future time.
7. **Commercial/Utility Photovoltaic Solar Energy Facility:** The legally defined property including the solar array, Energy Storage Systems, accessory structures and ancillary equipment, buffers and access drives. The solar facility will be identified on the approved site plan. The commercial/utility photovoltaic solar facility could be an entire parcel, more than one adjoining parcel, or portions of a parcel or adjoining parcels. If the legally defined property is located within a larger parcel, it is not required that the leased property obtain an approved land division under the Waterloo Township's Land Division, Combination, and Parcel/Lot Boundary Adjustment Ordinance.
8. **Waterloo Township Renewable Energy Committee –** this committee shall be responsible for the initial permit application review and will make a recommendation to the Waterloo Township Planning Commission. In subsequent annual renewal applications for a given facility, this committee shall review the material and status and make recommendations to the Waterloo Township Board for renewal. The committee shall consist of the following members: one township board member, one township planning commission member, one SAESA member, two citizen members (appointed by the township supervisor), representation from the township attorney, and the township engineering firm. No single member can fill multiple rolls described above. This committee shall agree upon a Chair and a Vice-Chair at their first meeting. Terms of the Chair and Vice-Chair shall be determined yearly. The very first Chair shall be appointed by the Township Supervisor before the first meeting.

**C. Application for Special Land Use Permit requirements for a Commercial/Utility Photovoltaic Solar Energy Systems:**

1. If portion of the parcel is to be leased by the owner for use as a commercial/utility photovoltaic solar facility all property within the participating site must be included in some type of recorded legal agreement specifying the applicable uses for the duration of the project. The proposed lease or other legal agreement(s) between the owner of the parcel and the developer of the participating site must be included in the application for Special Land Use. Any language related to compensation may be redacted.
2. After zoning has been approved, no Commercial/Utility Photovoltaics Solar Energy System shall be installed until written evidence has been submitted to the Township of an energy purchaser.
3. A Commercial/Utility Photovoltaics Solar Energy System special land use permit application must include a complete description of the project including all buildings and accessory structures. Any substations or new transmission lines shall be included in the site plan. The intended route for connecting to the power grid and the alternative locations for any substation must be described.

4. Site plans shall identify all parcels on which the Commercial/Utility Photovoltaic Solar Energy System will be developed, existing and proposed buildings, accessory structures, utilities, transmission lines, solar panels, drainage ways, grades, topographical conditions, regulated wetlands, wetlands existing before construction, storm water runoff patterns, regulated floodplains, and regulated lakes, streams or ponds. The plans shall include required setbacks, access routes to the participating site that are a part of the proposed facilities, proposed road improvements, any parcels within three hundred (300) feet of the facility, proposed transmission lines to and from Power Switchyards and/or between adjoining properties, proposed signage; and proposed mitigation procedures for dust and erosion control, including any stormwater collection facilities that may be required for erosion control.
5. The application shall include the time period to construct, phasing of construction and anticipated useful life of the facility.
6. The application shall include a detailed restoration plan in compliance with section 11.26.F of this ordinance including how the site may be used at the end of the project's useful life.
7. All property taxes shall be paid in full before the Township Board considers the application.
8. Plans for training local emergency responders must be included with the application. This plan must be acceptable to the Waterloo Township Board and SAESA (Stockbridge Area Emergency Services Authority).
9. A detailed description of the Energy Storage Systems that will be used on the facility must be included with the application, along with details on how these systems connect to both the solar array and the local power service.

**D. The following site and development standards shall apply:**

1. Setbacks: Any component of the Commercial/Utility Photovoltaic Solar Energy System, including but not limited to the solar array, energy storage system, or any accessory buildings or ancillary equipment shall be located at least fifty (50) feet from any adjacent parcel property lines and three hundred (300) feet from any habitable structures on the project site or any adjacent parcels.
2. The maximum height of solar panels is 25 feet. This takes into account the rotation of panels to maximize exposure to sunlight throughout the day. The height of the 'power switchyard'—the structure needed to connect the solar energy facility to electric transmission lines—is limited to the height needed to tie into the electric transmission lines. All other buildings/accessory structures must meet the height requirements of the underlying zoning district.
3. Seven (7) foot fencing is required around the entire facility. Additional fencing is required around the Power Switchyard and shall be at least twelve (12) feet in height.
4. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Appropriate warning signage shall be placed at the entrance and perimeter of the Commercial/Utility Photovoltaic Solar Energy Systems. The facility operator's emergency contact information and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
5. Screening:
  - a. All Commercial/Utility Photovoltaic Solar Energy Systems shall have a minimum landscape buffer of 20 feet around accessory mechanical buildings and substations that are not included within the footprint of the solar array. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and be at least 4 feet tall at time of planting. The buffer trees shall be expected to grow to a height of 10 feet within 3 growing seasons. The trees may be trimmed but no lower than a height of 10 feet. Additional visual screening may be required to protect adjacent residential property.
  - b. All Commercial/Utility Photovoltaic Solar Energy Systems shall have two rows of trees, staggered in such a manner as to block the view of the facility from any public road. These trees must be at least 6' tall at planting and shall be expected to grow to a height of 10 feet within 3 years. Trees must also be of a type to have a mature height at least as tall as the highest point of the solar panels and shall be deer resistant. Trees shall be replaced within 90 days if they should happen to die and no longer provide the screening they were intended to provide.
  - c. Access: A minimum of 33 feet unobstructed access shall be provided around the entire commercial/utility photovoltaic solar facility and located internal to any fencing.

6. Glare: All Commercial/Utility Photovoltaic Solar Energy Systems shall be designed such that they do not produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads.
7. Connection to utility grid: The intended route for connecting to the power grid and the alternative locations of any necessary substation shall be disclosed with the application for Commercial/Utility Photovoltaic Solar Energy Systems.
8. Lighting: Lighting of the large solar energy facility shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the solar energy facility. Any lighting on the solar facility shall be turned off unless there is a need for light in an emergency or during maintenance or repairs. Lighting should be sufficient for emergency responders to properly address any emergency situations to which they are called.
9. In addition to the requirements of this Section, the Township Board may impose additional reasonable conditions on the approval of a Commercial/Utility Photovoltaic Solar Energy Systems as a Special Land Use.
10. All Commercial/Utility Photovoltaic Solar Energy Facilities shall be required to obtain and supply in the application all necessary permits from the Michigan Department of Environment, Great Lakes and Energy; and any applicable township, county and Federal permits.
11. All necessary legal agreements between the owner of the commercial/utility photovoltaic solar facility and property owners must be in place prior to commencing construction.
12. All medium voltage cable within the solar facility must be buried, with the exception of the power switchyard or within a substation.
13. The construction and maintenance of the commercial/utility photovoltaic solar facility shall not adversely affect the natural and existing drainage of the site or adjacent properties. Stormwater collection systems shall be installed as necessary to prevent erosion and any and all runoff onto neighboring parcels. Any erosion or flooding of property as a result of the construction or operations of a solar facility is the responsibility of the developer/owner of the structures.
14. If the site includes wetlands or flood plains, the applicant shall provide documentation of compliance with all federal state and local regulations. Wetlands existing before construction shall not be filled by any stormwater runoff resulting from the solar facility.
15. Training shall be provided and paid for by the applicant for local emergency response teams. Training must be completed before commercial operation begins. Annual training refreshers and training for new hires of SAESA shall be conducted by SAESA as necessary. Training costs shall be re-imbursed through the applicable escrow account. Training shall include, but not be limited to:
  - a. Access to the site
  - b. How to access and turn on the necessary lighting
  - c. Procedures for handling any energy storage system issues such as fire
16. Hours of Operation for construction shall be between the hours of 6:00 a.m. through 9:00 p.m. Monday through Friday and 6:30 a.m. through 5:00 p.m. on Saturdays. No construction activity shall take place on Sundays.
17. Water quality monitoring wells must be installed every 200 yards along the perimeter of the facility. These wells must be of sufficient depth to test water samples at least once per year by a certified lab to test for potential contaminants. Specific contaminant list shall be defined by the Township engineer and the Renewable Energy Committee at the time of the original application process. A datum test must be conducted from each well before commercial operation of the facility begins.
18. Annual permit renewal required
  - a. The original SUP, if approved, shall be good for one year at a time.
  - b. This permit shall be renewed each year after the first year of operation with the operator submitting a renewal application report to the Township Clerk at least 90 days before the permit expiration. This renewal application report shall contain at least the following information:
    - i. Any issues and/or safety incidents experienced over the past year and what was done to resolve said issues.

- ii. Results of the well water testing, along with any historical data, both in table and graphical format.
  - iii. Changes in or withdrawal of any permit required by other jurisdictions, boards, or commissions within the State of Michigan.
  - iv. Any known or projected changes or modifications from any information previously submitted to the Township Board as required by this Ordinance.
  - v. Any expected changes to the Restoration Plan.
  - vi. A list of any system components replaced during the past year.
  - vii. Any updates to the specifications of any system components.
- c. Once the renewal application report has been received by the township, the township engineer shall have 30 days to conduct a site review and provide a report to the township.
- d. The Waterloo Township Renewable Energy Committee Chair will call a meeting to review renewal application and the engineering report once the engineering report has been received by the township. The committee shall meet within 30 days of receipt of both the renewal application and the engineering report. The committee will review at least the following before making a recommendation:
- i. Inspection of all panels for any damage
  - ii. Inspect all electrical connections for integrity
  - iii. Inspection of all emergency lighting systems including but not limited to bulbs and switches use to power the emergency lighting system.
  - iv. Assess existing fire prevention plans
  - v. assess condition of screening and fencing
  - vi. assess any erosion issues
  - vii. review water testing results and compare to historical trends
  - viii. Any updates to NFPA or IFC codes that need to be discussed
  - ix. Any residential complaints
  - x. Maintenance of the escrow fund
  - xi. reassessment of the bond requirement

19. Complaint Resolution – the operator of the solar facility must provide solar operator contact information to the Waterloo Township Clerk to use in the case of resident complaints. Also, the operator must install a sign containing the phone number to the Waterloo Township offices that is visible from the road for residents to use to call in case of a complaint or an emergency. The Township will field these calls and contact the solar operator as necessary.

- E. Application Escrow Account:** An escrow account shall be set up when the applicant applies for a Special Use Permit for a solar facility. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township Board. These funds are used to cover all reasonable costs and expenses associated with the special use permit and site plan review and approval process, which costs can include, but are not limited to, fees of the Township Attorney and Township Engineer, any reports or studies which the Township anticipates it may be done related to the zoning review process for the particular application, training for local emergency services, and funding to test neighboring wells if there is such a request. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.
- F. Surety Bond:** If a-Special Land Use Permit is approved pursuant to this section, the Township shall require security in the form of a surety bond acceptable to the Township, which will be furnished to the Township in order to ensure full compliance with this section and all conditions of approval. When

determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). The security amount may also be adjusted as necessary as a result of yearly reviews and permit renewals by the Waterloo Township Renewable Energy Committee. Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences on the solar facility. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the solar facility. Such financial security shall be kept in full force and effect during the entire time that the solar facility exists or is in place, and such financial security shall be irrevocable and non-cancelable.

- G. Restoration Plan:** A restoration plan is required and shall describe the decommissioning of the commercial/utility photovoltaic solar facility and final restoration conditions of the land within twelve (12) months of abandonment or end of project useful life, including evidence of proposed commitments to the owners of leased lots. The plan shall be filed at the time of application. The restoration plan shall be prepared by a professional engineer or registered landscape architect. All restoration operations shall be performed in accordance with the restoration plan. The restoration plan must be approved by the Waterloo Township Board as part of the permit approval process. The restoration plan shall be totally completed within 12 months of the termination of the solar operation.

The restoration plan shall provide the following information:

1. Boundary lines of the property and dimensions and bearings of the property lines correlated with the legal description.
2. Location and extent of all natural features to be retained throughout and after operations, including but not limited to wetlands, streams, wooded areas, and topsoil.
3. Proposed completed topography at contour intervals of not more than ten (10) feet.
4. A description of the methods and materials to be utilized in restoring the site.
5. Names, addresses and phone numbers of the applicant, property owner, operator and professional engineer who prepared the restoration plan.
  - i. An estimate of restoration costs along with the calculations showing how the costs are computed.

- H. Forfeiture of Decommissioning Escrow Account:** The bond is forfeited in the event the operator does not comply with their restoration plan within twelve (12) months of one of the following three conditions:

1. Termination of the lease
2. Failure to complete the project
3. Inactivity for twelve (12) months

- I. Liability Insurance:** The applicant shall provide and maintain a liability insurance policy to cover property damage for surface and/or subsurface occurrences and bodily injury in an amount not less than Four Million (\$4,000,000.00) Dollars per occurrence, in any combination of primary and umbrella coverage, naming Waterloo Township, its elected officials and appointed officials as additional named insureds and provide a copy of this policy to the Township Clerk prior to starting construction. Said insurance shall provide an endorsement which provides that the general aggregate limit of the operator's commercial and general liability applies to the site. Waterloo Township must be sent a notice of intent to cancel the insurance not less than twenty (20) days before the cancellation thereof. The policy is subject to the review of the Township's attorney prior to acceptance. Failure of the operator, or any persons, firm or corporation named in the policy to maintain the insurance shall be cause for termination of the permit.

- J. Immunity:** The applicant is required to agree in writing, subject to the acceptance of the Waterloo Township Attorney, to defend, indemnify, and hold harmless the Waterloo Township Board of Trustees, and its officers, agents, and employees, against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of the proposed solar energy facility to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of those.

- K. Alteration of approved plans:** Before deviating from approved plans, the applicant shall submit to the Township an application to amend or change the approved plans. The application must contain sufficient information to apprise the Township of the reason and nature of the requested change(s). When the Township receives an application for a change or modification of an existing plan, the Township Board shall approve or reject the application according to whether or not the application meets the requirements of the Zoning Ordinance. If an application is rejected, the Board shall give the reasons for the rejection in writing.

## **Section 11.27 Keyholing and Funneling**

### **A. Purpose**

As the shorelines of the lakes of Waterloo Township become further developed the cumulative impact of boat and other recreational usage from each respective property must be regulated in order to preserve and protect the safety of all lake users, preserve the quality of recreational use for all users, and to preserve the environmental quality of the waters and wetlands of the township. In particular, those lake frontage parcels which through deed, easements, rental, common fee ownership, lease, license, gift or any other form of conveyance, provide lake access to users who do not themselves hold direct frontage parcels, may if uncontrolled result in serious overuse of the lakes.

#### **1. Applicability**

- i. The provisions of this ordinance shall apply to all lots and parcels of land providing or having riparian access to any and all lakes, streams, or other bodies of water within Waterloo Township, Michigan.
- ii. 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.

#### **2. Definitions**

For the purpose of construction and application of this ordinance, the following definitions shall apply:

- i. **Boat:** a watercraft having a motor or engine of more than five horsepower.
- ii. **Dock or Docking:** the mooring of a boat directly to a pier, which is a platform or other permanent or seasonal fixture extending from the shore, and directly accessible to a separate frontage, and shall also mean the regular anchoring or offshore mooring of a boat adjacent to a separate frontage.
- iii. **Person:** human being, partnership, corporation, association, including a condominium association, and any other entity to which the law provides or imposes rights or responsibilities.

#### **3. Previous Use:**

- i. On any parcel for which riparian access has been established before the effective date of amendment of this ordinance, such access shall retain historic uses to the extent otherwise lawful.
- ii. On any parcel for which riparian access has been established before the effective date of amendment of this ordinance, any proposed development, revision or alteration which will expand lake usage shall be subject to special use approval in accordance with the Waterloo Township Zoning Ordinance.

### **B. Regulations**

If a lot or parcel provides riparian access to a non-riparian property or a Planned Unit Development (PUD) or to a rental unit in a recreational collective such as a campground, trailer park, or co-operative, the following regulations apply to such lot or parcel.

#### **1. Record of Riparian Users**

The deed to such lot or parcel shall specify the non-riparian lots or parcels, or camping units, trailer lots, or co-operative units which shall have rights to the use of such parcel.

## **2. Minimum Dimensions**

Such riparian lot or parcel shall have a minimum frontage of one hundred and fifty (150) feet as measured in a straight line between the parcel lines which intersect the shoreline or ordinary high-water mark of the lake and a minimum area of thirty thousand (30,000) square feet. All aspects of the proposed riparian access lot or parcel, including a survey drawing, any access roads or trails, any docking and mooring facilities, shall be subject to special use approval in accordance with the Waterloo Township Zoning Ordinance.

- i. In no event shall any water frontage used to establish the minimum 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 DNR.
- ii. 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.
- iii. In no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this article.
- iv. The riparian 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.

## **C. Violations**

1. Failure to comply with the provisions of this ordinance shall constitute a civil infraction. Any person, whether such person be a proprietor or an agent of a proprietor, who violates this Ordinance or fails to comply with any of its provisions shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both. Each day such violation continues shall be considered a separate offense.
2. In addition to, or in-lieu of, seeking to enforce this ordinance by proceeding under Article III, Section 1, the Township may institute an appropriate action in court of general jurisdiction seeking equitable relief.

***End of Article 11***

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## Article 12

# OPEN SPACE COMMUNITIES (OSC) OVERLAY DISTRICT

### Section 12.01 Purpose

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to “Open Space Communities” (OSC) under this Article, more effectively encourage the preservation of the Township’s natural resources, sensitive environmental areas, and rural character. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the OSC is proposed to be located, so that the remainder of the site can be preserved as open space or for agricultural use.

### Section 12.02 Overlay District

The OSC District is established as an overlay district. The District exists as an overlay on top of all other Districts that permit residential development as a use permitted by right according to Table 9-2. Land located in such a District may be developed according to the more traditional provisions of the base zoning district, such as the **AG-4** Agricultural District, or according to the more flexible open space community overlay provisions of this Article. A rezoning for an open space community is not necessary as it is already available within all Conservation and Residential Districts by the OSC Overlay District.

### Section 12.03 Procedures for Open Space Communities

- A. Application for an OSC shall not be considered an application for a special land use. However, the process for application, review, and action on a OSC request shall follow the same procedures and requirements for special land uses under Article 5 except as provided below:
1. **Recording of Approval Action:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSC plan unless a change is approved by the Township Board. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk.
  2. **Permit Issuance:** Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the OSC.
  3. **Conventional Plan:** At the time the applicant submits a site plan for the OSC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the underlying zoning district provisions. This plan shall identify the total number of lots and dwellings reasonably attainable. The Township Board shall be the determining body regarding the number of dwellings and lots reasonably attainable by conventional design after considering the recommendation of the Planning Commission. This information shall be used when determining the permissible number of dwellings and lots for an OSC proposal.
    - a) The conventional plan referenced in subsection (3) need not be an engineered set of construction drawings but shall be of such detail and clarity to demonstrate conformity with all state, county and Township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered by the Planning Commission or Township Board if such body determines that it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (3) above.

4. **Preapplication Conference and Conceptual Plan:** Prior to the submission of a preliminary application for OSC approval, the applicant may request a preapplication meeting with Township officials. The purpose of the meeting is to inform Township officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township. Statements made in the course of a preapplication conference shall not be legally binding. At the preapplication conference (or conferences), the applicant may present a conceptual plan of the proposed OSC development which provides an overview of the proposed project. Representatives of the Township at such meeting shall include the Zoning Administrator, Supervisor or other designated Township Board representative, the Planning Commission Chairperson or other designated Planning Commission representative, and any consultants as either the Township or the applicant deem appropriate.

## Section 12.04 Approval Standards

1. **Minimum Eligibility:** To be considered as an OSC project, the proposed development project must be consistent with Section 12.01 and comply with the following provisions.
  1. **Permitted Principal Uses:** Dwellings, as authorized by the base District's requirements.
  2. **Unified Control:** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
  3. **Dedicated Open Space:** The OSC shall include permanently dedicated open space.
- B. **Design and Compatibility Standards:** An application for an OSC shall comply with the following:
  1. **Section 4.05,** Site Plan Approval Standards
  2. **Section 11.02,** General Standards for Special Land Uses
  3. **Section 12.05,** OSC Design Standards

## Section 12.05 OSC Design Standards

A proposed OSC shall comply with the following design standards:

- A. **Regulatory Flexibility:** To encourage flexibility and creativity consistent with the OSC concept, departures from the regulations of the base zoning district may be permitted, subject to review and approval by the Township Board. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and lot area requirements. However, in no case shall an OSC's design features exceed the following:
  1. **Number of Lots/Dwellings:** See Section 12.05(B).
  2. **Building Setbacks:** In no case shall a building setback be less than that specified below:
    - a. Along a public or private road outside of the OSC parcel: One hundred feet (100) feet, except where the Township Board finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering, in which case such setback may be reduced to no less than sixty (60) feet.
    - b. Along a public or private road inside of the OSC parcel: Twenty-five (25) ft.
    - c. In the case where the OSC consists of individual lots, no dwelling shall be located within ten (10) feet of an side lot line or twenty (20) feet of a rear lot line. Where such lot lines serve as perimeter boundary lines of the OSC parcel, subsection (d) below shall apply.
    - d. Along OSC parcel perimeter, but not adjacent to a road: Fifty (50) ft.
    - e. Between any two (2) detached dwellings within an OSC development: Twenty (20) feet.
    - f. Along lakes, ponds, rivers, streams, and wetlands: Sixty (60) ft.
  3. **Parking Lot Setbacks:** In no case shall a parking lot be less than fifty (50) feet from an OSC perimeter boundary line, except in the case where the perimeter boundary line abuts a public road, in which case the minimum setback shall be one hundred (100) feet.

4. Minimum Lot Area

- a. **A-1, A-2, Agricultural Districts** and RNF Districts: The minimum lot area for a dwelling in an OSC in an **A-1 Agricultural District** shall be one and one-half (1.5) acres, and the minimum lot area for a dwelling in an OSC in a RNF or **A-2 Agricultural District** shall be one and one-quarter (1.25) acres. The Township Board may decrease these standards by no more than one-quarter (0.25) acre upon its finding that, as applied to the specific OSC design proposal, a lesser minimum lot area will not negatively impact abutting land uses and the visual character of the area as viewed from adjacent public roads, and that important benefits shall be derived from the lesser minimum lot area such as enhanced protection of sensitive environmental areas and decreased disturbance to existing topography and vegetative cover.
- b. R-1, R-2, and R-3 Districts: The minimum lot area for a dwelling in an OSC in an R-1, R-2, or R-3 District shall be one (1) acre, except where the OSC is to be served by public sewer, in which case the minimum lot area shall be no less than fifty percent (50%) of the minimum lot area required by the underlining Residential District.

**B. Residential Density Bonus:** Recognizing that individual sites lend themselves to different design solutions with different space utilization requirements and that the OSC process provides that the Township Board may exercise discretionary powers, densities in excess of those attainable as illustrated by the conventional plan may be permitted, provided that all other requirements of this Article are met. No residential density bonus increases shall be permitted unless a determination is made by the Township Board that the desired density will not adversely affect public services including, but not limited to, water and sewer services, storm water drainage, road conditions and capacity, traffic, parks and recreation, fire and police services, schools, and any planned public and private improvements in the area. Except in the case of an OSC in an RNF District, the Township Board may grant an increase in the number of dwelling units above and beyond that approved by the Township Board in the Conventional Plan for proposals that exhibit superior design character. The percent increase in the number of dwelling units that may be authorized above the number of dwellings that would otherwise be attainable under the Conventional Plan, based on superior design measures, shall be according to Table 12.05(B) below which identifies each superior design measure and its corresponding percentage increase in dwelling units. The specified percentage increase in dwelling units shall be authorized when the Township Board finds such superior design measure is substantially reflected in the OSC design, based upon its reasonable discretion. However, in no case shall the total development density of an OSC exceed the following maximum densities:

- 1. **A-1 Agricultural District:** One (1) dwelling per 3.4 acres in the OSC project area.
- ~~2. **A-2 District:** One (1) dwelling per 2.4 acres in the OSC project area.~~
- 2. R-1, R-2, and R-3 Districts: Twenty percent (20%) increase over the Conventional Plan.

**Table 12.05(B)**

Superior Design Measure	Value of Superior Design Measure as a Percentage Increase in Dwelling Units
The dedication of usable open space to a public entity or nonprofit land or nature conservancy that has the effect of increasing or enhancing the public use and enjoyment of scenic areas, waterfronts, natural areas, or other significant environmental areas; and/or the dedication of usable open space for other public use that clearly addresses a need in the community.	30%
In Conservation Districts, dedication of more than 60% of the project parcel as permanent open space.	30%
Strategic placement of dedicated open space in relation to abutting OSC projects to support continuous networks of important environmental resource systems including, but not limited to, wetlands, woodlands, stream corridors, and wildlife corridors and habitats.	30%

- C. **Guarantee of Open Space:** An OSC shall include permanently dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Township Board on the approved site plan. Further subdivision of open space land or its use for other than conservation, or agricultural uses or preservation in an undeveloped state, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development.
1. A minimum of fifty percent (50%) of the OSC parcel shall be designated as permanent open space, to be maintained in an undeveloped state. For the purposes of this subsection, the following terms and phrases shall have the following meanings:
    - a. “Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
    - b. “Greenway” means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
  2. Any structure(s) or building(s) accessory to the permanently dedicated open space may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total required dedicated open space area.
  3. Dedicated open space may include flood plain areas, but the minimum required dedicated open space shall not include required yard setback areas, roads and road rights-of-way, public rights-of-way, year-round submerged lands of a non-wetland character such as lakes, and wetlands (as defined by the Michigan Department of Environmental Quality) exceed thirty percent (30%) of the required dedicated open space.
  4. All land within a development that is not devoted to a building, dwelling unit, required yard, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. This provision shall not prohibit the inclusion of non-residential buildings, required yards, accessory uses, vehicle access, vehicle parking, a roadway, or other approved land improvement in the designated common land.
  5. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the township attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a nonprofit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated open space shall comply with the approved site plan. Changes to the authorized uses or improvements to the open space are prohibited except where the Township Board approves a revised site plan upon finding that the applicant’s proposed changes shall not alter the essential character of the open space or undermine the purpose and spirit of the OSC concept as presented in this Article. Such conveyance shall:
    - a. Indicate the proposed allowable use(s) of the dedicated open space.
    - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
    - c. Provide standards for scheduled maintenance of the open space.
    - d. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

**D. Utilities and Storm Water Management:**

1. The OSC shall provide for underground installation of all utilities.
2. An OSC permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for appropriate storm water management, including the construction of necessary storm water facilities. The storm water system may include the establishment of detention or retention basins, and associated infrastructure. The storm water management plan shall rely upon natural systems to the greatest extent possible and preserve the quality and integrity of such systems, rather than systems that encourage unnecessary topographic alternations, erosion, heightened impurities directed to surface and ground water systems, and similar negative impacts.
4. Fire protection measures shall be provided in all OSCs which provide public water, and in OSCs which are generally characterized by lots of approximately one half (1/2) acre or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

**E. Access and Circulation:**

1. Access: The nearest edge of any entrance or exit drive for a OSC shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). All dwellings within an OSC shall gain access from an interior road within the OSC.
2. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, the internal roads of the OSC. The exact location and alignment of the pedestrian ways shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned pedestrian ways and roads in the area. Pedestrian circulation networks shall assure ease of access from residences to the designated open space areas.

**F. Natural Features:** The development shall be designed to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats.

**G. Preservation of Road Corridor Character in A-1 and A-2 Agricultural Districts:** The development shall be designed to promote the effective preservation of the existing character along the public road frontages that the OSC abuts, to the extent such frontage areas are characterized by open space areas, significant vegetation, environmental resources, and/or scenic views, though, the retention of such features by building setbacks, strategic placement of dedicated open space, proposed native planting screens, and/or other means.

**H. Scheduled Phasing:**

1. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
2. Timing of Phases: Each phase of the project shall commence within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase does not commence within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

**Section 12.06 Waiver of Standards**

A. The Township Board may waive any of the Section 12.05 standards for an OSC, except Sections 12.05(A)(1), (2), and (3), 12.05(B), and 12.05(C), where the applicant can demonstrate, within the discretion of the Township Board, the following:

1. The waiving of the applicable standards will advance the purpose of this Ordinance, as specified in Section 1.02.
  2. The spirit and intent of the open space development provisions will still be achieved.
  3. No nuisance will be created.
- B. The Township Board shall not consider any waiver of standards unless the applicant has submitted written justification for those standards to be waived, according to 12.06(A)(1), (2), and (3) above. Such justification shall address each requested waiver individually.

***End of Article 12***

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**Article 13**  
***(RESERVED FOR FUTURE USE)***

***End of Article 13***

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**Article 14**  
***(RESERVED FOR FUTURE USE)***

***End of Article 14***

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## Article 15 SIGNS

### Section 15.01 Purpose

The purpose of this Article is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community at large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the purpose of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

The purpose of this Article is to regulate signs within Waterloo Township (the "Township") in a content-neutral manner to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township. This Article intends to make the Township attractive to residents, visitors, and commercial, industrial, and professional businesses while maintaining a sustainable economy through an appropriate signage program. The elements of this program will:

- A. Recognize that the proliferation of signs is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- B. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- C. Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the placement of signs.
- D. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- E. Preserve and improve the aesthetics and character of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- F. Provide regulations that focus on the time, place, manner, and physical characteristics of signs, but not the content of signs in accordance with the First Amendment of the United States Constitution.

### Section 15.02 Definitions:

- A. **Abandoned Sign:** A sign that has ceased to be used, and the owner intends no longer to have used it for the display of sign copy, or any sign not repaired or maintained properly.
- B. **Billboard:** Meaning any free-standing sign on a parcel of land which does not include another principal structure. Such sign shall be established as a principal use.
- C. **Business Center:** A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs.
- C. ~~**Business Sign:** A sign advertising the name, services, goods or any other aspect or feature of a commercial or industrial business.~~
- D. **Canopy, Awning, or Marquee Sign:** Any sign attached to or constructed within or on a canopy, awning, or marquee.
- E. **Changeable Copy Sign:** A sign designed to allow for message changes, either automatically (as in the case of electric time and temperature signs) or manually (as in the case of physically replacing letters).
- F. **Flag:** A sign consisting of a piece of cloth, fabric or other non-rigid material.
- G. **Freestanding Sign:** A sign which that is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises signs, and is supported from the ground by one or more poles, posts, or similar uprights, with or without braces.

**H. Government-Installed or Sign Required by Law.** Any sign erected or installed by a public agency, either local, state or federal or as otherwise required to be posted by law (e.g., electrical warning sign etc...).

**E. Non-Commercial Sign:** A sign that contains non-commercial messages such as designation of public telephones, restrooms, restrictions on smoking, or political or religious philosophies.

**F. Off-Premises Advertising Sign (Billboards):** A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located (commonly referred to as "billboards").

**G. Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A frame", "T frame", or inverted "T shaped" structures, including those signs mounted on wheeled trailers, hot air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights, but excluding political signs, construction signs, signs pertaining to the sale, lease or rent of real estate, permanent changeable message signs, and regulatory/governmental signs.

**H. Real Estate Sign:** A temporary sign advertising a property or structure's availability for sale, lease, or rent.

I. **Roof Sign:** A sign mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch.

J. **Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.

**K. Temporary Sign:** A sign intended for a use not permanent in nature. Unless otherwise provided for in this Article, a sign intended to be used for a period of time equal or related to the duration of an event shall be deemed a temporary sign.

L. **Wall Sign:** A sign which faces an adjacent parking area and/or public street and is attached directly to a building wall, or rigid or nonrigid fabric marquee or awning-type structure attached to a building, and is generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy, awning, or marquee-type structure.

M. **Window Sign:** A sign located in or on a window which is intended to be viewed from the outside the premises. This term does not include merchandise located in a window.

### Section 15.03 General Standards:

A. **Sign Area:** The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a single parallelogram, rectangle, triangle, or circle, including any framing. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such similarly shaped faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.

B. **Sign Setbacks:** Unless otherwise specified in Section 15.04 or elsewhere in this Ordinance, the following setback requirements shall apply:

1. All freestanding signs shall follow the Jackson County Department of Transportation (JCDOT) Property Owner Rights in the Road Right-of-Way requirements

2. 4. All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the property line.

(previously 2.) All freestanding signs shall be setback a minimum distance from all lot lines of at least one half (1/2) the minimum setback distances for buildings within the said zoning district, except as provided below:

a. No freestanding sign shall be located closer than three hundred (300) feet from any railroad grade crossing.

3. (previously b.) No freestanding sign shall be located closer than one hundred (100) feet from any existing residence in all districts other than Commercial or Industrial districts, Residential District, except: (1) where a commercial building is occupied by a business and residence; (2) used for a permitted sign for a housing development entrance as authorized by this Article; (3) is intended for

use as a temporary; sign or (4) as otherwise expressly permitted by this Article.

- C. **Sign Height:** The height of a freestanding sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign. Berms or other artificial means intended to increase the height of a sign by increasing the ground elevation below the sign are prohibited.
- D. **Lighting:**
1. The source of illumination upon a sign shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the lighted sign is located. This requirement shall not apply in the case of the use of fixed incandescent bulbs in association with approved changeable copy or marquee signs.
  2. No sign shall be illuminated by other than electrical means and all wiring shall conform to the Michigan Construction Code.
  3. All sign lighting shall comply with the provisions of Section 18.04.
- E. **Sign Materials and Maintenance:** Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein and shall be appropriate in appearance with the existing and intended character of their vicinity. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Every sign shall be constructed and maintained in a manner consistent with applicable Michigan Construction Code provisions and maintained in good structural and aesthetic condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

### Section 15.04 Signs Permitted in All Districts:

- A. The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required so (see Section 15.10):
1. ~~Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation.~~
  2. ~~Miscellaneous signs affixed to vending machines, gas pumps, and ice containers indicating the contents or announcing on premises sales, provided each sign does not exceed two (2) square feet in area.~~
  3. ~~Political advertising signs related to a candidate running for office or a proposition up for public vote, provided each sign shall not exceed sixteen (16) square feet in area.~~
  4. ~~Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed six (6) square feet, or if more than one such sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.~~
  5. ~~Regulatory, direction, and street signs erected by a public agency.~~
  6. ~~Signs which assist motorists in determining or confirming a correct route, driveway, or parking area location, provided that such signs shall not exceed four (4) square feet in area or two (2) feet in height, and provided that any property identification or logo on such signs shall be included in the calculation of total permitted wall or freestanding sign area.~~
  7. ~~Residential identification and home occupation signs for single family dwellings and two family dwellings, and residences with family home day care facilities, provided only one (1) sign shall be permitted per lot and shall not exceed three (3) square feet in sign area. Home occupation signs in Residential Districts shall be affixed to the dwelling.~~
  8. ~~Residential development consisting of a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units is permitted one (1) sign per vehicle entrance, no closer than fifteen (15) feet to the right of way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet.~~
  9. ~~Real estate signs advertising a single lot or residence not exceeding an area of six (6) square feet provided such signs are no closer than fifteen (15) feet to the right of way of a street. A platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential or non-residential development consisting of at least five (5) dwelling units or buildings, or three (3) acres of land in the case of a non-residential development, is permitted one real estate sign no closer than fifteen (15) feet to the right of way of a street, and having a sign area not exceeding sixteen (16) square feet and a height not exceeding five (5) feet. Such sign shall be removed within one (1) year after the sale of ninety percent (90%) of all lots, units, or buildings within said development.~~
  10. ~~Construction signs are permitted in any district with a maximum height of six (6) feet and not exceeding eighteen (18) square feet in area for all districts, and provided only one (1) such sign per lot. Such sign shall be setback a~~

minimum of fifteen (15) feet from any property line or street right-of-way and shall be erected only during the construction period and removed within fourteen (14) days of the issuance of an occupancy permit.

11. Signs directing the public to a model home or unit, or the rental office in a multiple family development, provided no more than two (2) signs shall be placed upon a single lot or parcel and each sign does not exceed six (6) square feet.
12. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building's date of erection, or monumental citations, provided such signs do not exceed ten (10) square feet in area and are an integral part of the structure.
13. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
14. Non-commercial signs, provided such signs do not exceed two (2) square feet in area unless permitted otherwise by this Section or Ordinance.
15. Garage sale and estate sale signs provided such signs shall not exceed six (6) square feet in area, are not erected more than seven (7) days prior to the sale, and are removed within one (1) business day of such sale.
16. One bulletin board sign is permitted on a site in any district which is used for a church or other religious institution, school, museum, library, or other nonprofit institution. Such sign shall have a maximum height of six (6) feet and shall not exceed forty-eight (48) square feet. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way.

A. The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required under Section 15.10:

1. Flags
2. Government-Installed signs or any sign required by law, or by regulation or administrative rule of a governmental entity, having appropriate jurisdiction.
3. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, provided such signs do not exceed ten (10) square feet in area and are an integral part of the structure.
4. Residential identification sign(s).

## Section 15.05 Signs in Commercial and Industrial Districts:

In addition to the signs permitted pursuant to Section 15.04, the following business signs shall be permitted in Commercial and Industrial districts subject to the following restrictions:

**A. Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located.

**B. Wall Signs:**

1. **Number:** There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. **Area:** The maximum total sign area of all wall signs upon a building facade shall not exceed ten percent (10%) of the area of such facade, but in no case shall exceed one-hundred fifty (150) square feet. In the case of a business center, any wall signs used to identify the business center and/or individual businesses shall be applied toward meeting this maximum standard of ten percent (10%) of the area of such facade.
  - a. The above referenced ten percent (10%) standard may be increased to twenty percent (20%) where no freestanding sign is located on the site, but in no case shall wall sign area exceed two-hundred fifty (200) square feet.
  - b. **Window Signs:** Window signs shall constitute a wall sign and the area of such window signs shall be counted in the determination of the above referenced maximum wall sign area standards. However, in no case shall the area of a wall sign exceed ten percent (10%) of the window area on which it is attached or faces except that such sign shall not exceed fifty percent (50%) of the window area on which it is attached or faces in the case of the advertising of the grand opening of a business for a period not to exceed forty-five (45) days.
3. **Dimensions:** The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height, and shall not project above the roof line or cornice of the building to which it is attached. The maximum horizontal dimension of any wall sign shall not exceed two-thirds (2/3) of the building width.

**C. Freestanding Signs:**

1. Number: No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. Area:
  - a. The maximum total sign area of a freestanding sign in an Industrial or C-1 District shall not exceed eighteen (18) square feet except in the case of a business center, in which case such sign shall not exceed twenty-four (24) square feet.
  - b. The maximum total sign area of a freestanding sign in a C-2 District shall not exceed twenty-four (24) square feet, except in the case of a business center, in which case such sign shall not exceed forty-eight (48) square feet.
3. Height: Freestanding signs shall not exceed a height of six (6) feet except that such height shall not exceed ten (10) feet in the C-2 District.

In addition to the signs permitted pursuant to Section 15.04, the following signs shall be permitted in the Local Commercial, General Commercial, and Light Industrial Zoning Districts subject to the following restrictions:

A. **Type of Sign:** Signs shall be wall signs, window, canopy, awning, marquee and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located.

**B. Wall Signs:**

1. Number: There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. Area: The maximum total sign area of all wall signs upon a building facade shall not exceed ten percent (10%) of the area of such facade, but in no case shall exceed one-hundred fifty (150) square feet. In the case of a business center, any wall signs used to identify the business center and/or individual businesses shall be applied toward meeting this maximum standard of ten percent (10%) of the area of such facade.
  - a. The above referenced ten percent (10%) standard may be increased to twenty percent (20%) where no freestanding sign is located on the site, but in no case shall wall sign area exceed two-hundred fifty (200) square feet.
  - b. Any other type of sign allowed on the premise, such as canopy, awning, and marquee signs shall constitute a wall sign and shall be applied toward meeting the maximum total sign area for wall signs.
  - c. (previously b.) Window Signs: Window signs shall constitute a wall sign and the area of such window signs shall be counted in the determination of the above referenced applied to the maximum wall sign standards area. However, in no case shall the area of a sign exceed ten percent (10%) of the window area on which it is attached or faces except that such sign shall not exceed fifty percent (50%) of the window area on which it is attached or faces in the case of the advertising of the grand opening of a business for a period not to exceed forty-five (45) days.
3. Dimensions: The maximum vertical dimension of any wall signs shall not exceed one third (1/3) of the building height and shall not project above the roof line or cornice of the building to which it is attached. The maximum horizontal dimension of any wall sign shall not exceed two-thirds (2/3) one third (1/3) of the building width and shall not project from the walls of any building.

**C. Freestanding Signs:**

1. Number: No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. Area:
  - a. The maximum total sign area of a freestanding sign in an the Light Industrial or C-1 and Local Commercial Zoning Districts shall not exceed eighteen (18) twenty-four (24) square feet except in the case of a business center, in which case such sign shall not exceed thirty-five (35) square feet.
  - b. The maximum total sign area of a freestanding sign in a C-2 the General Commercial Zoning District shall not exceed twenty-four (24) thirty-five (35) square feet, except in the case of a business center, in which case such sign shall not exceed forty-eight (48) square feet.
3. Height: Freestanding signs shall not exceed a height of six (6) feet except that such height shall not exceed ten (10) feet in the C-2 General Commercial Zoning District.

**D. Illuminated Signs:**

1. No illuminated signs shall be allowed above ground level on non-state roads, and ground level signage shall not be more than six (6) feet above the ground.
2. All illuminated signs on all commercial properties shall be turned off after listed business hours.

## Section 15.06 Signs in Conservation and Residential All Districts Other Than Commercial and Industrial Districts

In addition to the signs permitted pursuant Refer to Section 15.04 for signage permitted in all districts. signs for institutions, public buildings, special land uses and businesses authorized in Conservation or Residential Districts shall be permitted in such Conservation and Residential Districts subject to the following restrictions:

- A. **Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located. The following signs shall be permitted according to the below limitations. All other signs shall be prohibited in the zoning districts outside of Commercial and Industrial districts unless expressly authorized elsewhere in this Article.

1. For dwelling units, one (1) non-illuminated wall sign not exceeding two (2) square feet in area.
2. For structures other than dwelling units, one (1) non-illuminated wall sign not to exceed eighteen (18) square feet in area.
3. Residential developments being a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units is permitted one (1) freestanding sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding forty (40) square feet and a height not exceeding five (5) feet.
4. For all residential structures, one (1) flag not to exceed twenty four (24) square feet in area may be displayed from a flagpole, flag bracket, flag stanchion, or neatly draped on a building wall or fence. Up to two (2) additional flags not exceeding twenty four (24) square feet in area each may be displayed from a flagpole located on the parcel. All flagpoles may not exceed fifty (50) feet in height. Any flags that do not meet these requirements require Township approval.

B. **Wall Signs:**

(previously 1.) **Number:** There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.

1. **Area:** The maximum total sign area of all wall signs upon a building facade shall not exceed ten percent (10%) of the area of such facade, but in no case shall exceed ~~forty eight (48)~~ eighteen (18) square feet.
2. **Dimensions:** The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height and shall not project above the roof line or cornice of the building to which it is attached. The maximum horizontal dimension of any wall sign shall not exceed one ~~half (1/2)~~ third (1/3) of the building width or project beyond the walls of a building.

C. **Freestanding Signs:**

1. **Number:** No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. **Area:** The maximum sign area of a freestanding sign shall be eighteen (18) square feet.
3. **Height:** Freestanding signs shall not exceed a height of five (5) feet.

## Section 15.07 Prohibited Signs

- A. The following signs are prohibited in all zoning districts as they have a tendency to be distracting to motorists, cause visual blight, or otherwise negatively impact the public health, safety, and welfare within the Township:

1. Any sign not expressly permitted.
2. Signs that incorporate flashing or moving lights, excluding time or temperature signs.
2. Banners, pennants, festoons, spinners, and streamers that may be distracting to motorists, except where in association with the advertising of the grand opening of a business for a period not to exceed

forty five (45) days, or where specially authorized as part of a temporary zoning permit as allowed as a temporary sign under Section 15.11 and displayed for not more than thirty (30) continuous days.

3. Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes.
4. Roof signs, portable, projecting, and off-premise advertising signs, or signs using light to project a message.
5. Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic, or mechanical means, excepting those actions associated with time-temperature signs and barber poles which do not include business messages. Flags, banners or strings of flags, which move due to wind or mechanical devices and which are intended to draw attention to a location are considered moving signs and are prohibited.
6. Any sign that obstructs free and clear vision; or at any location whereby reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
7. Any sign that includes flashing, blinking, or moving illumination.
8. Any sign that projects into any air space so as to interfere with public safety, including vehicular or pedestrian movement.
9. Signs within a public right-of-way except where expressly authorized in writing by the appropriate authority for signs of right-of-ways. (Amended 12/15/09, Ord#09-12-15-1)
10. Abandoned signs, which shall be removed within thirty (30) days of the abandonment of the use of the premises, the time that the sign lapses into disrepair, or the time when the owner no longer intends to use the sign.

## Section 15.08 Off-Premises Billboard Signs

- A. Off-premises Billboard signs are permitted provided such signs comply with all provisions of the Highway Advertising Act, P.A. 106 of 1972, as amended, and all rules promulgated pursuant to such Act, and the following provisions:
1. Outdoor advertising Billboard signs shall be permitted on a parcel in a Commercial or Industrial District that does not include another principal structure and where such parcel abuts the M-52 state highway right-of-way.
  2. Billboard signs are only authorized in the Local Commercial, General Commercial, and Light Industrial Zoning Districts.
  3. Billboard signs must be established as a principal use.
  4. (previously 2-) The following setbacks shall apply:
    - a. Except where otherwise required by this Section, outdoor advertising billboard signs are required to have the same setback as other principal buildings in the zoning district in which they are located and shall be set back a minimum of one hundred (100) feet from all right-of-ways.
    - b. No off-premises billboard sign shall be located within three hundred (300) feet of a park, school, church, hospital, cemetery, or government building, or within two hundred (200) feet of a Conservation or Residential District all districts except Commercial and Industrial districts.
    - c. No off-premises sign shall be located within five hundred (500) feet of a federal highway interchange or at grade intersection.(previously 3-) There shall be a minimum of one thousand five hundred (1,500) feet between any two billboard signs along the same side of the interstate.
  5. (previously 4-) An outdoor advertising A billboard sign's total surface area shall not exceed three hundred (300) square feet, nor exceed a height of twenty (20) feet.
  6. (previously 5-) No outdoor advertising billboard sign shall be erected on or over the roof of any building, nor have a sign above another sign.

7. (previously 6-) No ~~outdoor advertising billboard~~ sign shall be illuminated internally but shall be illuminated by reflected light only.

## Section 15.09 Nonconforming Signs

It is the intent of this Section to permit the continuance of a lawful use of any sign ~~or outdoor advertising structure~~ existing at the effective date of adoption of this Section, although such sign ~~or outdoor advertising structure~~ may not conform with the provisions of this Section. It is also the intent that nonconforming signs ~~and outdoor advertising structures~~ shall not be enlarged upon, expanded, or extended. Further, it is the intent that nonconforming signs ~~and outdoor advertising structures~~ shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs ~~and outdoor advertising structures~~ within the Township shall be subject to the conditions and requirements set forth herein.

- A. Structural Changes: The faces, supports, or other parts of any nonconforming sign ~~or outdoor advertising structure~~ shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provisions of this Article for the use it is intended, except as otherwise provided for.
- B. Structural Damage: Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

## Section 15.10 Signs Requiring Permits

All signs larger in area than ~~twenty (20)~~ twenty-four (24) square feet, including wall signs, shall require a zoning permit prior to erection and/or placement. ~~All other signs may be erected without a permit in strict conformance with this Ordinance. Applications for a permit to erect or replace a sign, shall be made by the owner of the property, or his authorized agent, to the Office of Zoning Administration Zoning Administrator by submitting the required forms, fees, exhibits, and information.~~ If site plan review is required for a proposed project which a proposed sign shall be part of, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the ~~Office of Zoning Administration Zoning Administrator~~ shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The ~~Office of Zoning Administration Zoning Administrator~~ may defer action on proposed signage to the Planning Commission.

## Section 15.11 Temporary Signs

- A. ~~Non-illuminated on-site temporary exterior signs may be erected, either as a wall sign or freestanding sign, if all of the following are met:~~
  1. ~~The total area of temporary signs on the premise shall not exceed the greater of 25% of the window area or sixteen (16) square feet.~~
  2. ~~Temporary signs shall be displayed for no more than (60) sixty thirty (30) continuous calendar days and for no more than (120) one hundred and twenty sixty (60) days each calendar year.~~
  3. ~~Temporary signs shall comply with the sign setback requirements from Section 15.03(B)(2).~~
  4. ~~Up to three temporary signs per parcel, provided that the total area of signage is less than the maximum area under this Section and any such sign is unlit and is removed within 30 days of installation.~~

*End of Article 15*

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## **Article 16**

### **OFF-STREET PARKING and LOADING**

#### **Section 16.01 Purpose**

It is the purpose of this Article to establish standards and requirements to assure that parking spaces shall be adequately provided and maintained by each property owner in every zoning district for the off-street storage of motor vehicles as may be necessary, including in association with the receiving and distribution of goods by motor vehicle, to prevent undue interference and hazards with the public use of such parking areas, receiving and distribution areas, roads, and other vehicle access areas.

#### **Section 16.02 General Requirements**

- A. **Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- B. **Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied shall be documented in a file established for that purpose.
- C. **Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing or selling of any kind shall be conducted in an off-street parking area necessary to meet the minimum required number of parking spaces for the site unless specifically permitted through the issuance of a temporary zoning permit.
- D. **Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.
- E. **Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Township Board whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 16.04 are met.
  - 1. Computing Capacities: In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
  - 2. Record of Agreement: A copy of a proposed agreement between joint users shall be filed with the application for a zoning permit and a copy shall be recorded with the Register of Deeds of the County upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the Township Board for termination of such agreement.
- F. **Queued Vehicles:** There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of a public street right-of-way or in any other way interfering with road traffic. The Township Board may increase this length to no more than one hundred fifty (150) feet where it feels the minimum required fifty (50) foot distance will not adequately address public safety issues due to anticipated traffic patterns and/or types of vehicles. This subsection shall not apply to single family and two-family dwellings.
- G. **Decrease in Parking Areas:** No off-street parking area which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.07.

- H. **Barrier-Free Parking Spaces:** Barrier-free parking spaces, measuring a minimum of twelve (12) feet in width, and associated signage and ramps, shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building and shall be adjacent to a smooth sloping aisle surface of a minimum five (5) feet in width and not exceeding a slope of 1:20 (one foot vertical rise for each 20 feet of horizontal distance) to facilitate access from the vehicle to a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

### Section 16.03 Parking Space Requirements

#### A. Compliance with Required Number of Parking Spaces:

1. This Section identifies the number of required off-street parking spaces in all districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 16.02(E). The Township Board may waive a portion, or all of the parking space requirements provided, upon review, makes a finding that all of the following conditions are true:
  - a. There are adequate public parking facilities nearby to accommodate the increased parking demand.
  - b. The waiving of the additional parking spaces will not result in a visible increase in the use of nearby residential neighborhoods for off-street parking purposes.
  - c. The waiving of the additional parking spaces will not result in a visible increase in traffic congestion or traffic hazards.
  - d. Significant practical limitations exist which effectively prohibit providing the required parking spaces.
2. In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the Township Board may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the Township Board may subsequently require the applicant to construct such parking spaces upon a determination by the Township Board that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination by the Township Board, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

#### B. Residential Uses. ~~In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.~~

1. **One and Duplex Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. ~~**Multiple Dwellings:** Two (2) spaces for each multiple household family dwelling unit plus one space per five (5) units for guest parking.~~
2. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
3. **Adult and Child Care Facilities Group Homes (adult foster care):** One (1) space for every three (3) residents of the home.
4. **Residential Business:** Two (2) spaces for each single family dwelling plus one (1) parking space shall be provided for each employee of the largest work shift.

#### C. Commercial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. Athletic Clubs, Physical Exercise Establishments, Health Studios, Sauna Baths, Judo Clubs: One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
2. Automobile or Machinery Sales and Service Garages: One (1) space for each 200 square feet of showroom floor area plus two (2) spaces for each service bay, provided at least ten (10) spaces are provided. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
3. Banks and Financial Institutions: One (1) parking space for every 250 square feet of usable floor area plus sufficient area for eight (8) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
4. Barber Shops and Beauty Parlors: Two (2) spaces for each beauty and/or barber chair.
5. Bowling Alleys: Three (3) spaces for each alley.
6. Car Wash, Automatic: For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacturer's hourly rated capacity for the system in use shall be required.
7. Car Wash, Self-Service: Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
8. Clinics: Two (2) spaces for each examination or treatment room.
9. Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops): One (1) space per four hundred (400) feet of gross floor area.
10. Commercial and Institutional Recreational Facilities: One (1) space per two (2) patrons based on the maximum capacity of the facility as determined by the State Fire Marshall.
11. Convalescent Homes, Convents or Similar Uses: One (1) space for each three (3) beds.
12. Service Stations: Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
13. Dance Halls, Roller Skating Rinks, Pool and Billiard Rooms: One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
14. Adult and Child Care Facilities Day Care Centers, Child Care Center, Nursery School, School of Special Education: One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven adults or children, whichever is greater.
15. Funeral Homes and Mortuaries: One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
16. Kennels: One (1) space for each five (5) animals of the facility's capacity.
17. Laundromat: One (1) space for every three (3) washing or drying machines.
18. Miniature or Par 3 Golf Courses: Three (3) spaces for each hole.
19. Motels, Hotels, Auto Courts, Tourist Homes: One (1) space for each sleeping unit, plus spaces for bars, restaurants, banquet rooms, and other associated facilities as determined by the Planning Commission.
20. Offices, Business and Professional: One (1) space for every two hundred (200) square feet of gross floor area.
21. Private Recreational Facilities: One (1) space for every six (6) potential members based on the capacity of the facility as determined by the State Fire Marshall.

22. Retail Stores, (except as otherwise specified herein): One (1) space for every three hundred (300) square feet of gross floor area.
23. Restaurant, Standard: One (1) space for every four (4) seats, plus an additional one (1) space for each 75 square feet of usable floor area.
24. Restaurant, Drive-Through: One (1) space for every four (4) seats, plus sufficient area for eight (8) stacking spaces for drive-in windows.
25. Restaurant, Drive Through (no indoor eating facilities): One (1) space for every 15 square feet of usable floor area except that a minimum of ten (10) spaces is provided.
26. Restaurant, Carry-Out (no indoor eating facilities): One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
27. Supermarket, Self-Service Food Store: One (1) space for every one-hundred (100) square feet of gross floor area, excluding walk-in refrigeration units.

**D. Industrial Uses:**

1. Industrial or Manufacturing Establishments: One (1) space for every employee of industry's largest working shift.
2. Warehouses, Wholesale Stores: One (1) space for every eight-hundred (800) square feet of floor area.

**E. Other Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. Church, Synagogue, Chapel, Temple: One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
2. Auditorium, Theater, Assembly Hall: One (1) space for each three (3) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, whichever is greater. in the main unit of worship, whichever is greater.
3. Private Civic, Fraternal Club or Lodge: One (1) space for each three (3) members, based upon the load capacity as determined by the State Fire Marshall.
4. Elementary and Middle Schools: See requirements for auditoriums.
5. Public Golf Course: Four (4) spaces for each golf hole.  
High Schools: One (1) space for each five (5) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. Hospital, Sanitarium, Nursing Facility, Home for the Aged: One (1) space for each two (2) beds.
8. Libraries, Museums, Post Offices: One (1) space for every five hundred (500) square feet of floor area.
9. Outdoor Theaters and Other Outdoor Entertainment Facilities: One (1) space for every four fixed seats and one (1) additional space for every five hundred (500) square feet available to accommodate additional attendees not otherwise restricted to a fixed seating area.

## Section 16.04 Site Development Requirements

All off-street parking areas, except for single family and two family **duplex** dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

- A. **Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- B. **Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

- C. **Surface:** All required off-street parking areas shall be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body. The site plan approval body may waive this requirement upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. The waiving of this requirement shall be in writing, such as the recording of such action in meeting minutes. All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff.
- D. **Location/Setback:** No off-street parking area shall be located in a required front, side or rear yard setback. Additionally, no off-street parking area shall be located in a front yard in a C-2 or Industrial District. This requirement shall not prohibit the placement of a driveway crossing such setback areas in a generally perpendicular manner. The site plan approval body may waive these requirements upon its determination that such waiving shall not undermine the compatibility of the proposed development with surrounding conditions or otherwise undermine the intended character of such development and the surrounding area, according to this Ordinance and the planning policies of the Township. The waiving of any requirement shall be in writing, such as the recording of such action in meeting minutes.
- E. **Lighting:** All parking lot lighting shall comply with the applicable provisions of Section 18.04, but in no case shall parking lot light fixtures exceed sixteen (16) feet in height above the parking lot surface.
- F. **Parking Spaces and Maneuvering Lanes:** Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a public road right-of-way shall be prohibited. The layout of off-street parking areas shall be in accord with the following minimum standards:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (Parallel)	12 ft.; 20 feet if two-way.	9 ft.	23 ft.
30° to 53°	13 ft.	9 ft.	20 ft.
54° to 74°	18 ft.	9 ft.	20 ft.
75° to 90°	22 ft.	9 ft.	18 ft.

1. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
2. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if adjacent to landscaping or adjoining a sidewalk at least seven (7) feet wide.

**Section 16.05 Loading and Unloading Space Requirements**

- A. **Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 16.03 and shall not be considered as supplying off-street parking space.
- B. **Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than ten (10) feet in width, sixty-five (65) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following:

Institutional, Commercial, and Office Uses	Spaces Required
<b>Up to 5,000 square feet of gross floor area</b>	1 space, if determined necessary during site plan review
<b>5,001 to 60,000 square feet of gross floor area</b>	1 space, plus 1 space per each 20,000 sq. ft.
<b>60,001 square feet of gross floor area and over</b>	4 spaces, plus 1 space per each additional 20,000 sq. ft.

Industrial Uses	Spaces Required
<b>Up to 1,400 square feet of gross floor area</b>	0 spaces
<b>1,401 to 20,000 square feet of gross floor area</b>	1 space

<b>20,001 to 100,000 square feet of gross floor area</b>	1 space, plus 1 space per each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft
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- A. **Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a road or alley.
- B. **Screening:** All loading and unloading areas which are adjacent to another District or residential property, or face or are visible from residential properties or public thoroughfares, shall be screened.
- C. **Location:** A loading-unloading area shall not be located within any front yard. A loading-unloading area may be located within a required side or rear yard setback where such yard adjoins a Commercial or Industrial District. However, in no case shall the loading-unloading area be located closer than fifty (50) feet to a residential lot line.

***End of Article 16***

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## **Article 17**

### **LANDSCAPING and SCREENING**

#### **Section 17.01 Purpose**

It is the purpose of this Article is to establish standards and requirements to assure adequate provisions are made for landscaping and screening so that land uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between incompatible uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole and its residential and business areas.

#### **Section 17.02 Application**

The requirements of this Article shall apply to only those uses for which site plan approval is required under Article 4, Procedures for Site Plan & Plot Plan Review, and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth in this Article. This Article shall not apply to single family and two-family duplex dwellings.

#### **Section 17.03 Landscape Plan Required**

- A. A separate detailed landscape plan is required to be submitted as part of a site plan (see Article 4). The landscape plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Section 17.04) and parking lot landscaping (see Section 17.05). The landscape plan shall include, but not necessarily be limited to, the following items:
1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Article.
  2. Identification of grass and other proposed ground cover and method of planting.
  3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
  4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
  5. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
  6. Identification of existing trees and vegetative cover to be preserved and those trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

#### **Section 17.04 Buffer Areas**

- A. **Side and Rear Yard Buffer Areas:** All uses for which a site plan is required shall be screened by a buffer area along all adjoining side and rear yard boundaries where such yards are required by the respective District (see Table 9-4 10-3). The buffer area shall not be used for storage purposes or used in any other manner except for the purposes of a buffer.
1. The buffer area shall be equal to the minimum required setback for the District, but in no case shall such buffer yard be less than ten (10) feet in width. The buffer yard shall include a berm or solid wall or fence or a combination thereof and be of at least (5) feet in height. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees, at a rate of at least one (1) evergreen tree per fifty (50) linear feet and one (1) deciduous tree per one hundred (100) linear feet. Heights of walls shall be measured on the side of the proposed wall/fence having the higher grade. At the time of their planting, evergreen trees shall be a minimum of five (5) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.
    - a. A buffer area need not include a berm, wall or fence where the abutting parcel is in the same District as the buffer yard. However, all plant material required by (1) above shall be provided.

- b. Subsection (A)(1) above is not intended to require a side or rear yard buffer area separate from the minimum required setback but rather to require that the buffer area be, at a minimum, as wide as the minimum required setback.
- B. Front Yard Buffer Areas:** A buffer area with a minimum width equal to the front yard setback of its zoning classification shall be located adjoining the right-of-way of a public road, and shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 17.04(A) above for each seventy-five (75) lineal feet, or portion thereof, of frontage adjoining said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.
1. This subsection is not intended to require a front yard buffer area separate from the minimum required setback but rather to require that the buffer area be, at a minimum, as wide as the minimum required setback.

### **Section 17.05 Parking Lot Landscaping and Screening**

- A. Parking lots shall be landscaped and screened as follows:**
1. There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces. Such trees shall be located within parking islands or within fifteen (15) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
  2. Where a parking lot contains six (6) or more parking spaces and is within two hundred (200) feet of a Conservation or Residential district, or is within view from a public road, a berm and vegetative screen shall be installed to fully screen views to the parking area from such neighboring Districts and roads. The berm shall be a minimum four (4) feet in height and all shrub materials shall be a height of at least three (3) feet at the time of their planting.
    - a. The establishment of a berm is not required in the case of a parcel in a C-1 District.

### **Section 17.06 Minimum Standards of Landscape Elements**

- A. Quality:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the site plan approving body.
- B. Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, shall be required as a protective measure against insect and disease infestation. A limited mixture of native hardy species shall be required to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
- C. Existing Trees:**
1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the site plan approving body.
  2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Planning Commission, the applicant shall replace them with trees which meet Ordinance requirements.

### **Section 17.07 Installation, Maintenance And Completion**

- A. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Township Board that seasonal conditions prohibit the**

installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such certificate.

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

### **Section 17.08 Fencing and Walls Construction**

- A. **Fencing:** Required fencing shall consist of solid board fences with wood posts not less than three and a half inches (3 1/2" x 3 1/2") and solid board cover not less than three quarters (3/4) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of fencing shall face adjacent properties. Fencing consisting of tree trunks and/or limbs anchored into the ground is not permitted.
- B. **Walls:** Required walls shall be of masonry design and constructed to facilitate maintenance and not modify natural drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.

### **Section 17.09 Waivers and Modifications**

- A. Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.
- B. The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

***End of Article 17***

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## Article 18 ENVIRONMENTAL PROTECTION

### Section 18.01 Purpose

The purpose of this Article is to promote a healthy environment in Waterloo Township as it relates to the Township's natural resources; sensitive ecosystems; the integrity of the Township's land, water, and air; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky; and the provision of adequate sewage disposal and potable water. All provisions of this Article apply to all structures and uses unless otherwise noted.

### Section 18.02 Natural Resources

A. **Compliance with Local, County, State, and Federal Regulations:** All land uses and construction activities shall conform with the provisions of this Ordinance and all county, state and federal regulations including, but not limited to, the following:

1. Applicable fire safety and emergency vehicle access requirements of the State Building Code and State Fire Marshall.
2. Soil erosion and sedimentation requirements of the Jackson County Drain Commissioner.
3. Requirements of the Michigan Department of **Health and Human Services (MDHHS)** ~~Consumer and Industry Services~~ and the Jackson County Health Department.
4. Requirements of the Michigan Department of **Environment, Great Lakes and Energy (EGLE)** ~~Environmental, Quality~~ including those applying to air and water quality protection, wetlands, stream crossings, ~~adding fills~~ in or near water bodies or in flood plains, and waste disposal.
5. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
6. Applicable rules and regulations of the Federal Communications Commission (**FCC**).

#### B. Discharges

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Michigan Department of **Environment, Great Lakes and Energy (EGLE)** ~~Environmental Quality~~ or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited. This subsection shall not apply to farm operations in compliance with the most current published Generally Accepted Agricultural Management Practices of the Michigan Commission of **Agricultural and Rural Development (MDRD)** ~~Agriculture~~.
2. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of **Environment, Great Lakes and Energy (EGLE)** ~~Environmental Quality~~.

#### C. Sensitive Lands:

1. Where a portion of a parcel is characterized by sensitive or fragile environmental features, including marshes, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the approving body verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

- D. **Clearing, Grading, and Drainage:** In order to protect soil resources, adjacent properties, public roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.
1. **Removal of Topsoil:** Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except where expressly authorized pursuant to an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon.
  2. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure and are managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
  3. **Drainage:** All lots shall retain storm water runoff on-site or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. No land uses shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon adjacent properties including an adjacent street. No land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.

### **Section 18.03 Potable Water and Sewage Disposal**

Any structure intended for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, or mercantile purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Jackson County Public Health Department as well as those of other applicable local, county, state, or federal agencies.

### **Section 18.04 Lighting**

- A. No lighting shall in any way impair the safe movement of traffic on any road or highway.
- B. Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:
1. A wall or fence at least five (5) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No wall/fence shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.
  2. Lighting shall be designed and constructed to ensure that direct and reflected light is confined to the lot or parcel upon which the light source is located.
  3. Exterior lighting shall be so installed that the surface of the source of light shall be hooded or louvered to the greatest extent practical so that:
    - a. the light source shall not be visible and shall be so arranged to reflect light away from adjacent properties.
    - b. in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district.
  4. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.
- C. Outdoor lighting which need not comply with the standards of (B) above shall be limited to:
1. Outdoor recreation and amusement areas provided the lighting is designed with baffling and glare guards to assure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and such lighting is turned off during hours the facility is closed to the public.

2. Neon lighting and other bare bulb Lighting associated with an approved sign.
3. Communication towers, provided tower lighting is the minimum required by the Federal Aviation Administration.

**Section 18.05 Noise**

Noise related zoning shall comply with the standards and requirements of the Waterloo Township Noise Ordinance #22-04-26-01. (Adopted 04-26-2022). See the Waterloo Township website for further information.

A. A person, industry, corporation, firm or business shall not emit, cause or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described herein exceeds the sound level limits in Table 18-1 below. Measurement of sound level shall be made using a microphone set at a height of approximately four and one half (4 1/2) feet and at a horizontal distance of at least five (5) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound sources being measured is located. A violation shall not be deemed to exist unless the sound level measured with the sound source or sources of interest in operation is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.

B. All measurements shall be made using a sound level meter which meets the current American National Standard S1.41984, "Type 2 or Type Sound Level Meters," and which has been set for fast meter response and the A-weighting network.

C. This Section shall not apply to agricultural operations utilizing equipment with normal silencing devices, home lawn maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, and the emission of sound in the performance of emergency work.

**Table 18.05**  
A-Weighted Sound Level Limits (Decibels)

Duration, as a percentage of any one hour period:	Districts Conservation and Residential		Districts Commercial and Industrial	
	6:00 pm – 6:00 am / 6:00 am – 6:00 pm		6:00 pm – 6:00 am / 6:00 am – 6:00 pm	
50% or greater:	55	55	55	65
More than 10% but less than 50%:	55	55	60	70
10% or less:	55	65	70	75
Maximum, any duration:	65	75	80	80

(Amended 12/7/09 Ord # 09-12-07-1)

**Section 18.06 Vibration**

Operating any devices that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation or moving objects.

**Section 18.07 Glare and Heat**

Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any property line at any time.

***End of Article 18***

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## Article 19

# ACCESS CONTROLS, SHARED DRIVEWAYS and PRIVATE ROADS

### Section 19.01 Purpose

The purpose of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation (MDOT), Jackson County Department of Transportation (JCDOT) Road Commission, and other provisions of this Ordinance.

### Section 19.02 Curb Cuts and Driveways

- A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Section 4.02. Said plan shall be approved prior to the issuance of a zoning permit. No such plan shall be approved unless such driveway access is onto a public street or approved private road. Driveways and curb cuts shall, at a minimum, meet the requirements of the JCDOT County Road Commission and Michigan Department of Transportation (MDOT), and the following standards:
1. Driveways shall generally enter perpendicular to the existing street or road.
  2. No driveway shall serve more than one (1) single family/household dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved by the Township Board. Regarding shared driveways, see Section 19.05.
  3. Residential driveways shall be a minimum of twelve (12) feet in clear unobstructed width, be clear and obstructed to a minimum height of fifteen (15) feet, have a clear-vision view of three (3) feet and have a surface designed and maintained to permit emergency access.
  4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than one hundred (100) feet to an adjacent driveway within a Commercial or Industrial district.

### Section 19.03 Lots to Have Access

All parcels or lots that are improved with a building, pursuant to a valid zoning permit, shall have frontage on a public road, or an approved private road, or be served by an access easement or shared driveway to such public or private road, and take their access from such frontage or easement so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

### Section 19.04 Clear Vision Zone

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall impede vision between a height of three (3) feet and eight (8) feet above the centerline grades along a road on any corner lot or parcel within the triangular area formed by the intersection of any road right-of-way lines and a diagonal line connecting them at points thirty (30) feet from their intersection. No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be higher than three (3) feet above road grade on any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a diagonal line connecting them at points twenty (20) feet from their intersection.

### Section 19.05 Shared Driveways and Private Roads

- A. **Shared Driveways and Private Roads Permitted:** Shared driveways and private roads, as defined in Article 21, are may be permitted provided they conform to the requirements of this Section.
- B. **Shared Driveways**
1. Application: Shared driveways require approval, subject to an application. An application for a shared driveway shall include the following:

- a. A plot plan drawn to a scale of not less than one inch equals 100 feet (1" = 100') delineating the proposed alignment of the driveway and the lots it is to serve. The Zoning Administrator or Township Engineer may require additional data to be submitted, such as existing topography, proposed grades, and soil conditions, where the driveway is to serve more than two (2) lots and such data is needed to determine the adequacy of the proposed driveway.
  - b. Maintenance agreement signed by applicant/owner(s) and approved by the Township Attorney, to be recorded with the Township Clerk and County Register of Deeds providing for:
    - 1) A method of initiating and financing such shared driveway in order to keep the shared driveway up to the specifications of this Section.
    - 2) A workable method of apportioning the costs of maintenance and improvements to current and future lots along such shared driveway.
  - c. Easement agreement signed by the applicant/owner(s) and approved by the Township Attorney, to be recorded with the Township Clerk and County Register of Deeds providing for:
    - 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
    - 2) A provision that the owners of any and all of the property using the shared driveway shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress, egress, public utilities, and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the driveway.
  - d. A ~~JCDOT Jackson County Road Commission~~ correspondence signifying approval or preliminary approval of the location of the shared driveway's intersection with a public road.
2. Review: The approving body for an application for shared driveways shall be the **Township** Planning Commission except that the approving body for an application for a shared driveway serving only two (2) lots shall be the Zoning Administrator. The respective approving body shall forward all relevant application materials for review and comment to the Fire Chief, Township Attorney, and Township Engineer. Upon a finding that the application materials conform to the requirements and standards of this Section and Ordinance, the approving body shall approve, or approve with conditions, the application. Decisions by the approving body shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the approving body, an extension of time is necessary to adequately collect and review information pertinent to a decision.
3. Standards: Shared driveways shall comply with the following standards in addition to all other applicable standards of this Ordinance:
- a. The driveway surface shall be a uniform minimum twelve (12) feet wide, measured edge to edge, with eighteen (18) feet wide passing flares provided at least every three hundred (300) feet.
  - b. The shared driveway surface shall be maintained clear of vegetation and any other obstructions, including a minimum fifteen (15) foot vertical clearance above the shared driveway, for the full width and length of the surface.
  - c. The shared driveway shall not exceed one thousand five hundred feet (1,500') in length.
  - d. The shared driveway shall not serve more than four (4) dwelling units.
  - e. All addresses served by the shared driveway shall be clearly marked at its point of intersection with a road, and such addresses shall also be clearly marked at any location a private driveway splits from the shared driveway.
  - f. A shared driveway shall be accessible to emergency vehicles. The plot plan shall clearly document a feasible and practical manner by which emergency vehicles are capable of turning around.
  - g. No shared driveway shall be posted with a name.
  - h. There shall be no parking on or along a shared driveway. "No parking" signs shall be posted at distances of no greater than two hundred fifty (250) feet on both sides of the driveway.

### C. Private Roads

1. Application:

- a. Approval authority for a private road is vested in the Township Board solely. An applicant requesting approval to construct a private road shall pay the required application fee to the Township Clerk and submit ten (10) copies of the completed application. The application shall include drawings prepared and sealed by a Michigan-registered civil engineer identifying the following:
    - 1) Parcel numbers and names of owners for all properties having legal interest in the road.
    - 2) Proposed land divisions to be made from the entire area including a boundary and parcel division plan showing areas of the proposed lots or parcels and their respective legal descriptions.
    - 3) A survey drawing showing: the proposed right-of-way and the dimensions and bearings thereof, existing topographic contours, at two (2) foot intervals, of the proposed right-of-way and adjacent land within one-hundred (100) feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate; soil characteristics; trees; streams and all bodies of water within ten (10) feet from the right-of-way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate; existing buildings within fifty (50) feet of the proposed right-of-way; the proposed right-of-way in relation to the nearest property lines; and the location of all proposed improvements in the right-of-way area. The plans shall identify existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road.
    - 4) Plan and profile drawings, and cross sections, of the proposed road and right-of-way, clearly identifying all materials, grades, and dimensions.
    - 5) Proposed road maintenance agreement signed by applicant/owner(s) to be recorded with the County Register of Deeds.
    - 6) Proposed road easement agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds.
    - 7) A signed statement by the engineer who prepared the road plans, certifying that the plans and drawings for the private road, submitted for review, meet or exceed the provisions of this Section.
  - b. The Township Clerk shall forward copies of the application materials to the Supervisor, and **JCDOT Jackson County Road Commission** for review and comment.
  - c. The Township Board shall consider said application and approve, deny, or approve with conditions said application. In rendering a decision, the Township Board shall consider the comments of the Supervisor and **JCDOT Jackson County Road Commission**, and the approval standards of subsection (2) below.
    - 1) Any conditions attached to an approval shall be given in writing to the applicant.
    - 2) If the application is rejected, the reasons for the rejection shall be given in writing to the applicant.
    - 3) At the discretion of the Township Board, a proposed private road may be denied unless it connects to another private road or public road when necessary to provide safe traffic flow and emergency vehicle access.
2. Standards: An application for a private road shall comply with the following standards and requirements:
- a. Alignment: The roadway surface and turn-around area shall be centered in the right-of-way.
  - b. Public Utilities: The right-of-way shall provide for installation and maintenance of public and private utilities.
  - c. Drainage: Underground crossroad drainage shall be provided where the proposed private road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Jackson County **Department of Transportation (JCDOT) Road Commission** and/or County Drain Commissioner. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the discharge rate existing prior to the construction of the private road. Connection to county drains shall be approved by the **JCDOT County Road Commission** prior to the issuance of a permit. Connection to roadside ditches within public road

rights-of-way shall be approved by the **JCDOT County Road Commission** prior to the issuance of a permit.

d. Intersections:

- 1) Construction authorization from the **JCDOT County Road Commission** is required for connection to a public road.
- 2) Private roads shall meet perpendicular to a public street right-of-way or private road except where the Township Board permits an angle of no less than seventy (70) degrees due to environmental or other substantial constraints.
- 3) Proposed private roads or entrances to a development shall align directly across from or be offset at least two-hundred fifty (250) feet from public and private roads, measured from centerline to centerline.

e. Ingress and Egress Grades: Private roads shall be designed and so constructed to provide safe ingress, egress, and vehicular movement.

f. Vertical Clearance: A minimum of fifteen (15) feet of overhead clearance shall be maintained across the width of a private road to provide emergency access.

g. Street Names: Road names shall not duplicate existing public or private road names within Jackson County. The applicant shall submit evidence of this condition.

h. Signs: Regulatory signs (stop, yield, etc.) shall be positioned and installed in accordance with the Michigan Manual Traffic Control Devices on all private roads where such roads intersect public streets. All other signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections.

i. Maintenance Agreement: A road maintenance agreement signed by applicant/owner(s) and to be recorded with the Township Clerk and County Register of Deeds, providing for:

- 1) A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
- 2) A workable method of apportioning the costs of maintenance and improvements to current and future uses.
- 3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established **JCDOT County Road Commission** standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs.
- 4) A notice that no public funds of the Township are to be used to build, repair, or maintain the private road.

j. A road easement agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds, providing for:

- 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
- 2) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

k. Road design shall comply with the most current standards of the **JCDOT Jackson County Road Commission**, including surface, base, and sub-base materials, thicknesses, and slopes, except where expressly authorized otherwise by the Township Board upon a finding by the Township Board that compliance with such standard(s) is not necessary to ensure the public health, safety and welfare due to specific site conditions. However, a private road serving four (4) dwellings or less need only consist of eight inches (8") of the most current standard of the **JCDOT Road Commission** for compacted gravel.

3. Authorized Use of a Private Road

- a. No private road shall be used to provide access to dwellings or other buildings until the Township Board has granted a zoning permit for use of such road. Upon completion of the construction of a private road authorized by a zoning permit and upon submittal of an application by the applicant to use such road, the Township Board shall grant approval to use the private road through the issuance of a zoning permit specifically authorizing such use when the following conditions have been met:
  - 1) The applicant's engineer shall certify to the Township Board, in writing, that the required improvements were made in accordance with this Section and Ordinance and approved plans.
  - 2) The **JCDOT Jackson County Road Commission** has certified that all private road intersections with public roads are approved as constructed.
  - 3) The Township Board has received copies of the approved street easement agreement and street maintenance agreement recorded with the Jackson County Register of Deeds.
4. **Failure to Perform:** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the **JCDOT County Road Commission** or the Township in its standards and specifications for road construction and development.
5. **Notice of Easements:** All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

"This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (~~Michigan P.A. 134 of 1972, as amended.~~)"

**End of Article 19**

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## **Article 20 GENERAL PROVISIONS**

### **Section 20.01 Purpose**

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

### **Section 20.02 Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses.

### **Section 20.03 Permitted Yard Encroachments**

- A. Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters and similar features may project three (3) feet into the required front setback areas, five (5) feet into required rear yard setback areas, and two (2) feet into the required side yard setback areas. Fire escapes and outside stairways, if of open construction, may project into a required yard to a maximum of three (3) feet.
- B. An unenclosed porch, deck, balcony or awning may project from a principal building into the required rear yard setback area for a distance not to exceed fifteen (15) feet; into a required front yard setback area for a distance not to exceed eight (8) feet; and into a required side setback area for a distance not to exceed three (3) feet, but in no case shall a deck, balcony, porch, or awning be placed closer than five (5) feet to any lot line. Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements.

### **Section 20.04 One Single-Family Dwelling to a Lot**

No more than one (1) single family dwelling may be permanently established on a lot or parcel, ~~unless specifically provided for elsewhere in this Ordinance.~~

### **Section 20.05 Moving Buildings**

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building or structure meets all applicable provisions of this Ordinance, including but not limited to required setbacks, and the building and all materials therein are approved by the Building Inspector.

### **Section 20.06 Exception to Frontage Requirements**

The lot frontage of a lot may be reduced below the minimum lot frontage requirement of the District in which it is located where the front lot line of such lot abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area. However, such frontage reduction shall result in a lot with a minimum of sixty-six (66) feet of frontage and such lot shall comply with the minimum lot width requirement of the District over at least seventy percent (70%) of the lot area.

### **Section 20.07 Height Requirement Exceptions**

- A. The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:
  - 1. Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and the resulting structure does not exceed a total height of seventy-five (75) feet.
  - 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling

towers, or other structures where the manufacturing process requires a greater height but do not exceed seventy-five (75) feet in height.

3. Public utility structures and communication towers, where so approved pursuant to Article 5, Procedures for Special Land Uses.

### **Section 20.08 Home Occupation, Class 1**

A. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Class 1 Home Occupations, as defined in Article 21 of this Ordinance, shall comply with the following conditions:

1. The home occupation shall be conducted entirely within the dwelling and shall not occupy more than twenty (20) percent of the total first floor area of the dwelling, but in no case shall such occupation exceed five hundred (500) square feet in area.
2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
3. The home occupation shall not employ more than one (1) person not residing in the home.
4. All activities shall be carried on indoors. No outdoor storage or display shall be permitted.
5. There shall be no change in the exterior appearance of the dwelling, or other visible evidence of the conduct of such home occupation other than a permitted sign.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
7. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided as an incidental activity associated with the principal service offered by the home occupation.
8. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste in quantities in excess of those maintained in a typical household.
9. A zoning permit is required. It shall be issued by the Zoning Administrator upon a finding that the proposed home occupation shall conform to the above requirements and the required fee has been paid. Conformance to the above standards shall be maintained throughout the duration of the home occupation.

### **Section 20.09 Unsafe Buildings and Structural Damage**

Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy. Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause shall be rebuilt in accordance with this Ordinance and other pertinent codes and ordinances or shall be restored to a safe and healthy condition with all debris removed from the site within ninety (90) days from the occurrence of such damage.

### **Section 20.10 Screening of Trash Receptacles**

Any use requiring the outdoor storage of trash in a trash dumpster or similar large trash receptacle shall screen such receptacle with an opaque fence or wall at least as high as the receptacle. Such fence or wall shall be constructed of material that is compatible with the architectural materials used in the site's development. Gates that provide access to the container for maintenance shall be made of an opaque material that is also compatible with the site's architectural materials.

## Section 20.11 Garage Sales, Rummage Sales, and Similar Activities

Garage sales, rummage sales, yard sales, moving sales and similar activities shall be considered a permitted accessory use in any Residential District subject to the following conditions:

1. Any single garage sale, rummage sale or similar activity shall be allowed without a temporary zoning permit for a period not to exceed four (4) days within a six (6) month period. Such activities in operation for a period in excess of four (4) days shall require a temporary zoning permit from the Zoning Administrator. However, in no case shall more than two (2) such activities be held in any one (1) location within any twelve (12) month period. In considering such a permit, the Zoning Administrator shall issue the permit only upon finding that the activity will have a minimal impact on surrounding properties.
2. All such activities shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
3. All such activities shall be conducted a minimum of twenty (20) feet from the front lot line of the parcel on which the activity is located.

~~Overnight outside storage of goods or merchandise offered at a sale is prohibited.~~

4. ~~No signs advertising a garage sale or similar activity shall be placed upon public property. No more than two (2) signs shall be posted upon private property, and such signs shall be~~ removed within twenty-four (24) hours of the conclusion of said sale or similar activity.

## Section 20.12 Seasonal Sales

A. The sale of Christmas trees and other seasonal items shall be considered temporary accessory uses within any zoning district, subject to the following conditions:

1. A temporary zoning permit renewable on an annual basis shall be secured from the Zoning Administrator.
2. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
3. Adequate parking and means of ingress to and egress from the premises shall be provided.
4. Any temporary structure shall be removed upon discontinuation of the seasonal use.
5. Signs shall conform to the provisions of the District in which the activity is located.
6. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.

## Section 20.13 Compliance with Generally Accepted Agricultural Management Practices

All farm operations, including the keeping of animals and the storage and spreading of manure, shall comply with the Michigan ~~Department of Agriculture and Rural Development (MDARD) Commission of Agriculture's~~ most recently published Generally Accepted Agricultural Management Practices ~~(GAAMPs)~~.

## Section 20.14 Key-Holing, ~~and Funneling and Riparian Access~~

The use of any lot for access to a lake, stream or other water body shall comply with all requirements of ~~Section 11.27 which supersedes the~~ Waterloo Township Ordinance #1-21-92-1.

## Section 20.15 Storage of Recreational Vehicles

Recreational vehicles, travel trailers, motor homes, boats, snow mobiles and similar items may be stored outdoors on a lot used for residential purposes provided such items are registered to an occupant of the dwelling on the lot on which such storage is occurring. Storage of said items by a person visiting an occupant of the dwelling on the lot on which such storage is occurring is permitted provided such storage does not exceed thirty (30) days during any twelve (12) month period.

## Section 20.16 Vicious Animals Prohibited ~~(deleted per Township Board 6/2024)~~

~~No vicious animal shall be kept permanently or temporarily in any District in the Township. For the purposes of this Section, a "vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.~~

### **Section 20.17 Earth Sheltered Homes**

The bottom edge of an earth berm abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

### **Section 20.18 Fences**

A. Except as otherwise provided in this Ordinance or during site plan review and approval proceedings, fences in all **Residential** Districts **with a parcel under two (2) acres** shall be subject to the following provisions:

1. Fences **within or along any rear or side yard** shall not exceed six (6) feet in height as measured from the surface of the ground.
- ~~2. Fences located within or along a front yard shall not exceed three (3) feet in height as measured from the surface of the ground, nor have greater than a fifty percent (50%) opacity.~~
2. The finished side of a fence shall face the adjoining lot.
3. No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in any District except for the purpose of confining **farm** animals or otherwise approved during site plan review proceedings.

### **Section 20.19 Temporary Dwellings**

A. Temporary dwellings are prohibited except as may be authorized according to this Section.

B. The Zoning Administrator shall have the authority to approve a temporary zoning permit to use a mobile home or recreational vehicle as a temporary dwelling. Said permit shall be in effect for one (1) year and the Zoning Administrator may grant a single six (6) month extension upon a finding that, in the case of (1) and (2) below, the applicant has made a good faith effort to initiate and complete construction. Such permit shall be issued only on the following basis:

1. Emergency Housing: When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary zoning permit may be issued to allow a mobile home or recreational vehicle to be placed on the property upon the request of the owner.
2. New Home Under Construction: When a new dwelling is being constructed on a vacant lot, a temporary zoning permit may be issued to allow a mobile home or recreational vehicle on the same lot.

C. A temporary dwelling shall comply with the following conditions:

1. The mobile home or recreational vehicle complies with all setback requirements of the District for a principal building and does not interfere with emergency access to the principal dwelling.
2. The proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
3. Adequate measures are available for potable water and sewage disposal.
4. A performance guarantee in the amount of five thousand dollars (\$5,000) is made available from the property owner prior to placing the temporary dwelling, to ensure removal of the temporary dwelling at termination of the permit.

D. A temporary zoning permit shall not be granted unless the Zoning Administrator finds the conditions in (C) have been met

### **Section 20.20 Accessory Uses, Buildings, and Structures, Storage Containers (such as Cargo or Shipping Containers)**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- A. **Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
- B. **Separation Distance:** An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.
- C. **Placement:**
1. Accessory buildings and structures are subject to all side, front and rear yard setbacks applicable to principle buildings in the same District.
  2. No unattached accessory buildings and structures shall be placed less than five (5) feet from any rear or side lot line. In those cases where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line.
  3. No accessory building shall be located in or on any utility or private road easement. (Amended 12-15-09 Ord # 09-12-15-2)
- D. **Height:** No detached accessory buildings or structures shall exceed the permitted maximum height of principal structures in said District, except as specified in may be authorized by Section 20.10 Table 9-4, Site Development Requirements.
- E. **Lot Coverage:** The total area of all accessory residential buildings and structures in a rear yard shall not occupy more than twenty-five percent (25%) of the required rear yard. The total area of all accessory residential buildings and structures in a side yard shall not occupy more than twenty percent (20%) of the required rear yard. Total coverage should not exceed maximum lot coverage as outlined in Table 9-4.
- F. **Habitation of Accessory Structures:** No accessory building or structure shall be used or occupied as a dwelling.
- G. **Prior to a Principal Structure:** The use of a mobile home, trailer, truck or vehicle for storage is not permitted as an accessory use, nor shall such mobile home, trailer, truck or vehicle be considered a permitted accessory structure or building, except where expressly authorized pursuant to Article 4. These provisions shall not apply in the case of storage of materials for construction activities on the same parcel and for which a zoning permit has been issued.
- H. **Private Pools:**
1. **Placement:** No swimming pool shall be located in an easement or right-of-way granted for public use or under any overhead wiring.
  2. **Setbacks:**
    - a. No pool shall be located within a required front yard.
    - b. A pool shall comply with the side yard setback requirement for the District in which it is located, but in no case shall it be within ten (10) feet of a property line.
    - c. A minimum distance of ten (10) feet shall be maintained between the pool wall and the rear property line.
  3. **Fencing:** For in-ground pools, with a depth greater than 18" (eighteen inches), Pool areas shall be completely enclosed by a chain-link fence or fence of comparable safety to discourage unsupervised access. Such fencing is to be a minimum height of four (4) feet but not greater than six (6) feet and equipped with a self-closing and child proof self-latching gate. Latching devices are to be located at a minimum height of four (4) feet above the ground. Such fencing may be omitted where building walls abut the pool area, provided that the entire remaining perimeter of the pool area is fenced. Such fencing or building wall shall be set a minimum distance of four (4) feet from the outside perimeter of the pool wall.

## Section 20.21 Condominium Subdivisions

The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat a proposed or existing condominium project different than a project developed under another form of ownership.

- A. **Applicability of District Regulations:** A condominium unit, including single family/household detached units, shall comply with all applicable site development standards of the district within which it is located, including setback, height, coverage and area requirements, and all other provisions of this ordinance except as may be varied through a planned unit development. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located, except as may be permitted by a planned unit development.
- B. **Utilities:** The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
- C. **Roads:** All roads within a condominium subdivision shall be designed and constructed in conformance with adopted standards of the Jackson County Road Commission or, in the case of a private road, shall conform to the provisions and standards of the Waterloo Township Private Road Ordinance.
- D. **Review and Approval Procedures:**
1. Zoning Permit Required: Construction of a condominium subdivision shall not be initiated prior to the issuance of a zoning permit.
  2. Site Plan Approval Required: The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 4, Procedures for Plot Plan and Site Plan Review, and master deed and bylaw documents. The Township Board shall be the approving body. The site plan shall include:
    - a. all information required by Section 4.04.
    - b. information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
    - c. Master Deed/Bylaws Approval Required: The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws and shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
  3. Issuance of Zoning Permit: Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Township Clerk a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Clerk shall direct the Zoning Administrator to issue a zoning permit.
- A. **Building Permit:** No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.
- B. **As-Built Plan and Occupancy:** Submission of an as-built plan of a condominium subdivision is required. The Zoning Administrator may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee in the form of a cash deposit or letter of credit is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate by the Township Engineer.

- C. **Monuments:** All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

## Section 20.22 Single Family/Household Dwelling Standards

All single family/household dwellings shall comply with the following standards, provided that the foregoing standards shall not apply to temporary dwellings, or mobile homes located in a licensed mobile home park, except to the extent required by State and Federal law.

- A. Single family/household dwellings shall include a minimum of one thousand (1,000) square feet of floor area, be a minimum of twenty-two (22) feet in width and length, exclusive of open porches, garages, or steps; **and must follow Michigan Construction Codes, have a minimum 4:12 roof pitch over seventy five percent (75%) of the roof area.** In the case of a dwelling with two (2) or more stories, the first story shall include a minimum of eight hundred (800) square feet of floor area. Single family/household dwellings shall comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the Building Code, then and in that event such federal or state standard or regulation shall apply.
- B. All dwellings shall comply with all pertinent building and fire codes, and shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable Building Code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".
- C. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- D. All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the **Jackson County Health and Human Services** Department.
- E. All dwellings shall be properly maintained against deterioration and/or damage from the elements or otherwise by prompt and approximate repairs, surface coating, and other appropriate protective measures.
- F. No dwelling shall contain additions or rooms or other areas that are not of similar or better construction materials, visual appearance, and quality of workmanship as the original structure, including construction of a foundation as required herein and permanent attachment to the principal structure.

## Section 20.23 Permit Required for Large Gatherings

**Large gathering events require a permit to be issued by the Waterloo Township Board. Please refer to the Waterloo Township website for the Outdoor Gathering Event Ordinance #24-05-30-01 and application for further information. (Adopted date: 5-30-2024). See the Waterloo Township website for further information.**

**A. Definition of Large Gatherings:** ~~For the purposes of this Section, a large gathering shall be defined as a gathering of more than one hundred (100) persons for the purposes of entertainment of an outdoor nature such as, but not limited to circuses, carnivals, theatrical exhibitions, public shows, displays, festivals, and concerts. A large gathering shall not be interpreted to include family gatherings or reunions.~~

**B. Permit Required:** ~~No large gathering shall occur prior to the issuance of a temporary zoning permit after the approving body has determined that the large gathering will be adequately served by potable water, sewage disposal, and emergency services, and that such large gathering shall not threaten the public health, safety, and welfare.~~

**C. Application, Permit, and Conditions**

1. ~~Application: The applicant may obtain an temporary zoning permit application for a large gathering from the Zoning Administrator, for action by the Township Board. The temporary zoning permit may be approved, modified, conditioned, or denied by the Township Board., and the Township Board may seek the comments of local fire and police protection services and other agencies providing public health, safety and welfare services.~~
2. ~~Basis for Decision: In arriving at a decision regarding an application, the Township Board shall be guided by the following:~~
  - a. ~~That the nature and intensity of the proposed large gathering and placement of any temporary structure will be compatible with existing development.~~
  - b. ~~That the parcel shall be of sufficient size to adequately accommodate the proposed large gathering.~~
  - c. ~~That the large gathering will be adequately served by potable water, sewage disposal, and emergency services.~~
  - d. ~~That the location of the large gathering shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the large gathering.~~
  - e. ~~The off street parking areas are of adequate size for the large gathering and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.~~
  - f. ~~The impact of any outdoor lighting on neighboring properties.~~
3. ~~Conditions: The Township Board may impose conditions with the issuance of the permit which are designed to ensure compliance with the requirements of this Ordinance. The Township Board may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.~~
4. ~~Performance Guarantee: The Township Board may require a performance guarantee in the form of cash, check or savings certificate be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.~~

## Section 20.24 Conditional Approvals

- A. **Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:
  1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
  2. Protect the natural environment and conserve natural resources and energy.
  3. Ensure compatibility with adjacent uses of land.
  4. Promote the use of land in a socially and economically desirable manner.
  5. **Decisions should be compatible with the goals of the Waterloo Township Master Plan.**
- B. **Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:
  1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

- C. **Record of Conditions and Changes:** Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.
- D. **Performance Guarantees:** Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.07.

## **Section 20.25 Onsite Solar Energy Systems**

Onsite solar energy systems, including systems with battery storage not to exceed 40 kWh, shall be permitted as an Accessory Use to an existing principal structure or planned in conjunction with a proposed Principal Use and located on a lot or parcel of land in any Zoning District.

These Onsite Solar Energy Systems are designed and constructed to provide and are limited to the primary or supplemental energy needs of a home, farm, commercial or industrial business and public or semi-public use located on a lot or parcel of land.

### **A. Applications, Permit, and Conditions**

1. Township Zoning Compliance Permit and Building Permit are not required for the installation of any On Site solar energy system less than 2000 square feet in area or systems with battery storage not to exceed 40 kWh.
2. For solar panels exceeding 2000 square feet or systems with battery storage exceeding 40 kWh, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, the location of any panels, noting their sizes, and the capacity, type, size and location of any energy storage capability and the location of property lines, buildings, fences and road right of ways. The site plan must be drawn to scale.
3. Construction plans for the installation of roof and wall mounted solar panels occupying more than 2000 square feet shall be presented as an amendment to an existing site development or as part of a proposed site plan development.
4. Solar panels installed on ground level shall not exceed twenty (20) feet above ground when oriented to maximum tilt.
5. Solar panels may be attached to the roof or walls of a building provided they are attached directly to the contour of the roof or wall of the building. Solar Panels shall not extend more than three (3) feet above the roof line of the building upon which they are located. If the solar panel is mounted on a building in an area other than the roof, no part shall extend beyond the area of the wall on which it is mounted.
6. All solar panels shall be located on the ground or on a building, so that the reflection/glare from any solar panel will be directed away from or is properly buffered from adjoining property.
7. All structural elements of the Onsite Solar Energy System shall meet all of the applicable requirements of the Zoning District in which they are located.
8. Ground or roof mounted solar energy systems and any adjunct battery storage systems shall conform to applicable County, State and Federal Regulations and safety requirements including but not limited to Michigan Building Codes and any applicable National Fire Protection Association (NFPA) & International Fire Consultants (IFC) codes.
9. All power transmission lines, wires or conduits from a ground mounted solar system to any building or other structure shall be located underground. If batteries are used as part of the ground mounted system, they must be placed in a secured container or enclosure. Signage will be provided with disconnection procedures for emergency first responders in case of fire or other emergency.
10. The Applicant shall inform the Utility Company supplying electric power to the site upon which the Solar Energy System is to be located and furnish the Township with written evidence of the Applicant's submittal to the Utility Company of this information and the Utility Company's written response to the Applicant's proposed Solar Energy System.

11. Should the Applicant be a non-owner of the property, an agreement between the owner and non-owner to permit the installation of the Onsite Solar Energy System shall be submitted as a part of the Applicant's requested installation of a Solar Energy System on the site.
12. Net metering or its successors: All energy generated by an Onsite Solar Energy System on the lot or parcel upon which it is located shall be utilized only by the developments located on the lot or parcel, and shall not be extended to adjacent lot and parcel uses and developments, except that any surplus electric power energy produced on a lot or parcel may, by mutual written agreement between the owner of the lot or parcel producing the surplus electric power energy and the public utility company providing electric power to the area in which their lot or parcel is located may be transferred and/ or sold only to that public utility company.
13. The manufacturer or installer's identification and appropriate warning signage shall be posted on or near the solar panels in a clearly visible manner.

***End of Article 20***

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## Article 21 DEFINITIONS

### Section 21.01 Construction of Language

- A. For the purpose of this Ordinance, certain rules of construction apply to the text as follows:
- B. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- C. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- D. The word "building" includes the word "structure" and both include any part thereof.
- E. The word "lot" includes the word "plot", "tract", or "parcel".
- F. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- H. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination. The "Township" is the Township of Waterloo in the County of Jackson, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Board of Appeals, and Planning Commission of the Township.
- K. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- L. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

### Section 21.02 Definitions

**Abutting (lot or parcel):** A lot or parcel which shares a common border with the subject lot or parcel.

**Accessory Building or Structure:** A supplemental building or structure on the same lot or parcel of land as the main building or buildings, the use of which is incidental or secondary to that of the main building, but such use shall not include residential or living quarters.

~~A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.~~

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**Adult Entertainment Business:** Refer to Section 11.22 for definitions pertaining to adult entertainment businesses.

**Agricultural Service Establishments:** Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to

agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques.

**Agriculture:** The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry ~~but not including concentrated livestock operations as defined in this Ordinance.~~

**Alteration:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

**Arcade:** Any business where more than fifty percent (50%) of the floor area is devoted to the use of machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music or establishments otherwise defined as adult entertainment businesses (see Section 11.22).

~~**Bed and Breakfast:** A structure which was constructed for single family/household residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only.~~

**Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

**Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

**Building Height:** The vertical distance measured from the finished grade where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. In the case of a lakefront lot, the building height shall be measured from the finished grade where the building abuts the rear yard (*see Figure 21-3 at end of this Section*).

**Building Inspector:** An individual hired by the Township to administer the State Building Code.

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

**Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the County building code.

**Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

**Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public.

**Commercial/Utility Photovoltaic Solar Energy Systems:** A solar energy system where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of electricity to a person or entity, by the conversion of solar energy through photovoltaic technology to electricity.

**Communication Tower:** A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; radio and television citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite dishes used for television or internet service, computer modems or routers; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

1. Class 1: A communication tower proposed to be newly established and not otherwise meeting the

definition of a Class 2 communication tower.

2. **Class 2:** A communication tower meeting either of the following requirements:
  - a. A communication tower to be affixed to an existing structure, such as existing building, tower, water tank, utility pole, and the like, where the proposed combined existing structure and communication tower is either less than a total height of twenty (20) feet or does not extend the height of the existing structure by more than twenty percent (20%).
  - b. A proposed collocation upon an existing communication tower which had been pre-approved for such collocation as part of an earlier approval by the township.
3. **Class 3:** A communication tower proposed to be newly established, not meeting the criteria of a Class 2 communication tower and have a height of no more than 75 feet.

**Condominium Project:** A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act, Act 59 of 1978, **as amended**.

**Condominium Subdivision:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act of 1996, Public Act 591 of 1996, as amended.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Condominium Unit:** That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

**Day Care Center:** A facility other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.

**Day Care, Family Home:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

**Day Care, Group Home:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

**District:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

**Drive-In / Drive-Through Establishment:** A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**Driveway:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Jackson County Department of Transportation Road Commission or State of Michigan.

**Driveway, Shared:** A driveway described by a recorded easement providing access to more than one (1) lot, and complies with the provisions of this Ordinance.

**Dwelling** (*term 'household' to be reviewed/considered added*): Any building, or portion thereof, which is designed or to be used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling except where expressly authorized in this Ordinance for temporary dwelling purposes.

**Dwelling, Multiple Family:** A building containing three (3) or more dwelling units designed for residential use for three or more families living independently of each other.

**Dwelling, Single Family:** A detached building or portion thereof designed and to be used exclusively as the home, residence or sleeping place of one family.

**Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units designed for residential use.

**Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one household for living, cooking and sleeping purposes.

**Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. Communication towers shall not be interpreted as essential services.

**Excavation:** Any breaking of ground, except common household gardening, farming and ground care.

**Extractive Operation:** The removal of any earthen material, including topsoil, sand, gravel stone or any other earthen material for the purpose of disposition away from the premises. Excavation in excess of five hundred (500) cubic yards incidental to the construction of a building when the excavated material is to be deposited away from the premises is also an extractive operation. Mining, moving, crushing, sorting, washing, and other activities directly relating to the extraction and moving off premises are included in the extraction operation.

## Family

1. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, business or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

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

~~Land and associated buildings and machinery used for agriculture comprising at least ten (10) contiguous acres, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation.~~

**Fence:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

**Filling:** The depositing or dumping of any matter into or onto the ground.

**Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

**Floor Area, Usable:** For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

**Foster Care Facility:** An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

1. Family Home: A facility which provides foster care to six (6) or fewer persons.
2. Group Home: A facility which provides foster care to seven (7) or more persons.

**Frontage:** The total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line.

**Garage:** An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

**Grade, Finished:** The elevation of the ground surface upon the completion, or intended completion, of construction and improvements.

**Grade, Natural:** The elevation of the ground surface in its natural state, before man-made alterations.

**Habitable Structure:** Any existing structure useable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by these definitions, the Office of Zoning Administration shall make a determination of any structure regarding whether or not it is habitable.

**Home Occupation:** An occupation or profession conducted entirely within a dwelling or accessory structure which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

Class 1 Home Occupation: An occupation or profession conducted entirely within a dwelling, excluding an attached garage.

Class 2 Home Occupation: An occupation or profession conducted within an accessory building on the same lot as the dwelling in which the owner of such business resides, including an attached or detached garage.

**Hospital:** An institution which is licensed by the Michigan Department of **Health and Human Services Public Health** to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, and staff offices.

**Hotel:** See "Motel."

**Hunt Club / Game Farm / Game Ranch:** An area where wildlife are maintained for hunting by club members.

**Junkyard:** Any land or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of

machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered a special land use requiring special approval. A junkyard may also be referred to as a salvage yard.

**Kennel:** A lot or premises on which three (3) or more dogs, or three (3) or more cats, or three (3) or more similar animals, six (6) months of age or older, are kept either permanently or temporarily for the purposes of breeding, boarding, leasing, training, sale, or transfer.

**Lakefront Lot:** A lot ~~in a platted subdivision or condominium subdivision~~ that abuts an official state-named lake in excess of forty (40) acres in surface area, according to the ordinary high-water mark.

**Livestock:** Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

**Loading Space:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lot:** A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (see *Figure 21-1 at end of this Section*).

**Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way or easement abutting any side of the lot, except that such right-of-way or easement may be included within the calculation of the area of a lot in the case where such lot is not part of a platted or condominium subdivision.

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see *Figure 21-1 at end of this Section*).

**Lot Coverage:** The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

**Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

**Lot Lines:** The lines bounding a lot or parcel (see *Figure 21-2 at end of this Section*).

1. **Lot Line, Front:** In the case of a lot not located on a corner, the line separating said lot from the public or private right-of-way. In the case of a corner lot or through lot, the Planning Commission shall determine the location of the front lot line based upon minimizing negative impacts to surrounding properties, and said line shall be designated as such on the plot plan or site plan. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained (see *Figure 21-2 at end of this Section*). In the case of a lakefront lot, the front lot line shall be the ordinary high-water mark.
2. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line (see *Figure 21-2*).
3. **Lot Line, Side:** Any lot line other than a front or rear lot line (see *Figure 21-2 at end of this Section*).

**Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the Office of the Jackson County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Jackson County Register of Deeds prior to the adoption or amendment of this Ordinance.

**Lot, Through:** A lot having frontage on two (2) roads other than a corner lot (see *Figure 21-1*).

**Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (see *Figure 21-2 at end of this Section*).

**Manufactured Housing.** A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

**Manufactured Housing Community:** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Master Deed:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Medical Clinic:** An establishment where human patients, not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients but may not include facilities for overnight patient care or major surgery.

**Mini Storage (warehouse) Facilities:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, including recreational vehicles and watercraft.

**Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

**Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

**Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**Nonconforming Building or Structure:** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

**Nonconforming Lot:** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**Nonconforming Use:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

**Nuisance:** Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

**Nursing Home:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

**Open Space Community (OSC):** A tract of land, developed under single ownership or management as a separate neighborhood or community unit, that accommodates flexibility of design not available under normal zoning district requirements, to more effectively encourage and accommodate the preservation of open space and natural resources in association with the residential development process.

**Ordinary High-Water Mark:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil.

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**Parcel:** A lot described by metes and bounds or described in a recorded plat.

**Parcel Tract:** More than one parcel that are adjoining and have identical ownership. The parcels are considered adjoining even if they are located on opposite sides of a road or Section Line.

**Parking Space:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**Participating Site:** A property within a parcel or tract that participates in a lease or easement agreement or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purpose of developing a Commercial/Utility Photovoltaic Solar Energy System.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1996, as amended, or a prior statute.

**Plot Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan and is required for such uses as single family/household dwellings and two-family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

**Principal Building:** The main building on a lot in which the principal use exists or is served by.

**Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**Prohibited Use:** A use of land which is not permitted within a particular zoning district.

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

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

**Restaurant, Drive-through:** A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready -to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

**Restaurant, Standard:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

1. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
2. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

The term “standard restaurant” shall not be interpreted to mean or include a drive-through restaurant.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Right-of-Way:** A public or private road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**Right-of-Way Line:** The legal line of demarcation between a right-of-way and abutting land.

**Road:** A state highway, county road, dedicated public thoroughfare or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance. The term “road” also includes the term “street.”

**Road, Private:** A private way or means of approach, not dedicated for general public use, and meets the design and construction standards of this Ordinance.

**Road, Public:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Jackson County Department of Transportation Road Commission, State of Michigan, or federal government.

**Service Station, Standard:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. Standard service stations may also include up to four hundred (400) square feet of floor area used for the sale of convenience items such as food products, magazines, and similar convenience items.

**Service Station, Multiple Use:** A place used for more than one (1) principal use, one (1) of which is the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Other principal uses may include, but need not be limited to, a restaurant, convenience store, and car wash. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

**Setback:** The minimum distance by which any building or structure must be separated from a lot line.

**Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed primarily for the use of bow and arrow or firearms which are aimed at targets, skeet or trap, ~~or where a fee is paid in order to hunt animals within a confined area.~~

**Sign:** Refer to Article 15 - Signs, for definitions pertaining to signs.

**Single Family Dwelling:** A single-family residence is a dwelling designed for occupancy by a single-family unit.

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. Site plan approval is generally delegated to the Planning Commission.

**Solar Array:** Includes the aggregate solar panels and their structural supports.

**Solar Facility:** The legally defined property including the solar array, accessory structures and ancillary equipment such as transformers, control systems or battery storage systems, buffers and access drives. The solar facility will be identified on the approved site plan. The solar facility could be an entire parcel, more than one adjoining parcel, or portions of a parcel or adjoining parcels. If the legally defined property is located within a larger parcel, it is not required that the leased property obtain an approved land division under the Waterloo Township's Land Division, Combination, and Parcel/Lot Boundary Adjustment Ordinance.

**Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article 5: Procedures for Special Land Uses.

**Stable, Commercial or Private:** A structure and/or land use where horses are bred, reared, trained, cared for, and/or boarded and does not meet all of the definition requirements of a private stable, as defined in this Ordinance.

~~**Stable, Private:** An accessory structure and/or land use where horses are bred, reared, trained, cared for, and/or boarded, irrespective of remuneration, and where the horse density does not exceed one (1) horse for the first three (3) acres, and one (1) additional horse for each additional one-half (1/2) acre, up to seven (7) horses, and one (1) additional horse for each additional acre thereafter. A private stable may provide horse care and/or riding lessons but a private stable shall not be interpreted to include a facility providing horse shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers.~~

**Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Street:** See "Road."

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public

right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. Fences shall not be considered as “structures,” but must comply with all applicable standards of this Ordinance.

**Township Engineer:** The licensed staff engineer of the Township, or a licensed engineer the Township may hire from time to time as needed.

**Truck Terminal:** A parcel to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be or divided for delivery in larger or smaller units to other points or for distribution or division involving transfer to other modes of transportation, including the temporary storage or parking of vehicles for subsequent distribution service and accessory repair and maintenance services to such vehicles.

**Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

**Variance:** A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and will mitigate an otherwise practical difficulty, and the issuance of which is based upon standards in this Ordinance (See Article 6). or unnecessary hardship.

**Veterinary Clinic:** An establishment which is licensed by the State of Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories and offices.

**Vehicle Repair Shop:** Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

**Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see *Figure 21-2 at end of this Section*):

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. There shall be maintained a front yard on each street side of a corner lot. In the case of a lakefront lot, the front yard shall be the yard abutting the water body. See definition for “Lot line, front.”
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
3. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest line of the principal building.

**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

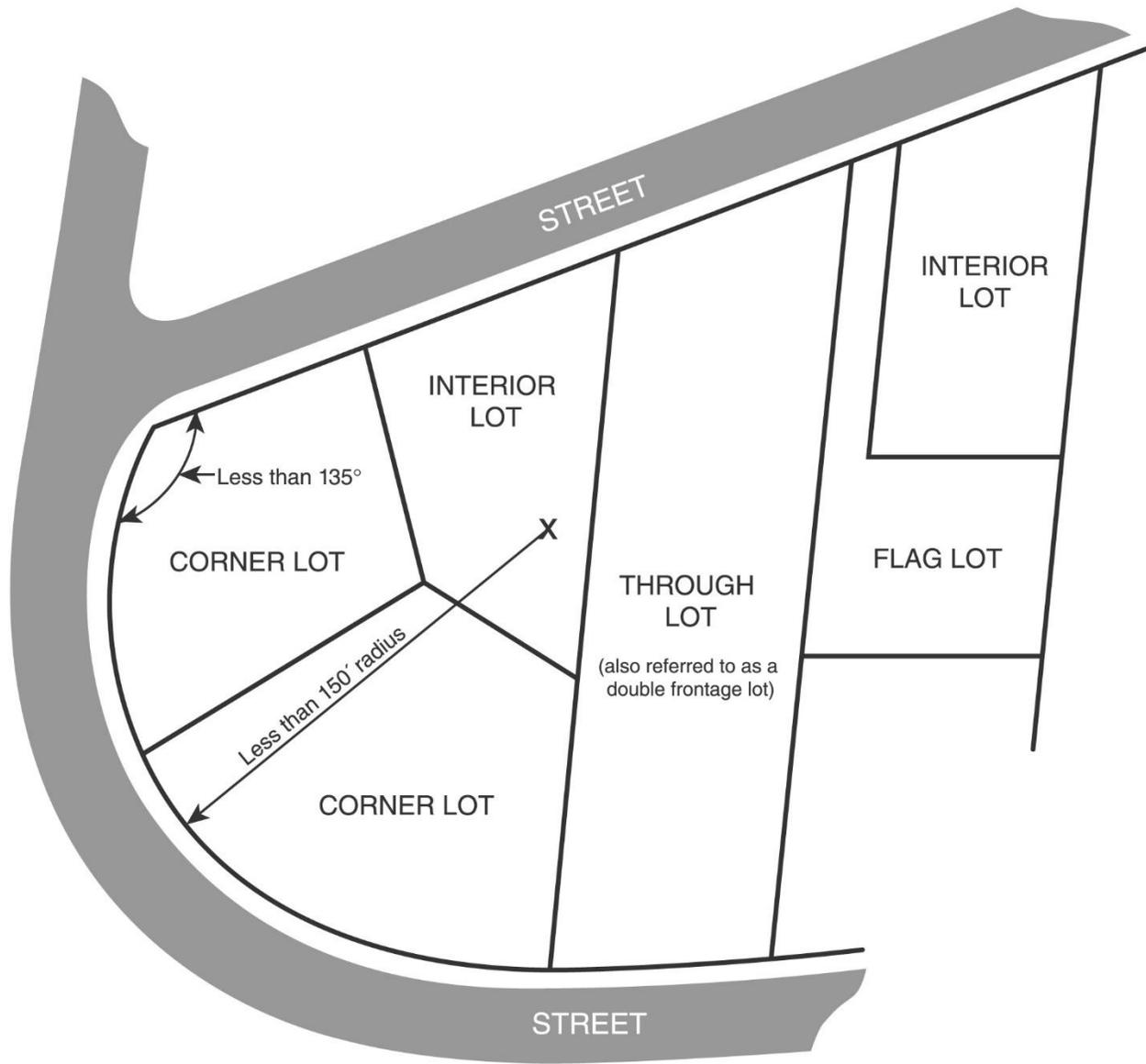
**Zoning District or Zone:** A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

**Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance and issued by the Office of Zoning Administration upon approval of the proposed land use or development plan by the designated approving body.

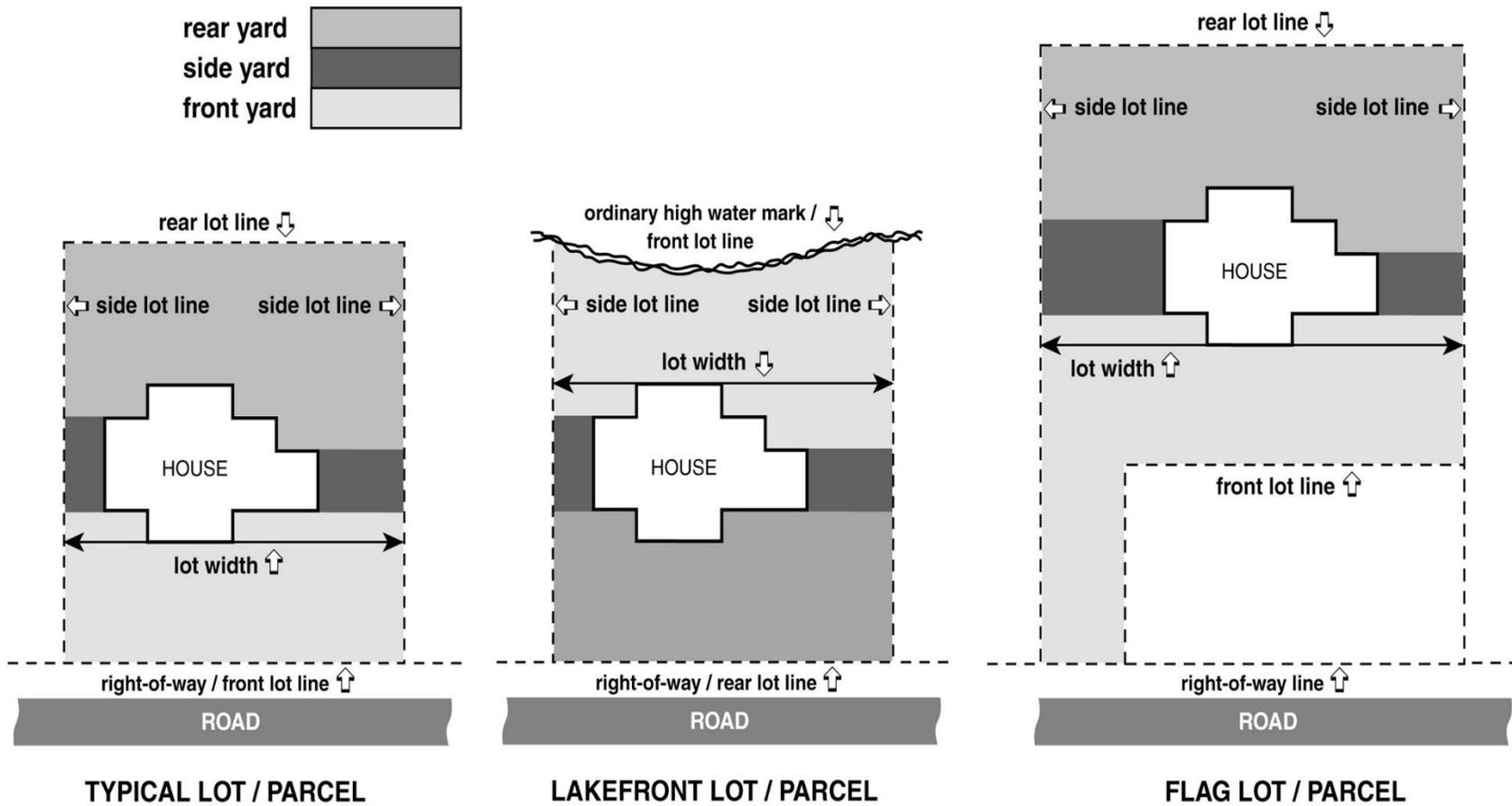
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**Figure 21-1  
LOT TYPES**

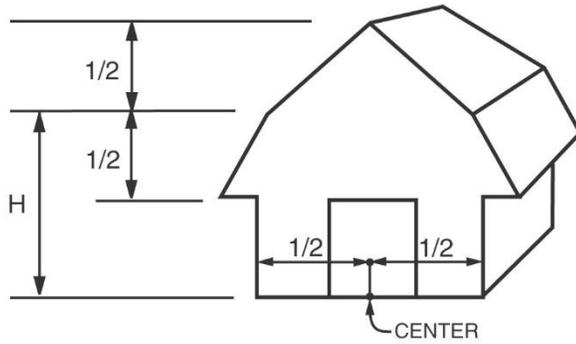


**Figure 21-2  
LOT LINES and YARDS**

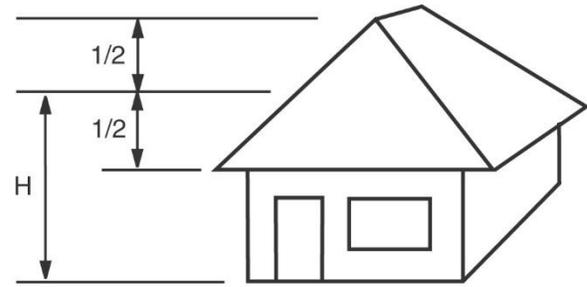




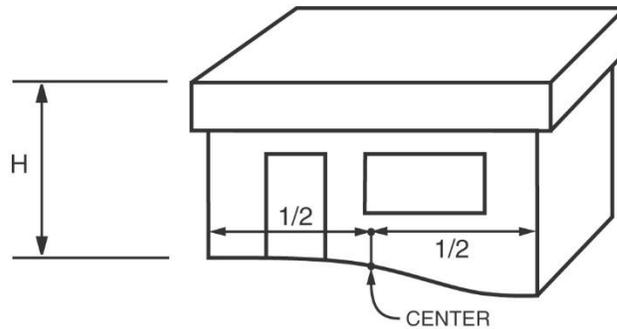
**Figure 21-3  
BUILDING HEIGHTS**



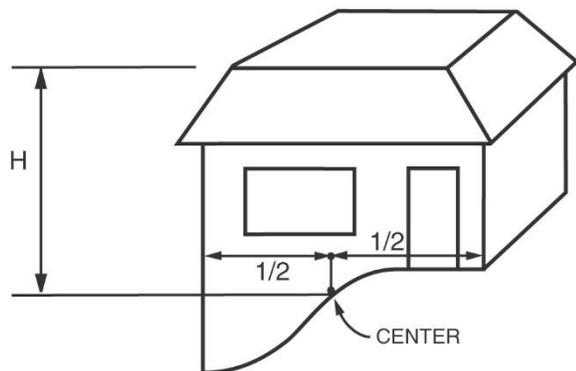
**GAMBEL ROOF**



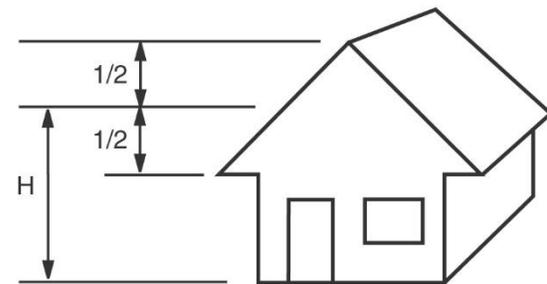
**HIP ROOF**



**FLAT ROOF**



**MANSARD ROOF**



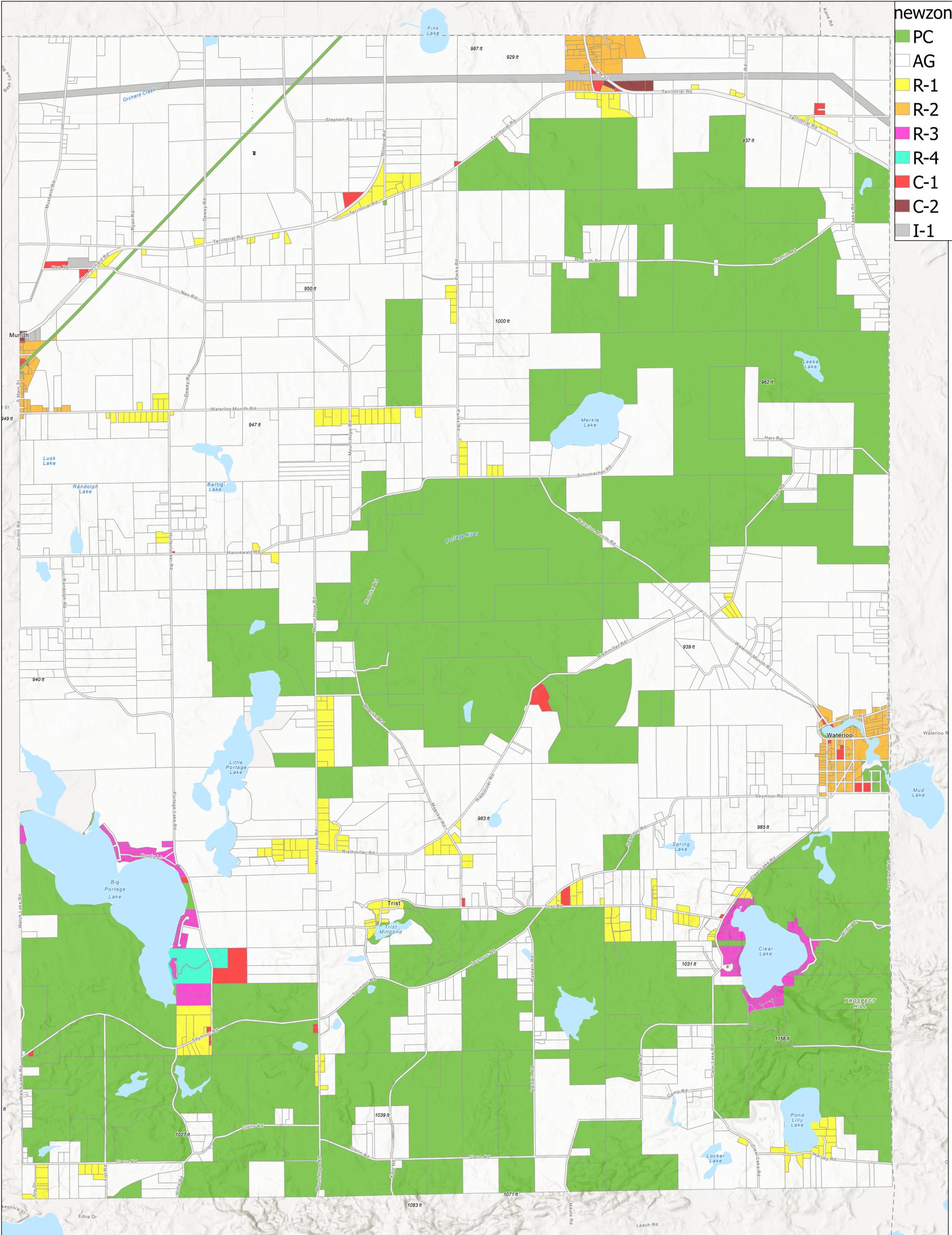
**GABLE ROOF**

**End of Article 21**

Draft

newzone

- PC
- AG
- R-1
- R-2
- R-3
- R-4
- C-1
- C-2
- I-1



# Updated Waterloo Township Zoning Map-Draft

Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community



# Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)  
120 W. Michigan Avenue • Jackson, MI 49201  
Phone (517) 788-4426

## COORDINATED ZONING REPORT | #26-05

**To:** County Planning Commissioners  
**From:** Kade Peck, R2PC Planner  
**Date:** March 12, 2026

**Proposal:** **Rezoning 10 lots off of parcel 000-19-15-376-022-010 totaling 3.12 acres off of Bunkerhil Road, Jackson County, Henrietta Township, from Commercial (C-1) to Commercial (C-2).**

### **Request**

The subject property is proposed for a partial rezoning to Commercial (C-2) from Commercial (C-1).

### **Purpose**

The Rezoning Worksheet Form states that the purpose of the proposed zoning change is to add fuel dispensers to the existing business.

### **Location and Size of the Property**

The parcels proposed for rezoning is located in the Northeast corner of the township. The size of the parcel is around 3.12 acres.

### **Land Use and Zoning**

**Current Land Use** – The property is currently convenience/party store. The North is Agricultural. The South, East, and West are Residential.

**Future Land Use Plan** – Agricultural

**Current Zoning** – The property is zoned Commercial (C-1). The North, South, East, and West are Agricultural.

### **Public Facilities and Environmental Constraints**

**Water and Sewer Availability** – Sewer and Water are not available.

**Public Road/Street Access** – Bunkerhill Road provides access to the parcel.

**Environmental Constraints** – Emergent wetlands adjacent to the north of the subject parcel.

### **Analysis and Recommendation**

**Township Planning Commission Recommendation** – The Henrietta Township Planning Commission approved the rezoning at their February 2026 meeting.

**JCPC Staff Analysis and Advisement** – The proposed use is similar to previous uses, but adding in fueling stations does change the use in a substantial way. Nearby residents have expressed their concerns about this use. Nearby uses are not commercial and the future land use does not outline this area as commercial. Therefore staff recommends **Disapproval** for the rezoning of the parcel from Commercial (C-1) to Residential (C-2).

*Staff Report Attachment(s):*

- *Background information provided by Henrietta Township*

**Suggested Actions:**

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

# ZONING AMENDMENT FORM



## JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the Township with the Township Board Action.

THE Henrietta TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

**A. DISTRICT BOUNDARY CHANGE (REZONING):**

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

Section 6

parcel # 000-09-06-226-004-02

1. The above described property has a proposed zoning change FROM Commercial ( 1 ) ZONE TO Commercial ( 2 ) ZONE.
2. PURPOSE OF PROPOSED CHANGE: Addition of fuel dispensers to existing business

**B. ZONING ORDINANCE TEXT AMENDMENT:**

The following Article(s) and Section(s) is amended or altered: ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_  
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.)  
N/A

- C. PUBLIC HEARING on the above amendment was held on: month 2 day 24 year 2026
- D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month 1 day 30 year 2026  
(Notice must be provided at least fifteen days prior to the public hearing.)

**E. THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: Morning Star

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to  APPROVE or  DISAPPROVE.

[Signature]  Chair or  Secretary 2 / 25 / 2026 (enter date)

**JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_
2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:
  - Recommends APPROVAL of the zoning change
  - Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
  - Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
  - Takes NO ACTION.

\_\_\_\_\_, Recording Secretary \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (enter date)

**TOWNSHIP BOARD ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_
2. The \_\_\_\_\_ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment  PASSED,  DID NOT PASS, or was  REFERRED ANEW to the Township Planning Commission.

Township Clerk



# REZONING WORKSHEET FORM



## JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201  
Please submit with the "Zoning Amendment Form" for a district boundary change (rezoning), not a text amendment.

Township of: Henrietta Township Case #: 1

Township official we may contact: Nancy Hawley Phone #: ( 517 596 ) - 2802

Applicant: Parvinder Notay Phone #: ( 717 ) 420 - 0070

Rezoning Request: From: Commercial ( 1 ) To: Commercial ( 2 )

Property Location: Section(s): 6 Quarter Section(s):  NW  NE  SW  SE

Legal Description and/or Survey Map/Tax Map (please attach)  Yes  No (Please do not use only the Parcel ID Number)

Parcel Size (if more than one parcel, label "A" - "Z"): 3.12 acres parcel # 000-09-06-226-004-02

see attachments Road frontage 304.61 feet.

Please attach location map  Yes  No

What is the existing use of the site? Convenience/party store

What is the proposed use of the site? addition of fuel dispensers to existing business

What are the surrounding uses (e.g.: agriculture, single-family residential, highway commercial, etc.)?

North: Agricultural South: Residential

East: Residential West: Residential

What are the surrounding Zoning Districts?

North: Agricultural ( ) South: Agricultural ( )

East: Agricultural ( ) West: Agricultural ( )

What is the suggested use of the site on the Township's Land Use Plan map? Agricultural

Is municipal water currently available?  Yes  No Will it be made available?  Yes  No If yes, when? \_\_\_\_\_

Is municipal sewer currently available?  Yes  No Will it be made available?  Yes  No If yes, when? \_\_\_\_\_

Does the site have access to a public street or road?  Yes  No If yes, name \_\_\_\_\_

Are there any known environmental constraints on the site?  Yes  No

Wetland(s)  Floodplain(s)  Brownfield(s)  Soil(s)

Other (please specify) emergent wetlands adjacent to the north of the subject parcel.

Please attach the minutes of the Planning Commission.  
 Yes, the minutes are attached.  No, the minutes are not attached.

Please attach copies of any reports, exhibits or other documented provided to the Planning Commission.  
 Yes, copies of documentation are attached.  No, copies of documentation are not attached.

Please attach any public comments, letters, or petitions.  
 Yes, public comments are attached.  No, public comments are not attached.

Please include any additional information or comments as an attachment.



**NOTICE OF PUBLIC HEARING  
RESIDENTS OF HENRIETTA TOWNSHIP  
Amendment to the Zoning Map**

A public hearing is scheduled for Tuesday February 24, 2026. 7:00 p.m.  
Henrietta Township Offices, 11732 Bunkerhill Road, Pleasant Lake, MI.

At this time all interested parties will be heard on a rezoning request from Spartans Liquors, LLC representative(s), to rezone parcel # 000-09-06-226-004-02, located at 7735 Bunkerhill Rd. (M106), from Commercial-1 (C-1) to Commercial 2 (C-2). The rezoning would allow owner to add services to the current retail convenience store.

The zoning request information is available for examination at Henrietta Township Office, 9:00 a.m.- 5:00 p.m., Monday – Thursday.

If you cannot attend, and would like your views known, mail comments to Planning Commission, 11732 Bunkerhill Road, Pleasant Lake, MI 49272 or email: [planning@henriettatownshipmi.gov](mailto:planning@henriettatownshipmi.gov)

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email: [planning@henriettatownshipmi.gov](mailto:planning@henriettatownshipmi.gov)

1/30/26

Makendra K. Krutsch, Clerk  
Henrietta Township





# HENRIETTA TOWNSHIP

11732 Bunkerhill Road  
Pleasant Lake, MI 49272

(517) 769-6925  
henriettatownship@yahoo.com

Receipt: 120046260

11/03/25

Cashier: MKRUTSCH  
Received Of: M&M's Liquor INC

The sum of: 550.00

				550.00
ZBA	ZONING FEES		Total	550.00
		CASH	317	550.00

Signed: \_\_\_\_\_

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
HART RAY ANDREW & ELIDA M WYLIE, MICHAEL	SPARTANS LIQUORS LLC WYLIE, SHEILA	225,000	08/10/2023	WD	03-ARM'S LENGTH	2234/0149	PROPERTY TRANSFER	100.0
WYLIE, SHEILA KAY GRAHAM HANNEWALD, DONALD L & ROB	HART, RAY ANDREW & ELIDA WYLIE, MICHAEL TR	135,000	10/12/2007	QC	21-NOT USED/OTHER	1886/175	PROPERTY TRANSFER	0.0
Property Address		88,000	10/18/2000	PTA	03-ARM'S LENGTH		PROPERTY TRANSFER	0.0
7735 BUNKERHILL RD			12/29/1999	WD	16-ICPAYOFF		DEED	0.0
Owner's Name/Address					Building Permit(s)	Date	Number	Status
SPARTANS LIQUORS LLC 7735 BUNKERHILL RD JACKSON MI 49201					RE-ROOF	10/01/2022	PB22-0085	CLOSED
					SINGLE FAMILY	08/29/1994	2026	

Tax Description	Land Value Estimates for Land Table COM.COM.COMMERCIAL	
BEG AT NE COR OF SEC 6 TH S 0 DEG 34'40" W 979.64 FT TH S 89 DEG 49'58" W 1143.14 FT TO A PT FOR PL OF BEG OF THIS DESCN TH S 0 DEG 34'40" W 264 FT TH S 89 DEG 49'58" W 589.24 FT TO CEN LN OF BUNKERHILL RD TH N 29 DEG 46' 10" E 304.61 FT TH N 89 DEG 49'58" E 440.66 FT TO BEG. SEC 6 T2S R1E 3.12A	Description	Rate
	AVERAGE COMMERCIAL	6.91
	ROW	3.26
	Front	48
	Depth	11000
	%Adj.	23
	Reason	24
	0.350 Acres	
	3.12 Total Acres	
	Total Est. Land Value =	
		72,653
		72,653
Comments/Influences	Land Improvement Cost Estimates	Cash Value
	Description	76
	D/W/P: 3.5 Concrete	8,606
	D/W/P: Asphalt Paving	8,682
	Total Estimated Land Improvements True Cash Value =	

Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
				36,300	59,300	95,600			95,600S
VB	09/26/2013	INSPECTED	2023	24,700	70,900	95,600			74,468C
JP	09/23/2010	INSPECTED	2022	33,700	58,500	92,200			70,922C
			2021	34,000	64,300	98,300			68,657C



07/20/2024  
 he Equalizer. Copyright (c) 1999 - 2009.  
 icensed To: Township of Henrietta, County  
 f Jackson, Michigan  
 \*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Parcel Number: 000-09-06-226-004-02

Commercial/Industrial Building/Section 1 of 1

Class: D  
 Quality: Average  
 Stories: 1  
 Story Height: 10  
 Perimeter: 0

Construction Cost

High	Above Ave.	Ave.	X	Low
**	**	Calculator Cost Data	**	**
Quality: Average				
Heat#1: Forced Air Furnace				
Heat#2: Forced Air Furnace				
Ave. SqFt/Story: 2720				
Ave. Perimeter				
Has Elevators:				
*** Basement Info ***				
Area:				
Perimeter:				
Type: Finished Basement				
Heat: No Heating or Cooling				
Area #1: (No Rates)				
Type #1: Office				
Area #2: (No Rates)				
Type #2: Office				
* Sprinkler Info *				

Base Rate for Upper Floors = 118.75  
 (10) Heating system: Forced Air Furnace Cost/SqFt: 9.62 100%  
 Adjusted Square Foot Cost for Upper Floors = 128.37  
 Total Floor Area: 2,720  
 Base Cost New of Upper Floors = 349,166  
 Reproduction/Replacement Cost = 349,166  
 Overall %Good: 45 /100/100/100/45.0  
 Total Depreciated Cost = 157,125  
 Eff.Age:26 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 45 /100/100/100/45.0  
 Total Depreciated Cost = 157,125

Unit in Place Items  
 CONC COV SLAB 320 1.00 72  
 STORAGE ROOM 240 1.00 72  
 WATER & WELL 1 1.00 98  
 Rate Quantity Arch %Good Depr.Cost  
 14.24 320 1.00 72 3,281  
 11.28 240 1.00 72 1,949  
 7752.39 1 1.00 98 7,597

ECF (COM.COMMERCIAL) 0.646 => TCV of Bldg: 1 = 109,789  
 Replacement Cost/Floor Area= 133.89 Est. TCV/Floor Area= 40.36

Comments:

(1) Excavation/Site Prep:

(7) Interior:

(2) Foundation:

(3) Frame:

(4) Floor Structure:

(5) Floor Cover:

(6) Ceiling:

(8) Plumbing:

(9) Sprinklers:

(10) Heating and Cooling:

(11) Electric and Lighting:

(12) Miscellaneous:

(13) Roof Structure:

(14) Roof Cover:

(40) Exterior Wall:

Thickness

Bsmnt Insul.

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

## **Map amendment (rezoning) process**

The Planning Commission (or authorized staff) initiates the map amendment (rezoning) process, often to correct inconsistencies or address evolving community needs.

Staff will research the area, prepare reports on the potential impacts, and evaluate the proposal against the local Master Plan and Zoning Ordinance criteria.

### **2. Public Hearings and Public Input**

The Planning Commission will hold public hearings to allow interested parties to provide feedback and voice concerns.

Proper notification to affected property owners and neighboring jurisdictions is a crucial step in the process.

### **3. Planning Commission Recommendation**

After considering staff reports and public input, the Planning Commission makes a recommendation. It is then referred to the County Planning Commission for their recommendation before being presented to the Township Board.

These recommendations are based on factors such as compatibility with surrounding land uses, the availability of public facilities, and whether the change aligns with the master plan and county comprehensive plan.

### **4. Legislative Body's Final Decision**

The Township Board (or similar legislative body) reviews the Planning Commission's recommendation and makes the final decision to approve or deny the map amendment.

They may also refer the amendment back to the Planning Commission for further consideration or adopt it with modifications.

### **5. Recordation**

If approved, the change to the zoning map is formally recorded with the local government, provide public notice and registered with the county.

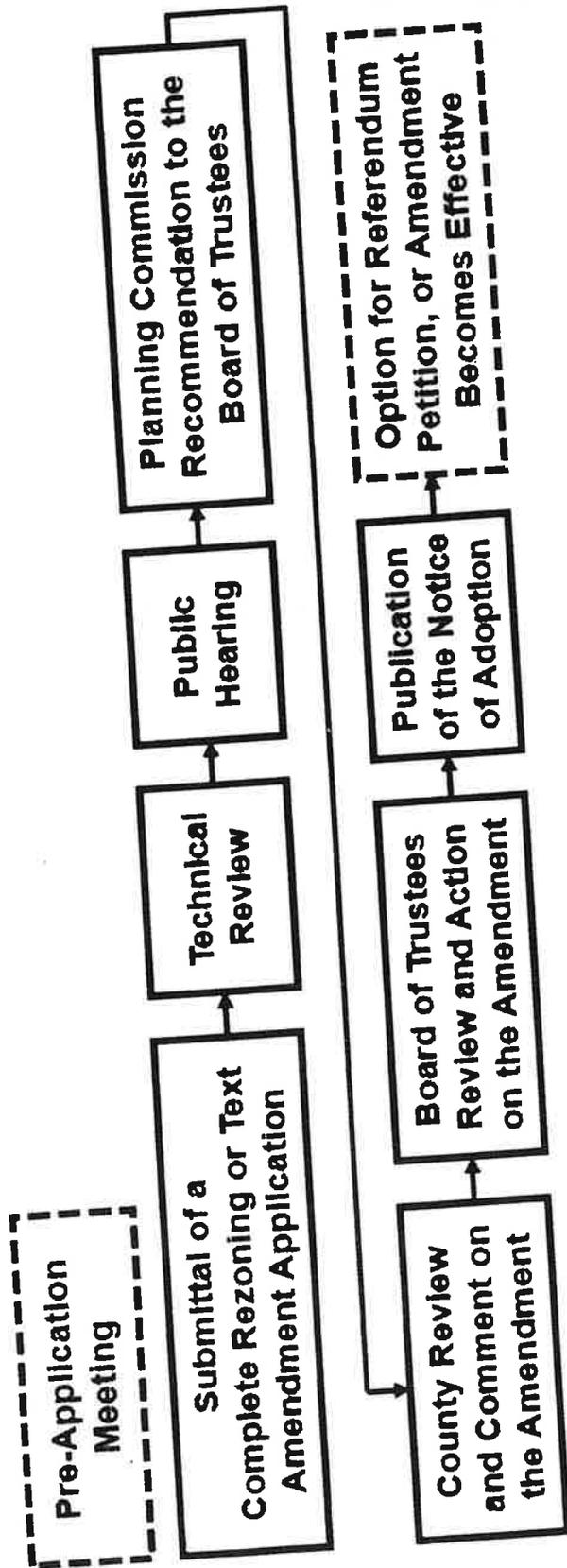
### **Key Considerations**

**Master Plan Alignment:** Proposed map amendments are evaluated for their consistency with the community's long-range Plan.

**Public Health, Safety, and Welfare:** Changes must not adversely affect the public health, safety, or welfare of the community.

**Compatibility:** The amendment should create a zoning district that is compatible with adjacent areas, potentially including a transition zone.

Michigan township planning commission can recommend a zoning change without a specific request by initiating the amendment process itself, as allowed by the Michigan Zoning Enabling Act (MZEA) and outlined in the township's own zoning ordinance. This process involves the commission formally proposing a map or text amendment, conducting a mandatory public hearing after proper public notice, and then recommending the proposed amendment to the Township Board of Trustees for their adoption.



000-09-06-201-003-02  
CHRISTENSEN JACK JR/JANE REV TRUST  
7600 BUNKERHILL RD  
JACKSON, MI 49201

000-09-06-201-002-00  
STAATS KEVIN A & DAWN E  
7730 BUNKERHILL RD  
JACKSON, MI 49201

000-09-06-226-005-00  
HARRINGTON NANCY  
7915 BUNKERHILL RD  
JACKSON, MI 49201

000-09-06-226-004-03  
FOGARTY JOHN T JR & LAURIE  
7737 BUNKERHILL RD  
JACKSON, MI 49201

000-09-06-226-004-02  
SPARTANS LIQUORS LLC  
7735 BUNKERHILL RD  
JACKSON, MI 49201

000-09-06-226-004-01  
CAMPBELL GEORGE ALLEN III  
7751 BUNKERHILL RD  
JACKSON, MI 49201

000-09-06-251-001-08  
MILLER AMANDA &  
7723 BUNKERHILL RD  
JACKSON, MI 49201-9572

000-09-06-251-001-06  
MILLER AMANDA &  
7723 BUNKERHILL RD  
JACKSON, MI 49201-9572

000-09-06-251-001-07  
MILLER AMANDA &  
7723 BUNKERHILL RD  
JACKSON, MI 49201-9572

000-09-06-201-001-01  
FELTON TIMOTHY J  
7742 BUNKERHILL RD  
JACKSON, MI 49201

000-09-06-201-001-02  
HILLS GREGORY  
7734 BUNKERHILL RD  
JACKSON, MI 49201

000-09-06-201-001-07  
KAISER SHARON K CRISP  
7738 BUNKERHILL RD  
JACKSON, MI 49201



The intent of this map is to allow easy access and visual display of government information and services. Every reasonable effort is made to ensure the accuracy of this map and data; nevertheless, errors may occur.



# Parcel Report - Parcel ID: 000-09-06-226-004-02

11/4/2025



**Owner Name** SPARTANS LIQUORS LLC  
**Owner Address** 7735 BUNKERHILL RD  
 JACKSON, MI 49201  
**Homestead** 0  
**Parcel Address** 7735 BUNKERHILL RD  
 JACKSON, MI 49201  
**Property Class** 201 - COMMERCIAL  
**Status** Active  
**Acreage** 3.12  
**Gov't Unit** Henrietta  
**Tax Unit** Henrietta  
**School District** NORTHWEST SCHOOL  
**Liber/Page** 2234-0149

	2023	2024	2025
<b>Taxable Value</b>	\$74,468	\$95,600	\$98,563
<b>Assessed Value</b>	\$95,600	\$95,600	\$125,400

**Tax Description:**  
 BEG AT NE COR OF SEC 6 TH S 0° 34'40"W 979.64 FT TH S 89° 49'58"W 1143.14 FT TO A PT FOR PL OF BEG OF THIS DESCN TH S 0° 34'40"W 264 FT TH S 89° 49'58"W 589.24 FT TO CEN LN OF BUNKERHILL RD TH N 29° 46' 10"E 304.61 FT TH N 89° 49'58"E 440.66 FT TO BEG. SEC 6 T2S R1E 3.12A



WARNING: Displayed boundaries are NOT SURVEY GRADE and may not reflect legal property description.  
 The intent of this map is to allow easy access and visual display of government information and services.  
 Every reasonable effort is made to ensure the accuracy of this map and data; nevertheless, errors may occur.

This parcel data last updated: October 28, 2025

3.7 miles to Perry Pt  
 Park Town 158  
 BRG

# Jackson County Zoning Viewer

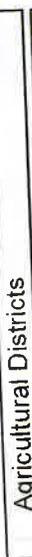
7735 BUNKERHILL RD X Q

Show search results for 7735 B

About

## Jackson County, MI Zoning Information

### Zoning Districts:

-  Agricultural Districts
-  Residential Districts
-  High Density Residential Districts
-  Commercial Districts
-  Industrial Districts
-  Public / Recreation Open Space Districts

### Overlay Districts:

-  Public Overlay

### About:

Colors on this map represent a simplified version of local zoning districts in Jackson County, MI. Each township and village has their own specific Zoning Ordinances.

To view a Local Zoning Ordinance, click on the desired area of the map. A popup appears that shows the Municipality and Local Zoning Class in bold, followed by the Zoning Description for that class and a link to respective ordinance information.

Note: Henrietta, Pulaski and the Villages of Hanover & Brooklyn Ordinance links are currently unavailable

Search for a location by entering a Parcel ID, Property Owner Name or Address in the top left bar. Type slowly for auto-fill to populate. Owner Names are formatted Last Name then First. Parcel IDs must include



# Natural Features of Jackson County MI

WETLANDS

SOILS

GROUNDWATER RECHARGE

HYDRIC SOILS

PRODUCTIVE AGRICULTURE

SURFACE GEOLOGY

TOPOGRAPHY

FLOODPLAINS

LAND USE

**wetlands**

## Using this App:

Best viewed through a computer but also available on mobile. Click tabs on the top bar to view different datasets.

FOR VISUAL INSTRUCTIONS [CLICK HERE](#)

## Using this Tab:

Zoom in to desired location by using your mousewheel, pinching a touchscreen or the (+) or (-) buttons.

Search for a property with the magnifying glass (enter a Parcel ID, Owner Name [Last Name first] or Address). The Search parameter may be deleted to see the parcel easier. Zoom

## LEGEND

Wetlands

Wetlands

Freshwater

Emergent Wetland

Freshwater

Forested/Shrub

Wetland

Freshwater Pond

Lake

Riverine

Parcels

Parcel Outlines





MINUTES FROM 2/24/2026 PUBLIC HEARING

(By E. Koepfgen, Recording Secretary)

Members present: N. Hawley (chairperson), J. Duszynski, A. Faist, T. Kinch, T. Rowe, R. Troman.

**1) Call to Order**

- a) Public Hearing Meeting called to order at 7:00 p.m.
  
- b) Pledge of Allegiance

**2) Public Comment**

- a) L. Fogarty of Bunkerhill Rd expressed opposition to proposed zoning change from C-1 to C-2 for 7735 Bunkerhill Rd due to multiple safety concerns and potential environmental issues.
  
- b) J. Fogarty of Bunkerhill Rd expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2 due to safety concerns, potential increased traffic, as well as perceived lack of need.
  
- c) M. Tucker of Bunkerhill Rd expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2 due to perceived conflict with Henrietta Township's Master Plan, particularly as it relates to the certified national wildlife habitat, including Monarch waystation and wetlands on neighboring property, potential environmental issues, including drinking water contamination as his well is less than 100 ft from subject site, light pollution, safety issues associated with potential increased traffic, and decrease in property value of adjacent residence.
  
- d) G. Campbell of Bunkerhill Rd expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2 due potential increased traffic, light pollution, perceived conflict with Henrietta Township's Master Plan, and safety concerns regarding shared right of away particularly as some of the allowed uses under C-2 could impede his ability to get to his home.
  
- e) K. Staats of Bunkerhill Rd expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2 due to safety concerns arising from increase in traffic, potential increase in light and noise pollution, and decrease in property value of residence.

- f) D. Staats of Bunkerhill Rd expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2 due to safety concerns from increased traffic, noting multiple recent automobile collisions in the area, as well as potential environmental impacts on the surrounding area.
- g) J. Christensen of Bunkerhill Rd expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2 due to perceived lack of need, potential encroachment on shared driveway, potential environmental issues, including drinking water contamination, increased light pollution, and safety concerns as some of the allowable uses under C-2 could potentially increase in traffic, noting the area has had several accidents in part due to curve of road.
- h) S. Tingler of Bunkerhill Rd expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2, citing numerous traffic accidents in the area and concerns a C-2 zoning would allow for an increase in traffic accident frequency, potential environmental issues, as well as a potential decrease in property value of residential property.
- i) A. Miller of Bunkerhill Rd expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2 citing potential environmental concerns, noting the property uses allowed under C-2 designation would negatively impact the certified wildlife habitat and monarch waystation as well as the organic produce from adjacent property. In addition, there appears to be a conflict with Henrietta Township's Master Plan as it relates to protection of wetlands and rural character, as well as potential challenges for ground water.
- j) J. Christensen of Bunkerhill Rd expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2 citing perceived conflict with Henrietta Township's Master Plan as it relates to rural character as well as setting precedent of non-clustered commercial zoning, and potential traffic safety issues of C-2 usage.
- k) J. Hutchings of Wolverine Dr expressed opposition to proposed zoning change of 7735 Bunkerhill Rd from C-1 to C-2 citing potential traffic safety issues.
- l) Commission Chair Hawley acknowledged receipt of thirteen emails regarding the rezoning request for 7735 Bunkerhill Rd. All of the emails opposed the proposed change from C-1 to C-2.  
Copies of emails distributed to Commission members.

### **3) Proposed Amendment**

Proposed zoning map amendment revision to the Ordinance pertaining to text in the following:  
A request to rezone from Commercial-1 (C-1) to Commercial 2 (C-2) located at 7735 Bunkerhill Rd, Jackson, MI: parcel number 000-09-06-226-004-02.

- The rezoning would allow the Owner to add services to the current retail convenience store.
  
- Chair Hawley reminded Commission that a rezoning request should consider all permitted uses and conditional uses in the zoning district utilizing conventional rezoning analysis:
  - Is the proposed rezoning consistent with the policies and uses proposed for that area in the Henrietta Township Plan?
  - Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?
  - Will any public services and facilities be significantly adversely impacted by development or use allowed under the requested rezoning?
  - Will the uses allowed under the proposed rezoning be equally or better suited to the area, than uses allowed under the current zoning of the land?

#### **4) Recommendation**

- J. Duszynski made motion to recommend approval of zoning change for 7735 Bunkerhill Rd from C-1 to C-2. No planning commission member seconded the motion.
  
- Motion made by T. Rowe, seconded by T. Kinch to recommend zoning of 7735 Bunkerhill Rd remain C-1. Request does not meet the requirements of rezoning due to challenges related to adjacent shared residential driveways and/or right of way, pedestrian and automobile safety concerns, the curve of the public road and history of serious automobile accidents in the area, compounded by a potential increase in vehicle traffic, as well as an adverse impact on neighboring wetlands, and possible environmental issues, including fumes. The Henrietta Township Master Plan & Future Land Use Map does not recommend commercial zoning in that area.  
Motion carried.

#### **5) Public Comment**

- M. Tucker thanked the Planning Commission for listening to residents.

#### **6) Adjournment**

- A motion to adjourn was made by T. Rowe and seconded by J. Duszynski and passed unanimously by the remaining Commission Members.
- Regular meeting adjourned at 8:19 p.m.

## **Rezoning Request from Commercial -1 to Commercial-2 concerning 7735 Bunkerhill Rd. Jackson, MI 49201.**

### **Emailed Comments:**

1. **Oppose:** February 24, 2026

To: Henrietta Township Planning Commission

I am a neighbor at 3990 Root Station Rd. My concern if a Gas/Diesel Station is put at M&M Party Store at 7735 Bunkerhill Road it would cause a decrease in my property value and also cause an increase in air pollution. The traffic and noise would increase, Pollution problems would increase, so I am opposed.

Thanks,

Connie L. Price

3990 Root Station Rd.

Jackson, MI 49201

2. **Oppose:** Dear Members of the Planning Commission,

I am writing as a concerned community member to state that I do not agree with the proposed rezoning of 7735 Bunkerhill Road.

I value the character and quality of life in our area, and I believe this change could have lasting negative impacts on nearby residents and the surrounding neighborhood. I respectfully ask that you consider the long-term interests of the community when reviewing this request.

Thank you for your time and consideration.

Sincerely,

Amanda Hutchings

3. **Oppose:** Planning Commission,

I'm writing to be clear that I do not support the proposed rezoning of 7735 Bunkerhill Road.

I live here because of what this area is — quiet, residential, and not overdeveloped. Changing the zoning to allow light and water pollution doesn't make sense for the people who already live here. Once it's done, it's done.

Please keep the current residents in mind and vote no on this request.

--

Ryan Hutchings

4005 Nurmi Drive

Jackson, MI 49201

4. **Oppose:** Dear Council Members,

I'm reaching out to urge you to deny the request made by the owners of the property at 7735 Bunkerhill Rd., 49201 to rezone from Commercial-1 to Commercial-2.

You have a terrific opportunity to do good for Henrietta Township residents, its wildlife and the environment by not allowing Spartans Liquors to turn what was a community-centered, quiet general store causing no harm to constituents into a toxic, noisy environment for all who live near it.

I live in Detroit but frequently visit my friends at 7723 Bunkerhill Rd. They purchased the property three years ago and have transformed it in such a short time into a sanctuary for birds, bats, painted turtles and all the wildlife that inhabits their 16 acres. They've received certifications and grants from the State to restore the wetlands and floating bogs and pond--and have done so with enthusiasm and loving care. It's a joy to walk the property now and witness the abundance of natural wonders and to hear evidence of the various creatures living there. In addition, they've planted fruit trees and berries and a garden that kept me in fresh produce from early spring to late fall. Everything is organic and free from pesticides. And I know that they also take the excess from the large and prolific garden to local food pantries.

Needless to say, but I will, a gas and diesel pumping station a bare stone's throw away from their house and garden and wetlands would not be conducive to the serene and flourishing eco system they've established and that the State has financially supported and rewarded.

Also of great importance is the ground water situation. Residents have ground water wells. It's inevitable that there will be spillage and leaking of gas and diesel fuel into the ground and therefore their water supply. And the trash would draw rodents and other destructive creatures. Please do the right thing and feel good about it. Deny Spartans Liquors's request.

Susan Hipsley

1374 Seward

Detroit, MI 48202

5. **Oppose:** To whom it may concern,

I'm voicing my opposition for your consideration to rezone [7735 Bunkerhill Rd, Jackson, MI 49201](#) to Commercial- 2. I urge you to deny the application to rezone for the following reasons:

- The new owner is a multi-million dollar network of multiple LLCs and corporations in MI and MA. None of the people associated live in this county or spend money here.
- Within 100 ft of this property is a groundwater well that would almost certainly be contaminated (only a matter of time) if gas and diesel pumps were installed. It is the source of drinking water for the immediate residents that live next to the property.
- There is a certified National Wildlife Habitat right behind this proposed rezoning which includes threatened, endangered, and species of concern (plants, birds, insects).
- This area is home to migratory birds who nest here, nesting and hatching turtles and wood ducks. Increased light pollution and 24/7 traffic and noise would greatly affect the work that has been done to increase the biodiversity here.

Please, I humbly ask that you deny the request to rezone and prioritize the needs of the residents and the natural world in this immediate area.

Sincerely, Kevin Lurkins

6. **Oppose:** To the board members and concerned participants of the Henrietta Township Planning Commission:

I write on behalf of Matt Tucker, whom I have known since May 2022 and who I worked with through the summer of that year, to urge you to deny the request made by those at Spartans Liquors LLC - operating out of Okemos, MI, to rezone the address at 7735 Bunkerhill Rd, Jackson, MI 49201 from Commercial-1 to Commercial-2.

Put simply, my reasoning is that since moving onsite (to their property, neighboring the above, at 7723 Bunkerhill Rd, Jackson, MI 49201) Matt and his household have thoroughly demonstrated their deep and honorable commitment to stewardship of the land they are on, in ways enumerated below (and many more), and the rezoning of the abutting land to permit installation of a gas station is, among other things, not likely to be a comparatively sound investment for the community! There are many factors that evidence this; I will name a portion of them.

Since moving onsite - just under three years ago(!) - Matt and his friends and family have completed a tremendous number of projects of which even one would be a boon to whatever locale they were done in. To wit, they have:

- converted over two acres of sod grass to native plants, pollinator gardens, and food production (vegetable garden and perennial orchard)
- planted well over 150 native plants
- harvested over 500 pounds of regeneratively grown organic food of which they donate many pounds of to a local food bank, folks in need, and friends
- filled two 20-yard dumpsters with trash from the land and forest, including regular litter removal that comes from the neighboring store
- removed countless invasive species
- received a Natural Resource Conservation Service grant for the work we had done and will continue doing focused on habitat restoration
- put up bat boxes, bird houses, and a duck box
- fed and watered tons of year round and migratory birds who also use this area for nesting every year
- supported year round painted turtles, including nesting and hatching
- supported nesting Wood Ducks, which used to be a federally endangered species
- have counted over 10 threatened, endangered, or species of concern (plants, birds, insects)
- have a certified National Wildlife Habitat with National Wildlife Federation and the Michigan United Conservation Clubs
- have a certified Monarch Waystation through Monarch Watch
- upgraded many parts of the home
- restored an old pole barn into a pottery studio
- volunteered regularly in the community

Additionally, Matt is employed locally as a teacher!

The above evidences people who are deeply committed to taking care of the place they live - over which you have jurisdiction of the zoning - and who are thus profound and irreplaceable assets to the local community and land. The gas station intended for installation is meanwhile to be held by an LLC of people unknown to and disconnected from the local community entirely. Needless to say, the proprietors don't live in town.

The issue at the bottom of this is that it is basically a one-or-the-other option. The gas station will make it so that Matt can't continue the generous work he's been doing and will moreover have a hugely negative impact on his investment in and the livability of his home. There are many well-documented effects of the presence of gas stations on nearby residencies. I've included some below, as reported by Scientific American, National Institute of Health, US Energy Information System, and other reliable sources, although of course - and frankly - these things are common sense and shouldn't, strictly speaking, require verification by highfalutin sources. Gas station presence contributes strongly to, and/or will in this case affect:

- Significant health concerns, especially for children and seniors, including high rates of childhood cancers like Leukemia, birth defects, asthma, lung conditions, Parkinson's, etc.
- Increase in air pollution
- Increase in drinking water contamination (Matt's house groundwater well is less than 100ft from the proposed site of gas and diesel pumps!)
- Increase in light pollution
- Increase in 24/7 traffic and noise
- Increase in litter
- Significant effects on drainage of nearby wetlands due to higher water demand as well as increased pollution to wetlands habitats (there are wetlands on three out of four sides of the site)
- Property values (which will of course decrease)
- Many more, including spillage of gas and diesel fuel on the ground

Given the above, approving the zoning change to allow the gas station to go in would really be a betrayal of a committed community member.

Of course, it also goes without saying that people drive cars, people buy gas, and transportation resources are important, generally. But this land is also a resource in countless ways that will continue to support life and everyone's wellbeing long after ... most cars are electric? Gas is completely phased out? Some other structural change(s) take(s) place?? All of which may be a long time from now, but in that case the point stands even more.

I know that drivers are gonna drive, local-eco-do-gooders are gonna do good, cryptic speculative out-of-town...merchants! Are gonna...do commerce..., and of course, Town Planning Boards are gonna zone. That's how it be now, right? And that's why we're here. I am asking that the Planning Board consider that gas stations can go anywhere - perhaps on already contaminated land, for example, or in more urban/peri-urban locales (I say this admittedly lacking more-than-surface-level knowledge of the Henrietta Township map!), but that you will only find Matt Tucker, et al. on one piece of land. I am, moreover, vouching with full confidence in his exceptional degree of care, attentiveness, and commitment to stewardship of the land in question. It is my opinion that the aforementioned potential dishonoring of Matt and company's valuable presence for the short term value of a few gas pumps would be - and I mean this only descriptively (not as a threat, just to be clear!) but moreover with no exaggeration - a *profound mistake* for folks in your position to make.

I admit that I personally have little stake in what happens in your Township more than any other locale, but I care about Matt and I believe deeply in the work he does and is committed to

continuing and I know that he cares with a lot of heart about what he is working on. I ask - one more time here - that you seriously consider this as well when making your decision. If you have made it here with me, thank you very much for your time. If you only read the bold, I'll take it too - that's why I did some bolding. In any case, thank you.

Sincerely,  
Noah Matthew Goodman

**7. Oppose:** Dear Sir or Madam,

My friend, Matt Tucker, 7723 Bunkerhill Rd. Jackson, MI 49201, lives his life based on principles of enhancing the planet and minimizing his footprint and negative impact on the environment. I am retired and met Matt through online purchase of his pottery which he hand makes from reclaimed clay and mails in repurposed cardboard boxes and packing materials. He randomly gifts me dried flowers, dill, tomatoes, and garlic which he grows organically on the land he has converted and cultivated. He is very disturbed that the LLC property owners of 7735 Bunkerhill Rd. Jackson, MI 49201 are requesting rezoning from Commercial-1 to Commercial-2 in order to convert the store to a gas and diesel station. This move would definitely contaminate his drinking water well. It would likely pollute the air with toxins that contribute to respiratory and neurologic conditions and cancers. The present tenants have already demonstrated their disregard for township ordinances by continuing to allow their lighting to shine into Mr. Tucker's home.

Rezoning the stated property to Commercial-2 is inappropriate given its proximity to residential zones. It would lead to these and many other deleterious long term problems involving ground and air pollution, human and wildlife health issues, and residential property values. I respectfully request that thus rezoning application be denied.

Sincerely,  
Lawrence A. Gatti, Jr.  
[Gattilawrence@gmail.com](mailto:Gattilawrence@gmail.com)

**8. Oppose:** Dear Members of the Henrietta Township Planning Commission,

I am writing to respectfully urge the Township to deny the request by Spartans Liquors, LLC of Okemos, MI to rezone the property located at 7735 Bunkerhill Rd, Jackson, MI 49201 from Commercial-1 to Commercial-2 in order to construct a gas and diesel station.

The surrounding area along Bunkerhill Road is predominantly residential for several miles in both directions. Converting this site into a 24-hour fueling station would represent a significant intensification of commercial use that is incompatible with the established character of the neighborhood and surrounding sensitive ecological areas.

The neighboring property at 7723 Bunkerhill Rd includes forest, wetlands, vernal ponds, and habitat that has been actively restored and stewarded. The landowners have converted over two acres of turf grass into native plantings and food production, planted more than 150 native plants, removed invasive species, and restored habitat supporting migratory birds, Wood Ducks, painted turtles, pollinators, and other species — including multiple threatened or species-of-concern populations. The property has received support through a Natural Resources

Conservation Service grant and is certified by the National Wildlife Federation as a National Wildlife Habitat, recognized by the Michigan United Conservation Clubs, and designated as a Monarch Waystation through Monarch Watch.

A fuel station at this location raises substantial and well-documented concerns, including:

- Increased risk of groundwater contamination from fuel leaks or spills. The neighboring home relies on a groundwater well located within 100 feet of the proposed pump area.

- Increased air pollution exposure, including benzene and other volatile organic compounds associated with fueling operations.

- Documented associations between proximity to fuel stations and elevated risks of respiratory conditions and certain cancers.

- Increased light pollution, traffic volume, and noise along a 55 mph roadway where accidents already occur.

- Increased stormwater runoff and pollutant load affecting adjacent wetlands on multiple sides of the parcel.

- Decreased residential property values and diminished rural character.

Zoning decisions set long-term precedents. Reclassifying this parcel to allow a higher-intensity commercial fuel operation in a largely residential and ecologically sensitive corridor would materially alter the character of the area and introduce environmental and public health risks that are inconsistent with sound land-use planning principles.

For these reasons, I respectfully request that the Planning Commission deny the rezoning application.

Thank you for your careful consideration of this matter and for your service to the community.  
Sincerely,

Rosey

Rosey Puloka (she/her), LCPC, GLCMA

therapist + farmer

c: 781.572.7659

[roseypuloka.com](http://roseypuloka.com)

**9. Oppose:** Dear Henrietta Township Planning Commission,  
I'm writing to urge you to deny the rezoning request submitted by Spartans Liquors, LLC (Okemos, MI) for the property at 7735 Bunkerhill Rd, Jackson, MI 49201, a request to rezone from Commercial-1 to Commercial-2 in order to convert a small neighborhood store into a gas and diesel station.

I have friends who live next door at 7723 Bunkerhill Rd, and what they've built there is remarkable. Since 2023, they've converted over two acres of lawn into native pollinator gardens and food production, planted more than 150 native plants, donated hundreds of pounds of organic produce to local food banks, and removed two dumpsters worth of trash from the land, including litter that regularly blows over from the adjacent store. They hold an NRCS conservation grant, certifications from the National Wildlife Federation and Monarch Watch, and actively support nesting Wood Ducks, painted turtles, and over ten threatened or endangered species.

A 24/7 gas station next door would put all of that at serious risk. Their drinking water well sits less than 100 feet from the proposed pump site, and wetlands border three sides of the store property. The road already sees accidents from the current store's traffic. The documented health impacts of living near gas stations are well established: elevated risks of childhood leukemia, asthma, birth defects, and Parkinson's disease, among others. Despite presenting as a local family, the applicant is a network of at least 12 LLCs and corporations based in Michigan and Massachusetts, with no principals living in this county. This is not a community business.

Please protect this neighborhood and deny the rezoning request.

Thank you,

Dylan Levene

Dylan Levene

[levene.dylan@gmail.com](mailto:levene.dylan@gmail.com) | [LinkedIn](#)

p: (516) 849-2076

**10. Oppose:** To the Henrietta Township Planning Commission:

Please consider denying the application for rezoning from Commercial-1 to Commercial-2 by Spartans Liquors, LLC of Okemos, MI, for a business at the location 7735 Bunkerhill Rd, Jackson, MI 49201.

I've had the distinct pleasure of enjoying the rural atmosphere of this area while staying with the residents of 7723 Bunkerhill Rd, Jackson, MI 49201. These residents, Matt and Amanda, have invested countless dollars and person-hours cultivating their 16 acres to support the flora and fauna that lend this region its distinct character, earning a certified **National Wildlife Habitat** distinction from the National Wildlife Federation and the Michigan United Conservation Club. They have converted two acres to native grasses, planted over 150 native plants, donated hundreds of pounds of organic produce to a local food bank, removed invasive plant species, filled two 20-yard dumpsters with trash that they found on their property when they bought it. Spartan Liquors' proposed gas station is surrounded on three sides by wetlands which are likely to be negatively impacted by their proposal. Additionally, one could expect light pollution, drinking water pollution, air pollution, increased traffic impacts on people and wildlife, and long term health impacts on the children and families living in the area.

Thank you for considering denying Spartans Liquors, LLC's application to rezone this area from Commercial-1 to Commercial-2.

Gabriel Bernier (he/him)

970-426-5859

[www.foxandcrowcounseling.com](http://www.foxandcrowcounseling.com)

**11. Oppose:** Dear Friends,

I would like to voice my opposition regarding the rezoning of the property at 7735 Bunkerhill Road in Jackson from Commercial 1 to Commercial 2. I believe this would be a significant mistake.

I am a frequent visitor to the community since my son, Matthew Tucker, lives nearby. He is a teacher, community volunteer, environmentalist, wildlife expert and committed to the welfare and well-being of Jackson's population. The zoning change could have a significant impact on his particular area of Jackson. Land and people could be profoundly affected for the worst. The character and charm that surrounds the area would be challenged by the change and the construction that would follow. We can only suspect that the pollution and enlargement will suffer as a result of this questionable change.

We respectfully urge you NOT to approve this zoning change.

With kind regards,

Linda H. Tucker

10176 Richard Sandy Road

Oakboro, NC 28129

**12. Oppose:** To whom it may concern.

I am writing today to strongly oppose the request by Spartan Liquors LLC to rezone the property at 7735 Bunkerhill Rd, Jackson MI from Commercial 1 to Commercial 2.

This is a residential area that will be overwhelmingly affected negatively if this passes. Of particular concern is the property immediately next door at 7723 Bunkerhill Rd. This property has:

- converted over two acres of sod grass to native plants, pollinator gardens, and food production (vegetable garden and perennial orchard)
- planted well over 150 native plants
- harvested over 500 pounds of regeneratively grown organic food of which we donate many pounds to a local food bank, folks in need, and friends
- filled two 20-yard dumpsters with trash from the land and forest, including regular litter removal that comes from the store that they don't pick up
- removed countless invasive species
- received a Natural Resource Conservation Service grant for the work we had done and will continue doing focused on habitat restoration
- put up bat boxes, bird houses, and a duck box
- feed and water tons of year round and migratory birds who also use this area for nesting every year
- support year round painted turtles, including nesting and hatching
- support nesting Wood Ducks, which used to be a federally endangered species
- have counted over 10 threatened, endangered, or species of concern (plants, birds, insects)
- have a certified National Wildlife Habitat with National Wildlife Federation and the Michigan United Conservation Clubs
- have a certified Monarch Waystation through Monarch Watch

All of these environmental upgrades that this property has contributed to Jackson would be in danger of surviving and most likely lead to the need for the owners to relocate.

Some of the many well-documented, negative impacts from living in close proximity to a gas/petrol station coming from Scientific American, National Institute of Health, US Energy Information System, and many other reliable sources.

- significant health concerns, especially for children and seniors, including high rates of childhood cancers like Leukemia, birth defects, asthma, lung conditions, Parkinsons, etc.
- increase in air pollution
- increase in drinking water contamination (our groundwater well is less than 100ft from the proposed site of gas and diesel pumps!!!)
- increase in light pollution (they already have lights that shine directly into our home that they refuse to shift down toward the parking lot instead of up/outward, despite the Township ordinance)
- increase in 24/7 traffic and noise (there are already accidents due to the small store being on a 55mph road, let alone a 24/7 service station)
- increase in litter
- significant drainage of nearby wetlands due to higher water demand as well as increased pollution to wetlands habitats (there are wetlands on three out of four sides of the store)
- decrease in property values
- many more, including spillage of gas and diesel fuel on the ground

For all of these reasons as well to keep the integrity of residential Jackson intact, we **strongly oppose the request to rezone the property at 7735 Bunkerhill Rd, Jackson MI.**

Thank you for your attention to this matter.

Clare Schwartz

13. **Oppose:** As a neighbor of 7735 Bunkerhill Rd, I would like to put on record that I am against any zoning changes that have been proposed at that site.

It is my understanding that they would like to add fuel pumps. Aside from the normal concerns, such as ground contamination, added traffic and noise. Another major concern is automobile accidents from the added traffic. We have 5 gas stations within a 5 mile radius, which in my perspective makes it totally unnecessary.

I cannot be there on Tuesday as I have a previous engagement, but I would like to add a NO vote to this proposal.

Sincerely,  
Jack Christensen Jr.  
7600 Bunkerhill Rd.

## Data Center Development Information

February 2026

This information is designed to assist Jackson County township officials in drafting zoning ordinances for large resource dependent industries such as a data center development, highlighting the pros, cons, and regulatory strategies.

### **Data Centers in Southern Michigan: Overview**

Data centers are specialized facilities housing computer systems for data storage and processing, driven by Artificial Intelligence (AI) demand. They require large amounts of land (often hundreds of acres), significant electricity, and water for cooling that may create adverse resource, health and living standard impacts in a region.

Traditionally, data centers have been built as standalone industrial. As a result, both developers and communities have treated data centers like warehouses—routine projects that produce a surge in short-term construction jobs followed by a steady stream of tax revenue (unless reduced by state tax exemptions and/or local tax abatements) without offering many direct contributions to or interactions with the local economy. In that sense, an out-of-sight, out-of-mind approach has been the preferred state for data center management throughout the country.

Accordingly, the facilities have require major upfront infrastructure investments—including in large tracts of land, expensive server hardware, and reliable utility-scale power—while generating relatively few local benefits.

AI-era scaling and competition for mega-sites, grid access, and permits are giving regions new leverage. Early examples suggest that negotiated data center co-investments can anchor regional tech ecosystems. Regions should ask for this.

**Townships that want these developments should treat data center negotiations not as isolated real estate transactions but as ecosystem-shaping moments that trade infrastructure access for commitments to advance local innovation, talent, and industry strengths.**

Target Areas: Rural, undeveloped land with access to high-tension power lines (DTE/Consumers Energy) and fiber connectivity.

Status in Michigan: A "Stargate" project in Saline Township shows these can be massive (\$7 billion, 575 acres).

### **Potential Pros (Benefits)**

**Significant Tax Revenue:** Data centers are high-value properties that can contribute to school, county, and township budgets, potentially lowering the tax burden on residents through a community benefits agreement.

**Infrastructure Upgrades:** Large projects often require developers to fund improvements to modernize the power grid, which may benefit surrounding areas.

**Construction Jobs:** A single, large "hyperscale" project can generate roughly 1,200 construction jobs over a two-year period.

**No Burden on Schools:** Unlike residential development, data centers do not increase demand on local schools, roads, or emergency services.

### **Potential Cons (Risks)**

**Extensive Utility Load:** A single data center can consume as much electricity as 2,000 homes. Cost of transmission upgrades may eventually be passed to ratepayers.

**Waste Heat Management:** How will the facility manage or dissipate thermal heat output to prevent localized "heat island" effects.

**Water Consumption:** Data centers use millions of gallons of water for cooling, which can compete with existing industries, and residential use, heavily straining local water tables, wells, reducing groundwater recharge, and lowering aquifers. High-capacity groundwater withdrawals without recharge can pull contaminants towards wells, risk upward migration of saline water into fresh water zones, and permanently lower water tables in the Jackson County Saginaw and Marshall Formations. Hydrogeologic studies should assess cumulative impacts across the entire watershed. Reference: Groundwater over-withdrawals in Saginaw Formation Walther Farms, Lakeside Twp. Clio, and Marshall Formation in Ottawa County.

**Noise (sound engineering study), and Air Quality:** Cooling equipment runs 24/7, creating constant noise, hum, and vibration. Backup diesel generators can produce dangerous pollution effecting health issues.

**Low Employment (Long-term):** Data centers are automated and typically employ few people once operational (often <100).

**Visual Impact:** Large, 100-foot-tall buildings can alter the rural character of a township.

## **Recommended Zoning Ordinance Strategies for Townships**

Townships are advised to act proactively to manage development before it arrives.

**Restrict to Specific Zones:** Permit data centers only in specialized industrial, technology campus, or commercial (light industry) zones rather than agricultural or residential areas.

**Prioritize “brownfield” locations** that offer existing high-capacity power and fiber infrastructure, can accelerate deployment times, reusing developed land, limits urban sprawl, reduces construction waste, and offers Tax Increment Financing (TIF) that can offset costs.

**Special Use, or Conditional Use Permits:** Require a special use or conditional use permit for all data center projects to allow for specific scrutiny of site plans, environmental impacts, and infrastructure upgrades. Community Benefits Agreement should be considered.

**Setbacks and Buffers:** Require large setbacks (e.g., 300 feet is considered reasonable, a 1000 ft. setback may be considered exclusionary) from all non-participating residential properties, sensitive areas (e.g. parks, schools, churches, care homes), and riparian areas (e.g. wetlands, streams, headwaters, lakes).

**Environmental and Utility Studies:** Mandate third party hydrogeologic, supply yield and feasibility studies where applicants provide impact assessments on water usage (specifically, reducing reliance on local wells),

**Sound limit studies:** Facilities should require robust landscaping, sound proofing materials, and setback placement to reduce noise, hum, and vibration mitigating impacts.

Electricity consumption and upgrading infrastructure should abate local rate hikes.

**Emergency Response Plan:** Coordination with local Fire and EMS departments regarding specialized training for electrical fires or chemical spills (refrigerants, lithium-ion battery electrolytes, diesel fuel, ethylenglycol, battery acid)

**Aesthetic Controls:** Require designs that blend with the rural character, such as screening, landscaping, and height limitations.

**Photometric Plan** ensuring all exterior lighting is shielded and downward focus to preserve dark skies in rural areas.

**Security fencing specification** for anti-climb fencing and 24/7 surveillance that do not interfere with wildlife corridors.

**Decommissioning Plan:** Mandate a bonding plan to remove the facility and restore the land if the operator abandons it. Plan for recycling E-waste and chemical pollutants.

Limit Size: Consider limiting total square footage (e.g., 750,000 sq ft) to prevent overly large campuses in rural or underserved areas, and manage financial risks if a single company departs.

Reference the Master Plan economic growth and goals. Do Data Centers align with them? While Data Centers share some characteristics with industrial facilities (large sites, high power needs) their unique high-intensity impacts on infrastructure, immense, consistent & redundant power & cooling, low employment, and noise attenuation, makes them distinct from traditional industrial development.

### **Key Legal Considerations:**

No Absolute Bans: Michigan law prohibits "exclusionary zoning." A township cannot totally ban data centers, but it can place reasonable, rigorous conditions on their operation. Local government must balance a company's "need" to operate and "serious consequences" of that industry on the community.

State Tax Exemptions: While the state has passed tax incentives, they are not guaranteed. Local governments can negotiate for more favorable terms, though they are often preempted by state-level decisions.

Rate Payer Protection: The Michigan Public Service Commission ensures that data centers do not cause rate hikes for residential customers, though the "details" of these agreements are often debated.

### **Defendable Ordinances**

A defendable data center ordinance in Michigan must balance the prevention of community disruption with the prohibition against exclusionary zoning, as outlined in the Michigan Zoning Enabling Act. To survive court challenges, the ordinance should not outright ban data centers but rather restrict them to appropriate zones through specific performance standards, such as rigorous noise limits, setbacks, and infrastructure impact assessments. Zoning is a legislative act, and decision are presumptively valid or reasonable. Challengers must show that there is no reasonable government interest (public health, safety, & welfare) advanced by the zoning ordinance. *Actkinson-Hoyt v. Superior Charter Township* 4-8-2025 case # 369764.

### **Exclusionary Zoning & Demonstrating Local Need**

Attorneys advising townships on data center ordinances must balance the legal obligation to allow new technology development with the responsibility to protect local residents from high-intensity industrial impacts. Based on recent legal disputes and expert analyses (particularly in Michigan and Pennsylvania), here are the key strengths and weaknesses highlighted by legal counsel.

### **Strengths (Protective & Validating Measures)**

A "strong" ordinance is one that is defensible in court while protecting community character.

**Specific Performance Standards:** Rather than banning, a strong ordinance regulates noise, lighting, building height, traffic, and natural resource impacts, which can make a location unattractive to developers without triggering legal challenges.

**Environmental & Resource Controls:** Regulations addressing water usage, cooling systems, and diesel generator exhaust are considered strong protections.

**Decommissioning Bonds:** Including requirements for a bond to cover the cost of tearing down the facility and restoring the land if it is abandoned is a key strength.

**Proactive Zoning Updates:** Updating the master plan and zoning code to specifically address data centers before a proposal arrives prevents "spot zoning" claims and ensures the municipality is prepared.

**Clear Setbacks:** Establishing significant buffer zones between data centers and residential areas, including using these for public green spaces, is a legally sound, protective measure.

### **Weaknesses (Legal Risks & Vulnerabilities)**

Weaknesses often lead to litigation, particularly claims of "exclusionary zoning" or "spot zoning."

**"Blanket" Prohibition:** Attorneys warn that outright banning data centers is unlikely to be upheld by a court, as state laws often prohibit excluding uses for which there is a demonstrated need.

**Vague or Missing Standards:** A major weakness is having no specific regulations for data centers, leaving the township to rely on outdated, inapplicable industrial codes.

**Improper Procedure:** Failure to follow proper public notice requirements, or not having the planning commission review the ordinance, can lead to the entire ordinance being declared void.

**Exclusionary Zoning:** If a township fails to zone any land for industrial/research purposes, or makes regulations so burdensome that no data center can ever be built, the ordinance is vulnerable to legal challenges.

**Ignoring Infrastructure Impact:** Failing to account for the massive energy and water needs of modern AI data centers can leave the community vulnerable.

### **Common Legal Challenges and Defenses**

The "Spot Zoning" Risk: Rezoning a small parcel in a rural area for a massive data center can be challenged as invalid spot zoning.

**Evidence-Based Decisions:** When denying a project, township boards must have a solid record of evidence (e.g., studies on noise or traffic). "Feelings" or mere opposition from residents are not sufficient for a defensible denial.

Moratoriums as a Tool: While not a permanent solution, a temporary moratorium is often recommended to allow the town time to study the impact and draft a robust ordinance.

In summary, attorneys advise that the best defense for a township is a well-researched, technically specific ordinance that regulates, rather than bans, the technology, ensuring it conforms to a comprehensive master plan.

**Risks and Pitfalls that data center developers make:**

Relying solely on a zoning officer's letter without proper vesting or notice, which creates appeal exposure.

Assuming later phases are protected under an initial approval.

Using low-cost zoning or land use reports that may be incomplete or inaccurate.

Failing to maintain complete documentation of filings, postings, and agency correspondence to prove compliance, if challenged.

**Attorney Opinions:**

"Local government can set standards that protect public health, safety, and general welfare, while potentially making the community unappealing to developers e.g. noise limits, building height limit, glare from night light. But at the same time making sure they don't cross into "exclusionary zoning". Mika Meyers, municipal attorneys"

"It's not clear whether data centers fall into that category of "demonstrated need". Foster Swift Collins, municipal attorneys."

**Key Context: The "Local Need" Requirement:**

Under many state laws, such as Michigan's Zoning Enabling Act, if a township restricts a land use, the proponent must often demonstrate that the project fulfills a demonstrated need for the community or the surrounding area. If a developer cannot show that a project (like a large-scale warehouse) is actually needed locally, the municipality has a stronger legal basis for denying the site plan.

Demonstrated Need via Digital Demand: Developers often frame data centers as essential, modern, "critical infrastructure" needed for AI, cloud computing, ASIC crypto-mining, cloud gaming, gambling platforms, and economic development, arguing this demand exists locally.

**Proving "Reasonable Use":** Developers may argue that their project is a reasonable use of land, especially when it is located in, or near industrial corridors, as seen in disputes where developers challenge zoning boards, claiming they are simply excluding the project for reasons other than safety or welfare.

**NDAs:**

Townships face significant legal and ethical trepidation when signing non-disclosure agreements (NDAs) with data centers. While NDAs are legally binding civil contracts used to protect proprietary information during negotiations, they may conflict with statutory duties regarding public access to records, zoning, and transparency, especially when public infrastructure or tax incentives are involved.

**MODEL ORDINANCE OUTLINE**

This model data center ordinance is designed for township, city, or village seeking to regulate the rapid influx of high-energy data center developments while adhering to state laws regarding non-exclusionary zoning. It incorporates standards based on recent Michigan, Georgia, and Pennsylvania regulations, focusing on environmental impact, noise, and community protection.  
Data Center Special or Constitutional Land Use Ordinance

Section 1: Intent and Purpose

The purpose of this ordinance is to regulate the establishment of data centers to ensure they are compatible with surrounding land uses, protect natural resources, minimize noise and visual blight, and ensure that infrastructure demands do not disproportionately burden local taxpayers or the community environment.

Section 2: Definition

Data Center: A facility utilized for the storage, management, and processing of data, typically comprising multiple large buildings (over 100,000 sq. ft.) with significant electrical, cooling, and water infrastructure needs.

Section 3: Zoning District Restrictions

Data centers are permitted only as a Special or Constitutional Land Use in areas zoned Heavy Industrial/Industrial Revitalization Districts/ Commercial-3 light industry.

Data centers shall not be permitted on land zoned for agricultural or residential use, except upon rezoning and with strict adherence to performance standards.

#### Section 4: Performance Standards & Requirements

Applicants must submit a detailed site plan demonstrating compliance with the following:

**Noise Mitigation:** A noise study must be submitted showing that operational equipment (HVAC, backup generators) will not exceed 55 decibels and vibration (or 5 dBA and 5 dBC above the average baseline ambient sound and vibration) at the property line. Mitigation strategies such as acoustic walls, sound-dampening enclosures, site-specific (can be increased) (\_\_\_\_) feet setbacks, and landscaping buffers are required.

#### **Water Usage and Protection:**

Plans for cooling systems must maximize efficiency, prioritizing closed-loop systems.

A hydrogeological study shall be required to determine large withdrawal impacts on local aquifers (consideration of Saginaw Formation & Marshall Formation impact), and neighboring wells within one-mile of site. A sustainable water use plan shall be required with annual monitoring reports, and private wells protection within (\_\_\_\_) feet of data center. Municipal water availability may be required and/or extended will upgrades at developer's expense, rather than burdening local ratepayers.

An ordinance aims to protect the township's water resources from high-capacity industrial water withdrawals including data centers through Conditional Use Permits, applicant-funded hydrogeological monitoring within a Zone of Influence (1-5 miles), and mandatory mitigation of Adverse Resource Impacts on residential wells, supported by financial security and penalties. Key components include requiring a Water Impact Study and Management Plan, mandatory baseline and continuous independent monitoring, and operator liability for well failure mitigation, including temporary water supply and permanent well repair or replacement.

Prohibited activities include once-through cooling and untreated, high-temperature discharges.

#### **Visual Impact and Landscaping:**

Maximum building height must not exceed local industrial standards.

Significant, mature tree buffering or earth berms are required to obscure the building from residential or public viewing.

Nighttime outdoor lighting must be strictly shielded and directed downward to prevent glare, light trespass, and light pollution.

#### **Energy and Grid Impact:**

Applicants must demonstrate a plan for sustainable energy use.

Data centers are required to be contracted with a electric company provider for energy availability, and pay for their own grid upgrades, such as new substations orh transmission lines, rather than burdening local ratepayers. The data center shall incorporate one or more renewable energy systems.

Emergency Systems: A, stringent backup generator test schedule must be provided to minimize noise and air quality impacts.

The data center shall have a emergency plan approved by the municipal fire department.

#### Section 5: Environmental and Safety Impact Study

A comprehensive study must be submitted evaluating:

Air quality impact from backup generator emissions must have filtration systems.

Soil disturbance and erosion control plans.

Hazardous material handling for backup battery storage systems (Bess) if applicable.

#### **Inspections:**

Township officials are authorized to conduct regular inspections of data centers, including exterior and interior areas, backup generators, fuel storage, and cooling systems, to ensure public safety and compliance with the Special Land Use Permit (SLUP) or Conditional Use Permit (CUP) and Site Plan.

Inspections may occur annually or more frequently, with 24 hours' notice typically provided, although exceptions exist for emergencies or suspected violations. Operators must also submit annual noise/vibration reports, monthly water usage reports if applicable, and maintain generator testing and emissions logs.

Failure to correct violations within a specified timeframe can result in fines, permit revocation, or legal action, with the operator responsible for associated inspection costs.

#### Section 6: Decommissioning Plan

A performance bond must be posted by the developer, payable to the municipality, to ensure that the facility is removed and the site remediated, preventing the creation of "brownfields" if the technology becomes obsolete.

This policy outlines regulations for the abandonment and decommissioning of data centers to ensure site restoration and financial accountability. A data center is considered abandoned if

operations cease consistently for 12 consecutive months, requiring the owner to notify the Township via certified mail.

#### Key Decommissioning & Financial Requirements:

**Timeline:** Decommissioning must begin within six (6) months of abandonment and be fully completed, including site restoration (removing equipment/structures to 36 inches below ground following a waste removal recycling plan), within twelve (12) months.

**Financial Assurance:** A bond or letter of credit equaling 125% of the estimated decommissioning cost must be provided prior to obtaining building permits, with updates required every five years.

**Ownership Transfer must have Township Approval:** Transfers require 30 days' notice, with new owners assuming all responsibility for the existing plan and financial security. Transferring ownership of a data center does not nullify the decommissioning agreement, but it is subject to Township review to ensure ongoing compliance. The current owner must notify the Township at least 30 days before any transfer, and the new owner must formally agree to assume responsibility for the existing decommissioning plan and bond. The Township may review the financial security to confirm its sufficiency before approving the transfer. Any new owner planning to change the facility's use must submit an updated reclamation plan.

**Extensions:** The Township may grant extensions if the owner provides evidence of intent to resume operations or valid reasons for delay.

#### Recommended Action Timeline:

Written notification within 30 days.

Decommissioning Start: Within 6 months of abandonment.

Completion: Within 12 months of initiation.

#### Section 7: Transportation and Construction Management

A traffic management plan with the local and/or state department of transportation, for construction vehicles must be approved to mitigate the impact on rural roads and traffic flow.

#### Key Considerations for Adoption

**Avoid Total Bans:** Michigan law requires that communities cannot outright ban a legitimate land use. A "special use or conditional use" approach is legally safer than a total ban.

**Act Proactively:** Given the surge in proposals, municipalities should pass amendments to their zoning ordinances to ensure they have legal, customized standards in place rather than relying on outdated industrial definitions.

**Monitor State Legislation:** Be aware that state-level legislation could be pending to create statewide rules for water usage and tax incentives, which may affect local authority.

**Disclaimer:** This guide is for informational purposes and should not be considered legal advice. Township boards should work with legal counsel when drafting zoning ordinances.

**Common zoning standards** for noise, water usage, and setbacks are implemented to manage the environmental, social, and infrastructural impacts of development. These standards are typically based on studies regarding public health, environmental sustainability, and compatibility between land uses.

1. **Noise Zoning Standards** Zoning ordinances establish maximum sound levels (measured in dBA and low frequency dBC) based on the "receiving" land use (e.g., residential areas have stricter limits than industrial zones). Michigan senate Bill 431 Sec. 205 restricts ground transmitted vibration at the property line.

**Residential Standards:** Commonly 55 dBA during the day and 50–55 dBA at night at the property line. And 50-60 dBC at night and 65-70 dBC day.

**Commercial/Industrial Standards:** Ranges from 60 dBA to 80 dBA depending on the time of day and adjacent zoning, with nighttime restrictions often being 5–10 dB lower. Vibration standards dBC should also be considered.

**Data Center/Specific Industry Standards:** Often require 60 dBA (day), 55 dBA (night) at the boundary, with specific regulations for generator testing (e.g., 10 am–4 pm).

**Supporting Studies:** EPA Guidelines: 55 dBA (outdoors) and 45 dBA (indoors) are standard goals for protecting against activity interference and annoyance. 9.

**HUD Standards (24 CFR Part 51):** Defines "Normally Unacceptable" noise zones (65–75 dB) and requires noise attenuation for new construction.

**OSHA:** 85 dBA (8-hour time-weighted average) is the threshold for worker hearing protection.

2. **Water Usage and Quality Standards** Zoning and municipal codes focus on efficiency, infrastructure capacity, and protecting water resources from pollution. **Efficiency Standards:** New construction or renovations may be required to use EPA Water Sense-labeled products, such as toilets (1.28 gallons per flush) and showerheads (1.8–2.0 gpm).

Industrial/Commercial Usage: Mandates for closed-loop or recycled systems in high-use industries like data centers.

Water Quality/Runoff: Requirements for on-site retention and treatment of runoff, particularly in industrial zones.

Supporting Studies: EPA Water Sense & Best Management Practices (BMPs): Provides guidelines for reducing water usage in commercial buildings and landscaping.

NPDES Permits: Technology-based and water-quality-based limits on wastewater discharge.

Local Irrigation Studies: Guidelines on calculating water needs to prevent over-irrigation.

3. Setbacks and Buffer Standards Setbacks define the minimum distance between a structure and the property line, aiming to ensure safety, privacy, and fire protection.

Residential Setbacks: Typically, 10–30 feet for front yards and 5–10 feet for side yards.

Industrial/Commercial Buffers: General Industrial: 50–100 feet from property lines, especially if adjacent to residential areas.

Specialized Uses (e.g., Data Centers): Often require larger buffers, such as 200 feet from all lot lines and 500 feet from residential districts.

Environmental Buffers: Wetlands often require a 300-foot buffer, while lakes/reservoirs require a 100-foot buffer to protect water quality.

Supporting Studies: Fire Marshal Studies: Determine minimum distances required for fire-fighting, apparatus access, and reducing fire spread.

Environmental Impact Assessments (EIAs): Studies that determine necessary buffers to protect habitat, wetlands, and water quality.

Summary Table of Common Standards Category Standard/Type Typical Measure

Noise Residential 50-55 dBA (night) Noise Industrial 65-75+ dBA 10.

Setbacks Residential (Front) 20-30 feet. Setbacks Industrial (from Res) 50-500+ feet.

Buffers Environmental 100-300 feet

**Andrew Gelderloos, Geology Specialist, Water Resources Division, Michigan Department of Environment, Great Lakes, and Energy**

**Groundwater Primer**

We can see most of the water cycle: rivers flow into lakes, clouds that drop rain and snow, and even water vapor from our breath on a cold day. But we can't see groundwater, an essential component of the water cycle that supports the water we see and the life all around us.

Groundwater is not an underground lake that you could swim in. Instead, it fills cracks and small pore spaces between sediments (like sand and clay) or within rocks. But, just like a lake holds a lot of water, there is a lot of water in underground aquifers.

This should surprise you. We see water everywhere we look in Michigan. But when 45% of Michiganders turn on their tap, the water that flows out is pumped from a groundwater well (Michigan Department of Environment, Great Lakes, and Energy, 2020).

Groundwater is not an underground river with ripples and rapids. Instead, it slowly flows between connected pore spaces and cracks. But, just like a river moves water across the landscape, groundwater can travel through an aquifer for miles before we see it at the surface.

If you take a drop of water from a stream and you want to trace the history of that drop back to when it fell as rain or snow, your journey will most likely take you underground, back through an aquifer, and then up to the surface where the precipitation landed.

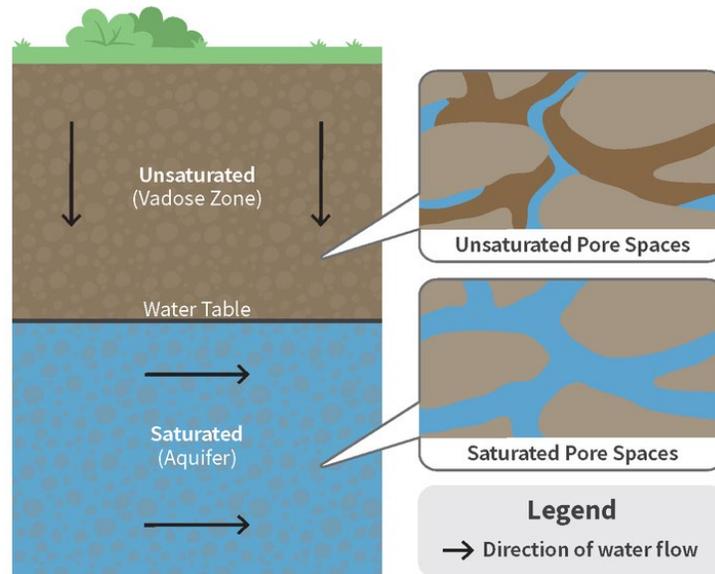
This should surprise you. Intuitively, we all tend to visualize what we would be able to see: rain and snowmelt running off the ground surface and into a stream. But, "even during storm peaks, streamflow is composed mostly of water that has been stored in the landscape for weeks, months, or years" (Kirchner, Benettin, and van Meerveld, 2023).

Groundwater makes hidden connections throughout the state. Take a moment this month to reflect on how influential groundwater is to us, the lakes and streams in Michigan, our economies, and our ecosystems.

I will illustrate how groundwater moves in the subsurface as a preface to a discussion next month about drinking water and environmental considerations.

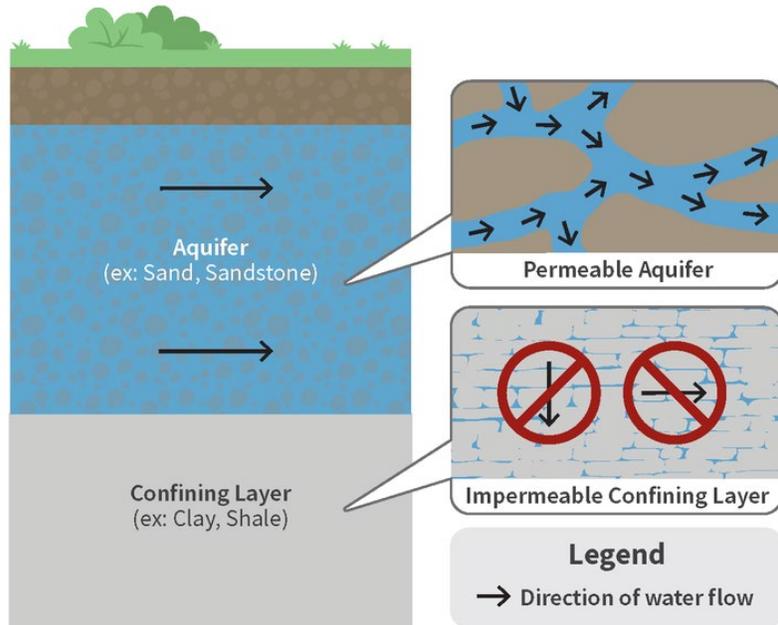
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## Underground Saturated and Unsaturated Zones



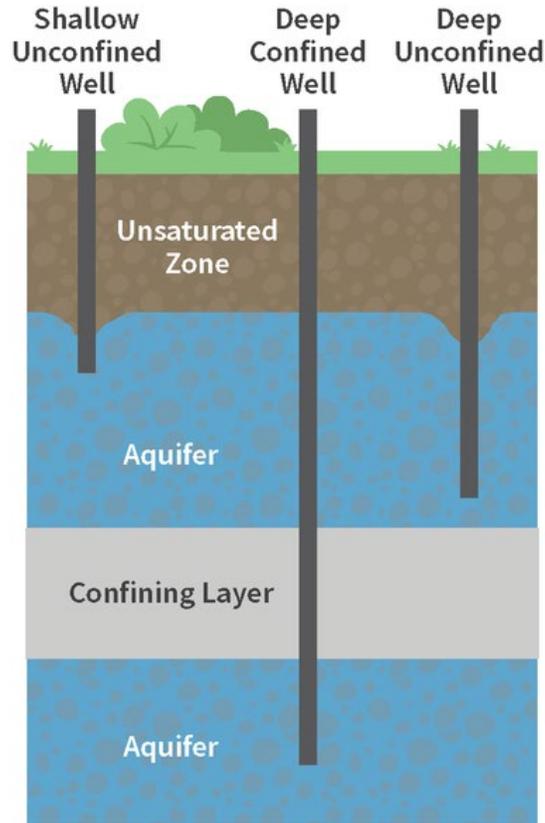
In the first diagram, Underground Saturated and Unsaturated Zones, water at the ground surface can enter the underground unsaturated zone. In the unsaturated zone, the pore space between sediments is filled with air and water. Water infiltrates downward through the unsaturated zone and makes its way down to the water table. The depth of the water table varies. It could be a couple of inches in one place and more than a hundred feet in another place. And it changes over time due to factors such as rainfall and vegetation. At and below the water table, in the saturated zone, all pore space is filled with water; this area is known as an aquifer. Groundwater moves primarily horizontally within an aquifer but can flow in any direction as it slowly moves from locations with a higher water table to locations with a lower water table.

## Aquifers and Confining Layers

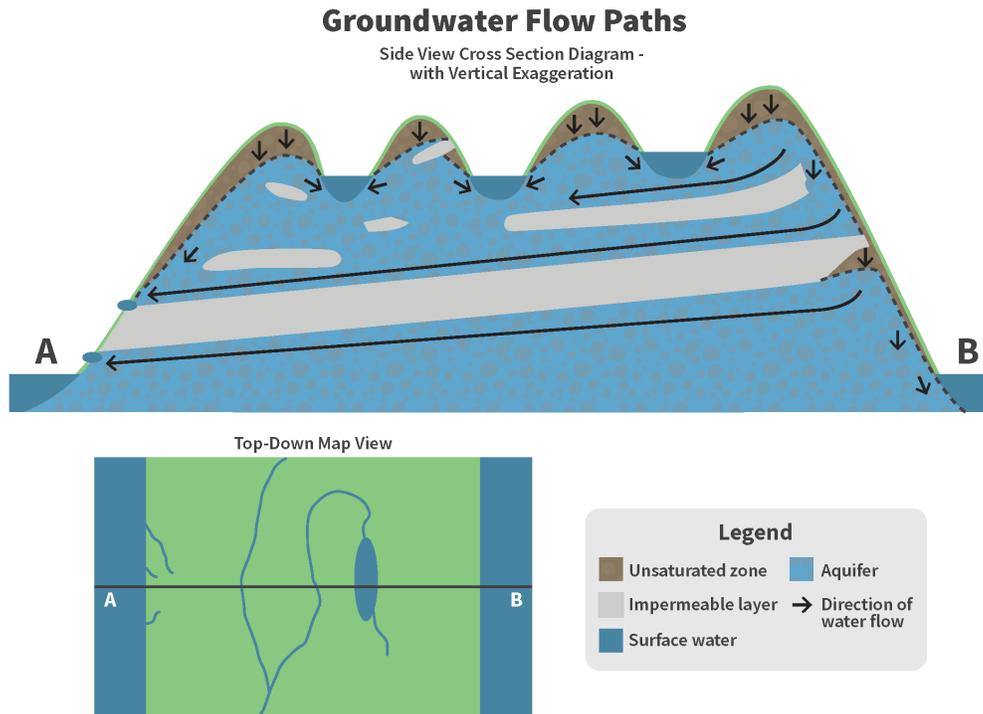


In the second diagram, Aquifers and Confining Layers, groundwater moves through the pore spaces within an aquifer. The individual particles of some sediments, such as sand, are large enough that when they are packed together, the pore spaces are still connected. However, the individual particles of some sediments, such as clay, are so small that, when they are packed together, the pore spaces have only limited connections. In a confining layer, connections between pore spaces are so limited that groundwater cannot move through the layer.

## Shallow and Deep Wells



In the third diagram, Shallow and Deep Wells, the groundwater pumped out of the shallower well may have only travelled a short distance during days or weeks since it infiltrated from the surface. It is possible that the water pumped from the shallow well may have even infiltrated from the ground surface adjacent to the well. The groundwater pumped out of the deeper well may have travelled many miles during the many years since it was last at the ground surface. Water drawn from the well drilled under the confining layer has traveled horizontally from a location not depicted in this diagram, where there is no confining layer between the aquifer and the ground surface.



When we start putting the pieces together, groundwater flow can become complex very quickly – often due to varying amounts of connectivity. For the final hypothetical diagram, Groundwater Flow Paths, consider:

- How might the groundwater have gotten to any point on the diagram? Where did it originally infiltrate from the ground surface?
- Where do confining layers separate aquifers? How many aquifers might a well driller encounter from any given point on the ground surface?
- This diagram only illustrates one “slice of the cake”. What might another slice look like? What if we sliced through in a different direction? What if we zoom out further or deeper?

The illustrations and the terms that I’ve used here simplify a very complex process down to some basic groundwater concepts. As you engage with groundwater topics, you will find that trained hydrogeologists evaluate many nuances that can become incredibly important in particular situations.

## GROUNDWATER QUALITY DATA,

### INGHAM COUNTY, MICHIGAN

By

SHAHBAZ RADFAR

The Saginaw Formation in southern Michigan is the principal aquifer for the city of Lansing and the surrounding tri-county region including northern Jackson County. It is composed chiefly of beds of sandstone and shale, but includes some thin beds of coal and limestone. In Ingham County the formation ranges from 0 to 135 meters (450 ft) in thickness and is overlain by 0 to 36 meters (120 ft) of glacial drift of the Pleistocene Age. The drift consists chiefly of till with scattered deposits of sand and gravel.

Chemical analyses of water from 138 domestic wells tapping the Saginaw Formation indicate that the principal source of dissolved solids in the ground water of the Saginaw Formation is from the glacial drift. Generally, the concentration of dissolved calcium, magnesium, potassium, iron and chloride in the water from the aquifer is consistently lower than that of water from the glacial drift. The concentration of sodium ions, on the other hand, is generally higher in the aquifer than that in the drift. In addition, zones of low ion concentrations in the ground water of the aquifer occur in areas where the glacial drift overlying the aquifer is composed chiefly of sand and gravel.

Based on the geochemical analysis of ground water in the Saginaw Formation it appears that the Saginaw Formation is naturally recharged by rain and stream water passing through the glacial drift. Most of the recharge, however, appear to be localized primarily near deposits of sand and gravel in contact with the bedrock and along stream beds underlain by alluvial materials.

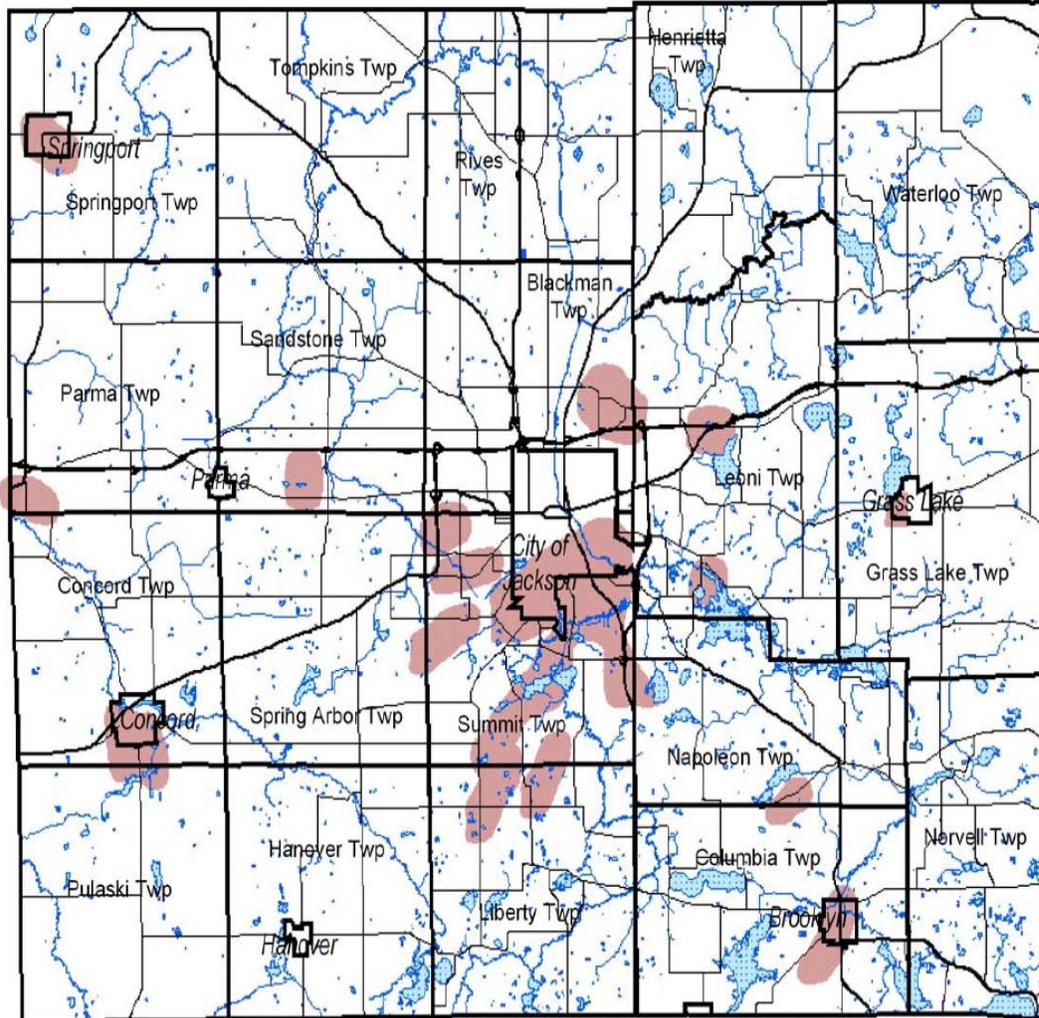
Incident:

2001, an agricultural operation in Saginaw County, Michigan, Walther Farms, owned by The Church of Jesus Christ of Latter-day Saints (often referred to as the LDS Church or Mormon Church), was involved in a water dispute regarding its irrigation practices. The farm, located in Lakefield Township and managed by Walther Farms, was accused of causing local residential wells to go dry due to heavy pumping from the underlying aquifer.

Incident Marshall Formation

In Ottawa County, groundwater for irrigation is primarily sourced from a deep, confined aquifer system, often identified as the Marshall Formation, which is facing significant depletion due to over-extraction, with water levels dropping up to 45 feet in some areas. A thick clay layer restricts recharge, leading to increased salinity and reduced water quality in agricultural wells.

Map 14  
**Delineated  
Wellhead Areas**

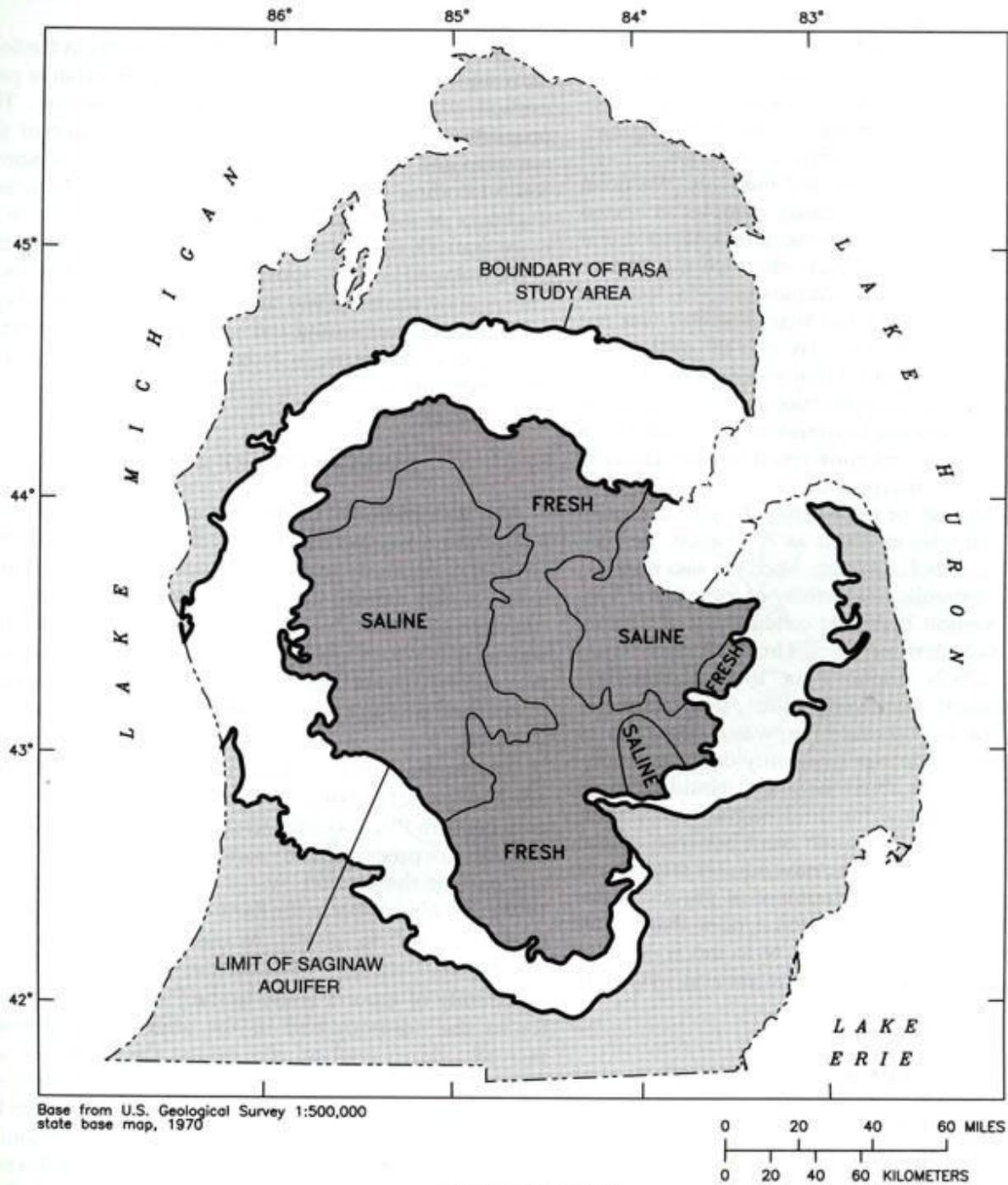


Legend

- Delineated Wellhead Areas

Sources:  
Jackson County  
Ripstra & Scheppelman, Inc.





**EXPLANATION**

- FRESH** FRESH WATER—1,000 mg/L (milligrams per liter) or less dissolved solids
- SALINE** SALINE WATER—Greater than 1,000 and less than 10,000 mg/L dissolved solids

FIGURE 26.—Distribution of freshwater and saline water in the Saginaw aquifer, central Lower Peninsula of Michigan.

