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CHAPTER I

TITLE, PURPOSE, SCOPE AND LEGAL BASIS

SECTION 1.01. TITLE. This Ordinance shall be known and may be cited as the "Charter Township of Williams Zoning Ordinance."

SECTION 1.02. PURPOSE. This Ordinance is based upon the Williams Township General Development Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) 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; (4) to insure that the uses of land shall be situated in appropriate locations and relationships; (5) to avoid the overcrowding of population; (6) to provide adequate light and air; (7) to lessen congestion on the public roads and streets; (8) to reduce hazards of life and property; (9) to facilitate the adequate provisions of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (10) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 1.03. SCOPE AND INTERPRETATION. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land that are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

SECTION 1.04. LEGAL BASIS. This ordinance is enacted pursuant to 2006 P.A. 110, as amended.

CHAPTER II

DEFINITIONS

SECTION 2.01. RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. With the exception of this chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes a firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them, as well as a natural person.
- G. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", "designed to be used", or "occupied".
- H. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- I. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

SECTION 2.02. ACCESSORY USE OR STRUCTURE. A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

SECTION 2.02.10. ADULT FOSTER CARE FAMILY HOME. A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

SECTION 2.03. ALTERATIONS. STRUCTURAL. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

SECTION 2.03.10. AMUSEMENT ENTERPRISES. Means one (1) or some combination of the following: miniature golf course; video arcade; pool hall; batting cage; golf driving range; go-kart track; roller skating rink; model car racing track; water slide; wave pool; archery range; skeet range.

SECTION 2.04. AUTOMOBILE REPAIR - MAJOR. General repair, rebuilding, or reconditioning of engines or vehicles; collision service (including body repair and frame straightening); painting or upholstering; vehicle steam cleaning; or undercoating.

SECTION 2.05. AUTOMOBILE REPAIR - MINOR. Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair - Major".

SECTION 2.06. BASEMENT. That portion of a building between the floor and the ceiling which is partly below and partly above grade but so located that the vertical distance from the grade to the floor below is greater than the vertical distance from the grade to the ceiling.

SECTION 2.07. BILLBOARDS AND SIGNS.

- A. Billboard or Signboard - Any structure, including the wall of any building and trucks, automobiles, farm machinery, and other such equipment as noted in Section 10.03 (1) on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located, or products not primarily sold, manufactured, processed or fabricated on such land.
- B. Business Sign - Any structure, including the wall of any building, and trucks, automobiles, farm machinery, and other such equipment as noted in Section 10.03 (1) on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.
- C. Freestanding Sign - A billboard, signboard, business sign, real estate sign, or identifying sign, including pylon and temporary signs, which is supported by a pole, uprights or braces on the ground; that is, not attached to a building.
- D. Identifying Sign - Any structure on the same premises it identifies which serves (1) only to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motels; or (3) only to inform the public as to the use of a parking lot.
- E. Nameplate - A structure affixed flat against the wall of a building, which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
- F. Real Estate Sign - Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- G. Pylon Sign - A type of freestanding sign supported on a post(s) or pole(s).
- H. Wall Sign - A sign attached to or painted on the face or wall of a building.

- I. Special Event Sign - A sign for a non-profit or a not-for profit organization, which advertises an event or activity, which is unique or if periodic; is repeated not more often than monthly.
- J. Ground Mounted Sign - A billboard, signboard, business sign, real estate sign, special event sign, including temporary signs, which is set on the ground or on a foundation which is set on the ground and which does not exceed three (3) feet in height and which is not supported by a pole, uprights, braces or a pylon.
- K. Portable Sign - Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- L. Sign Structure - The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more facings, where the angle formed between the reverse side of each facing (or the projection thereof) exceeds forty-five (45) degrees, each facing shall be considered a separate sign structure and separate sign surface.
- M. Sign Surface - The entire area within a single continuous perimeter enclosing all elements of the sign which forms an integral part of the display. If the backs of two (2) facings create an angle less than forty-five degrees (45), then the total sign surface shall be equal to the area of one facing if the facings are equal in size; in the event that such facings are of unequal size, then the total sign surface shall be equal to the area of the larger facing.
- N. Animated Sign: A sign, which uses movement or change of lighting to state a written message, or to depict action or to create a special effect or scene.
- O. Copy: The wording on a sign surface in either permanent or removable letterform.
- P. Flashing Sign: A sign which contains an intermittent or sequential flashing, moving, oscillating, or blinking light source used to attract attention.
- Q. Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- R. Reader Board: Reader Board means one of the following:
- (i) Manual. A sign on which copy, or other display is changed manually, such as reader boards with changeable letters or pictorials.
 - (ii) Automatic. An electrically controlled sign, where different static copy, or static picture changes are shown on the face of the sign for intervals of not less than six seconds. Transitions shall be limited to dissolve, fade, scroll and travel, but are not required.
- S. Rotating Sign. A sign in which the sign itself or any portion of the sign visually moves. Such motion does not refer to permitted methods of changing copy on a reader board, or multi-message displays using a series of turning triangles.

- T. Strobe Sign. Any sign or device that uses a flash lamp that produces high intensity short duration light pulses by electric discharge in a gas.
- U. Dissolve. A mode of message transition on an automatic reader board accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
- V. Fade. A mode of message transition on an automatic reader board accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
- W. Scroll. A mode of message transition on an automatic reader board where the message appears to move vertically across the display surface.
- X. Transition. A visual effect used on an automatic reader board to change from one message to another.
- Y. Travel. A mode of message transition on an automatic reader board where the message appears to move horizontally across the display surface.

SECTION 2.08. BUILDING. A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals, or property of any kind.

SECTION 2.09. BUILDING HEIGHT. The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

SECTION 2.10. BUILDING SETBACK. The measurement from the property line to the nearest point of the building or structure. Steps and porches are considered as part of the building or structure and may not be located within the building setback. (Refer to "front yard" definition.)

SECTION 2.10.10. CHILD CARE ORGANIZATION. A facility for the care of persons under 18 years of age, as licensed and regulated by the State under *1973 P.A. 116, MCL 722.111*, as amended. Pertinent definitions shall be as follows:

- A. **“Child care center or day care center”**. A facility, other than a private residence, receiving one or more pre-school or school-age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. “Child care center” or “day care center” does not include: a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such

children are attending religious services; a program involving school-age-child-focused training; or, a program which is an incident of school-age-child group athletic or social activities.

- B. **“Family day care home”**. A private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- C. **“Group day care home”**. A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- D. **“Private home”**. A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children. Private home includes a group day care home, or a family day care home.
- E. **“Licensee”**. A person, partnership, firm, corporation, association, nongovernmental organization, or local or state government child care organization that has been issued a license under this act to operate a child care organization.
- F. **“Related”**. A parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin, great aunt, great uncle, or stepgrandparent related by marriage, blood, or adoption.

SECTION 2.10.15. COMPOSTING. Means any process whatsoever by which organic matter is broken down into humus.

SECTION 2.10.16. COMPOSTING FACILITY. Means any use of land whereby organic matter is broken down into humus by any process whatsoever. A crop farming operation which spreads and discs in grasses, leaves and/or other organic matter as a soil amendment are not a composting facility.

SECTION 2.11. DRIVE-IN FACILITY. Any place or premise which offers the sale of goods or services to customers in vehicles, including those establishments where customers may serve themselves and use the goods or services on the premises.

SECTION 2.12. DWELLING. Any building or portion thereof which is occupied, in whole or in part, as a home, residence, or sleeping place, either permanently or temporarily, by one (1) or more families, but not including motels, hotels, tourist rooms or cabins.

- A. Dwelling, Single Family - A building containing not more than one (1) dwelling unit designed for residential use and conforming to the standards set forth in Section 3.07.10 of this ordinance.
- B. Dwelling, Two-Family - A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 3.07.10 of the Ordinance.
- C. Dwelling, Multi-Family - A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 3.07.10 of this Ordinance.

SECTION 2.13. DWELLING UNIT. One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities. Tents, travel trailers, motor homes, and the like are not considered dwelling units for the purpose of this Ordinance.

SECTION 2.14. FAMILY. One (1) or more persons occupying a single dwelling unit and using common cooking facilities; provided, however, that unless all members are related by blood or marriage, no such family shall contain more than three (3) persons.

SECTION 2.15. ERECTED. Constructed, built, remodeled, moved upon, or any part of preparing the land for the construction of a building or structure.

SECTION 2.16. ESSENTIAL SERVICE. The equipment and accessory structures maintained by public utilities or governmental units, boards or commissions for the provision of public services, including but not limited to overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories.

SECTION 2.17. FARM. A parcel of land at least ten (10) acres in size devoted to general agricultural activities, including but not limited to, animal husbandry, hatcheries, poultry farms, apiaries, dairying, field crops, and truck farming. Such farms may include related dwellings and customary barns and similar buildings.

SECTION 2.18. FLOOR AREA. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

SECTION 2.18.10. FORMER AGRICULTURAL BUILDINGS. Any building over ten (10) years old that was constructed and used as part of a *bona fide* farm operation which the owner desires to separate from such operation and which would be otherwise prohibited by this ordinance.

SECTION 2.19. GRADE. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

SECTION 2.20. GROSS USABLE AREA. The total area of a parcel or piece of property excluding the area within public or private street right-of-way, electrical or gas line easements or right-of-way and areas unsuitable for development because of high water table, floodplain, soil conditions, steep slopes, water areas or other physical limitations.

SECTION 2.21. HOME OCCUPATION. Any activity carried out for gain by a resident conducted as an accessory use in the resident's principal residential building or attached garage.

SECTION 2.21.05. HOSPICE RESIDENCE. A facility that provides 24-hour palliative care to individuals with terminal prognoses and which complies with all of the requirements in *Approval Standard 22* in *Table 7* of this ordinance.

SECTION 2.21.10. IMPROVEMENTS. Those features and actions associated with a project which are considered necessary by the Planning Commission, 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 projects area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

SECTION 2.22. SALVAGE YARD. A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete. The accumulation of more than one (1) motor vehicle of value only as junk or for parts shall constitute the premises as a salvage yard.

SECTION 2.23. KENNEL. Any lot or premises on which four (4) or more dogs, cats or other household pets, four (4) months of age or older, are kept either temporarily or permanently for the purpose of boarding or breeding for compensation.

SECTION 2.24. LOT. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance.

- A. Area, Lot - The total area encompassed within the lines of a parcel or piece of property, excluding street or road rights-of ways.
- B. Corner Lot - A lot located at the intersection of two (2) or more streets where the corner interior angle, formed by the intersection of the centerlines of the streets, is one hundred thirty-five (135) degrees or less, or a lot abutting upon a curved street or streets if tangent to the curve at the two (2) points where the lot lines meet the centerline curve form an interior angle of one hundred thirty-five (135) degrees or less.
- C. Depth, Lot - The distance between the front and rear lot lines, measured along the median between the side lot lines.
- D. Double Frontage Lot - Any lot which fronts on two (2) streets.

- E. Width, Lot - The distance between the side lot lines, measured at the building setback line and at right angles to the lot depth.

SECTION 2.25. LOT LINE. A line bounding a lot or a parcel of property.

- A. Front - The boundary line of a lot immediately adjacent to the street right-of-way upon which the lot fronts. In the case of a double frontage lot, the front lot line shall be the line separating the lot from the street which is designated as the frontage street on the plat and/or in the request for a building permit, or as determined by the Zoning Administrator in cases where there is a conflict between those standards or where they do not apply.
- B. Rear - The boundary line which is opposite and most distant from the front lot line.
- C. Side - Any boundary line which is neither a front nor a rear property line.

SECTION 2.26. MOBILE HOME. A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed without a permanent foundation for year-round living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed, and expanded later to provide additional cubic capacity.

- A. Single Wide - A mobile home with an average longitudinal width of no greater than fourteen (14) feet.
- B. Double Wide - A combination of two (2) mobile home elements designed and constructed to be connected along the longitudinal axis, thus providing more living space than a conventional single wide unit without duplicating any of the service facilities, such as kitchen equipment or furnace. Single wide mobile homes with extenders or add-a rooms shall not be considered as double wide mobile homes.

SECTION 2.27. MOBILE HOME LOT. A measured parcel of land within a mobile home park, which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home. A mobile home lot, outside of a mobile home park, shall be the same as a single family dwelling lot in the same zoning district.

SECTION 2.28. MOBILE HOME PAD. That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures or additions.

SECTION 2.29. MOBILE HOME PARK. A parcel of land which has been planned and improved for the placement of mobile homes on a rental basis for non-transient use under the provisions of Act No. 243, Public Acts of 1959, as amended, and this Ordinance.

SECTION 2.30. MOBILE HOME SUBDIVISION. A mobile home park, except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

SECTION 2.31. MODULAR HOME. A dwelling, which consists of, prefabricated units transported to the site on a removable undercarriage or flat-bed truck and assembled for permanent location on the lot.

SECTION 2.32. MOTEL. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units, which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, vehicular travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

SECTION 2.33. MOTOR VEHICLE. Every vehicle which is self propelled.

SECTION 2.34. NONCONFORMING USE OR STRUCTURE. Any use or structure which was legally existing prior to the effective date of this Ordinance which does not now comply with the requirements herein.

SECTION 2.35. PARCEL. See "Lot".

SECTION 2.35.10. PARK. To leave, stop or stand a motor vehicle which is generally used at least weekly temporarily on public or private street, parking lot, driveway or other parking area permitted by any provision of this zoning ordinance. The term "Park" as it is used in this ordinance applies only to motor vehicles which are mechanically capable of being operated upon the roadways of Williams Township and which have current registration certificates.

SECTION 2.36. PARKING AREA, SPACE OR LOT. An off-street open area, the principal use of which is for the parking of motor vehicles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

SECTION 2.37. PARKING BAY. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

SECTION 2.38. PIER. Concrete posts embedded in the ground to a depth below the front line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

SECTION 2.39. PLANNING COMMISSION. The Williams Township Planning Commission.

SECTION 2.39.10. POND. An outdoor body of standing water, accumulated in an artificially constructed basin or depression in the earth, either above or below or partly above or partly below grade, capable of holding water in a depth of greater than two (2) feet when filled to capacity.

SECTION 2.40. PRINCIPAL OR MAIN USE. The primary or predominant use of a lot.

SECTION 2.41. PUBLIC UTILITY. Any firm, corporation, municipal department or board, duly authorized to furnish to the public, under federal, state or municipal regulation, electricity, gas, steam, communications, transportation, sewage disposal, or water supply.

SECTION 2.42. ROADSIDE MARKET STAND. A building or structure designed or used for the display and/or sale of seasonal agricultural products.

SECTION 2.43. ROOMING HOUSE. Also referred to as a boarding house, lodging house, fraternity house, sorority house or dormitory. A dwelling having one (1) kitchen and used for the purpose of providing lodging, or lodging and meals, for pay or compensation of any kind on a weekly or longer basis to more than two (2) persons other than members of the family occupying such dwellings.

SECTION 2.44. SANITARY LANDFILL. An area for the disposal of refuse as defined and licensed under Act No. 87 of 1965, the Solid Waste Disposal Act, as amended, and as regulated under Public Act 641 of 1978, the Solid Waste Management Act, as amended.

SECTION 2.45.11.5. SOLAR COLLECTION DEVICES - GENERAL: Solar collection devices are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements.

SECTION 2.45.11.6. SOLAR COLLECTION DEVICES - ATTACHED: An array of solar collection materials secured to the exterior walls or roof of a principal or accessory building and generate up to but not exceeding the manufacturer's rating of 20kW.

SECTION 2.45.11.6.1. SOLAR COLLECTION DEVICES - ATTACHED COMMERCIAL: An array of utility-scale solar collection materials secured to the exterior surfaces of a principal or accessory building that exceed the manufacturer's rating of 20kW.

SECTION 2.45.11.7. SOLAR COLLECTION DEVICES - SMALL FREESTANDING: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that generate up to but do not exceed the manufacturer's rating of 20kW.

SECTION 2.45. SERVICE STATION, GASOLINE STATION. A structure designed or used for the retail sales of fuels, lubricants, air, water and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities on or in such vehicles and for the washing or polishing of such vehicles, but not including the use of space or facilities for the refinishing of motor vehicles or for the dismantling for the purpose of reuse or resale of motor vehicles or parts thereof or for the outdoor storage or repair of motor vehicles or parts thereof.

SECTION 2.45.10. SITE DEVELOPMENT PLAN: Is a drawing and other required documents necessary to assure that a proposed land use or activity is in compliance with the Williams Township Zoning Ordinance. When a site plan is approved by the Williams Township Planning Commission, it becomes a part of the approval record and is enforceable with regard to the activity authorized.

SECTION 2.45.11. SITE PLAN REVIEW (SPR): Is the process of determining whether a proposed land development plan complies with the Williams Township Zoning Ordinance.

SECTION 2.45.11.8. SOLAR COLLECTION DEVICES - MEDIUM FREESTANDING: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that exceed the manufacturer’s rating of 20kW, but do not occupy more than 10 acres of land.

SECTION 2.45.11.9. SOLAR COLLECTION DEVICES - LARGE FREESTANDING: An array of freestanding (not attached to a principal or accessory structure) utility-scale solar collection materials that exceed the manufacturer’s rating of 20kW and occupy more than 10 acres of land.

SECTION 2. *Table 2 of Ordinance No. 33* is hereby amended by adding “Solar Collection

Devices - Attached” as a permitted use in the AG, R-1, R-2 and R-3 zoned districts to read as follows:

USE TYPE	AG	R-1	R-2	R-3	Approval Standards (2)
Solar Collection Devices - Attached	X	X	X	X	24

SECTION 3. *Table 2 of Ordinance No. 33* is hereby amended by adding “Solar Collection Devices - Small Freestanding” as a special use in the AG, R-1, R-2 and R-3 zoned districts, and “Solar Collection Devices - Medium Freestanding” and “Solar Collection Devices - Large Freestanding” as special uses in the AG zoned district to read as follows:

USE TYPE	AG	R-1	R-2	R-3	Approval Standards (2)
Solar Collection Devices - Attached	X	X	X	X	24
SPECIAL USES	AG	R-1	R-2	R-3	Approval Standards
Solar Collection Devices - Small Freestanding	Y	Y	Y	Y	24

SECTION 4. *Table 7 of Ordinance No. 33* is hereby amended by adding *Approval Standard 24* to read as follows:

Approval Standards	Required Standards
24.	<p>The Planning Commission or Zoning Administrator, where applicable, shall insure that the applicant complies with such of the following regulations as are applicable to the installation of solar collection devices in the particular case:</p> <p>(1) Proposed freestanding solar collection devices are encouraged to locate on predominantly (more than 60 percent) non-prime farmlands. The Application for a Special Land Use permit shall include an analysis of the potential for agricultural use on the subject site by an expert in agriculture or soil science, as determined by the Planning Commission.</p> <p>(2) Solar collection devices installed on a sloped roof of a building shall not project vertically above the peak of the roof. Solar collection devices attached to a flat roof shall not project vertically more than six feet above the roof and shall not exceed the height limitation for the zoning district in which they are located. Solar collection devices attached to the side of a structure shall not project vertically above the building height allowed for that zoning district and shall not extend more than three feet from the wall of the building. The total area of all solar collection devices attached to a building shall not exceed 50% of the total surface area of the roof. Devices located on a flat roof that cannot be seen from surrounding areas may exceed this surface area limitation.</p> <p>(3) Freestanding solar collection devices in all districts shall not exceed 16 feet in height.</p> <p>(4) If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quality of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.</p> <p>(5) Township inspectors shall have the right upon issuing the required permits to inspect the premises on which a solar collection device is located at all reasonable times.</p> <p>(6) The township board, within its reasonable discretion, may retain the services of a recognized professional in the area of solar conversion systems to assist and/or advise it in the review of the application or site if deemed necessary. The expense thereof shall be the responsibility of the applicant/permit holder. The Planning Commission may request the applicant to post a deposit or secure a bond for such contingency.</p> <p>(7) Solar collection devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.</p>

Approval Standards	Required Standards
<p>...</p> <p>24.</p>	<p>...</p> <p>(8) Solar collection devices shall be installed in compliance with the <i>Michigan Electrical Code</i> and the manufacturer's specifications. A copy of the manufacturer's installation instructions must be submitted to the township. For roof-mounted installations, the applicant shall submit to the building inspector or zoning administrator a written opinion from a registered, professional engineer that the roof can support the weight of the equipment to be installed. If the applicant's intent is to install a custom-owner system that will be interconnected to the power grid, written evidence that the electrical utility provider has been notified shall be required. Off-grid systems are exempt from this requirement.</p> <p>(9) Freestanding solar collection devices require site plan approval for each site requested and should contain the following specific information in addition to all general information required: exact location of the collection devices on the property; height, length, and angle of collection devices, lot size, zoning district setback requirements, screening, detailed description of all land/timber clearing that is proposed; percent of prime farmland being used; site access roads for development and service; provisions for mitigating reflection/glare; and, details on site security.</p> <p>(10) Attached solar collection devices shall not be located on any roof or building wall which faces any roadway. In appropriate circumstances, Planning Commissioners may require solar collection devices to be screened from view from any public street and from neighboring property by use of an effective screening means. Solar shingles that resemble shingles are exempt from the requirement of this standard.</p> <p>(11) Freestanding solar collection devices shall meet the front, rear, and side yard setback requirements for the zone in which they are located, with the following exception: in all areas within or abutting a residential district, or residential use, the setbacks shall be at least 50 feet from all property lines adjoining such district(s) or use. The surface area covered by a freestanding installation which is an accessory structure shall not exceed two percent of the total lot area or 360 sq. ft., whichever is less.</p> <p>(12) Any freestanding solar collection device which is not used for six months shall be presumed to be abandoned. The Township Zoning Administrator shall request the owner in writing to dismantle the structure/apparatus and return the site to its original state. If there are mitigating circumstances, the owner may request an exemption or extension from the Township Board. If a site has been deemed abandoned and no request for an exemption or extension is received, the owner shall be notified a second time to dismantle the site and return it to its original state. If the owner does not do this, the township may have the removal and restoration done at the owner's expense. The township shall have a lien on the property for its removal costs and may collect such costs in the same manner as real property taxes. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.</p> <p>(13) All power transmission lines shall be underground.</p>

SECTION 5. *Table 8 of Ordinance No. 33* is hereby amended by adding “Solar Collection Devices - Attached” as a permitted use in the C-1, C-2, C-3, OF, LI and IND zoned districts to read as follows:

Use Type - See Note at End of Table	C-1	C-2	C-3	OF	LI	IND	Approval Standards (1) (3)
Solar Collection Devices - Attached	X	X	X	X	X	X	3, 15

SECTION 6. *Table 8 of Ordinance No. 33* is hereby amended by adding “Solar Collection Devices - Small Freestanding” as a special use in the C-1, C-2, C-3, OF, LI and IND zoned districts, and “Solar Collection Devices - Attached Commercial”, “Solar Collection Devices - Medium Freestanding” and “Solar Collection Devices - Large Freestanding” as a special use in the IND zoned district to read as follows:

Special Uses (2) - See Note A at End of Table	C-1	C-2	C-3	OF	LI	IND	Approval Standards (3)
Solar Collection Devices - Attached Commercial		X				X	3, 15
Solar Collection Devices - Small Freestanding	X	X	X	X	X	X	3, 15
Solar Collection Devices - Medium Freestanding						X	3, 15
Solar Collection Devices - Large Freestanding						X	3, 15

SECTION 7. *Table 10 of Ordinance No. 33* is hereby amended by adding *Approval Standard 15* to read as follows:

Approval Standards	Required Standards
15.	<p>The Planning Commission or Zoning Administrator, where applicable, shall insure that the applicant complies with such of the following regulations as are applicable to the installation of solar collection devices in the particular case:</p> <p>(1) Proposed freestanding solar collection devices are encouraged to locate on predominantly (more than 60 percent) non-prime farmlands. The Application for a Special Land Use permit shall include an analysis of the potential for agricultural use on the subject site by an expert in agriculture or soil science, as determined by the Planning Commission.</p> <p>(2) Solar collection devices installed on a sloped roof of a building shall not project vertically above the peak of the roof. Solar collection devices attached to a flat roof shall not project vertically more than six feet above the roof and shall not exceed the height limitation for the zoning district in which they are located. Solar collection devices attached to the side of a structure shall not project vertically above the building height allowed for that zoning district and shall not extend more than three feet from the wall of the building. The total area of all solar collection devices attached to a building shall not exceed 50% of the total surface area of the roof. Devices located on a flat roof that cannot be seen from surrounding areas may exceed this surface area limitation.</p> <p>(3) Freestanding solar collection devices in all districts shall not exceed 16 feet in height.</p> <p>(4) If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quality of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.</p> <p>(5) Township inspectors shall have the right upon issuing the required permits to inspect the premises on which a solar collection device is located at all reasonable times.</p> <p>(6) The township board, within its reasonable discretion, may retain the services of a recognized professional in the area of solar conversion systems to assist and/or advise it in the review of the application or site if deemed necessary. The expense thereof shall be the responsibility of the applicant/permit holder. The Planning Commission may request the applicant to post a deposit or secure a bond for such contingency.</p> <p>(7) Solar collection devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.</p>

Approval Standards	Required Standards
<p>15.</p>	<p>(8) Solar collection devices shall be installed in compliance with the <i>Michigan Electrical Code</i> and the manufacturer’s specifications. A copy of the manufacturer’s installation instructions must be submitted to the township. For roof-mounted installations, the applicant shall submit to the building inspector or zoning administrator a written opinion from a registered professional engineer that the roof can support the weight of the equipment to be installed. If the applicant’s intent is to install a custom-owner system that will be interconnected to the power grid, written evidence that the electrical utility provider has been notified shall be required. Off-grid systems are exempt from this requirement.</p> <p>(9) Freestanding solar collection devices require site plan approval for each site requested and should contain the following specific information in addition to all general information required: exact location of the collection devices on the property; height, length, and angle of collection devices, lot size, zoned district setback requirements, screening, detailed description of all land/timber clearing that is proposed; percent of prime farmland being used; site access roads for development and service; and provisions for mitigating reflection/glare and details on site security.</p> <p>(10) In appropriate circumstances, Planning Commissioners may require solar collection devices to be screened from view from any public street and from neighboring property by use of an effective screening means. Solar shingles that resemble shingles are exempt from the requirement of this standard.</p> <p>(11) Freestanding solar collection devices shall meet the front, rear, and side yard setback requirements for the zone in which they are located, with the following exception: in all areas abutting a residential district, or residential use, the setbacks shall be at least 50 feet from all property lines adjoining such district(s) or use. The surface area covered by a freestanding installation which is an accessory structure shall not exceed two percent of the total lot area or 360 sq. ft., whichever is less.</p> <p>(12) Any freestanding solar collection device which is not used for six months shall be presumed to be abandoned. The Township Zoning Administrator shall request the owner in writing to dismantle the structure/apparatus and return the site to its original state. If there are mitigating circumstances, the owner may request an exemption or extension from the Township Board. If a site has been deemed abandoned and no request for an exemption or extension is received, the owner shall be notified a second time to dismantle the site and return it to its original state. If the owner does not do this, the township may have the removal and restoration done at the owner’s expense. The township shall have a lien on the property for its removal costs and may collect such costs in the same manner as real property taxes. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.</p> <p>(13) All power transmission lines shall be underground.</p> <p>(14) Attached commercial solar collection devices shall be considered to be a principal use and shall comply with all requirements for principal uses in the zoning district where located as well as all applicable approval standards.</p>

SECTION 2.45.12. SPECIAL USE. A use, which if permitted by the zoning ordinance, may be authorized by the planning commission, according to certain requirements and conditions.

SECTION 2.45.13. SPECIALIZED FARM USE. Specialized farm uses include:

- A. The keeping of fur bearing animals;
- B. Fish hatcheries;
- C. Custom farm services which form part of a farming operation such as, but not limited to, processing, washing, grading, storage and packaging of farm produce, grains or other agricultural products when performed for other farmers on agricultural products grown on other farms; and
- D. Facilities for the storage, repair or maintenance of farm equipment used primarily in providing custom farm services such as, but not limited to, crop spraying, fertilizer spreading or harvesting.

SECTION 2.45.15. STORE. To place or leave in a location for preservation or for later or periodic use.

SECTION 2.46. STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

SECTION 2.47. STREET (Public). A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except alleys and pedestrian ways.

SECTION 2.48. STREET (Private). A privately owned and maintained permanent, unobstructed easement which provides direct access from a public street to more than one (1) legally described parcel and for which a permit has been issued in accordance with Section 3.31.

SECTION 2.49. STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground except a building.

SECTION 2.49.10. SWIMMING POOL. Any artificially constructed nonportable pool capable of being used for swimming or bathing, having a depth of two (2) feet or more at any point. A "private swimming pool" is a pool that is not open to the public, is not publicly owned, or not otherwise regulated by the State of Michigan either by statute or by rules or regulations of one of its administrative bodies. A "public swimming pool" is a pool that is subject to regulation in accordance with the provisions of Public Act 1978, N. 368, Sections 12521 to 12534.

SECTION 2.50. TOURIST HOME. A building, other than a hotel, rooming house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

SECTION 2.51. TOWNSHIP BOARD. The Williams Township Board.

SECTION 2.52. TOWNSHIP. Charter Township of Williams, Bay County, Michigan.

SECTION 2.53. TRAILER COACH PARK ACT. Michigan Act 243 of 1959, as amended.

SECTION 2.54. TRAVEL TRAILER. A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use, but not including mobile homes as defined in this Ordinance.

SECTION 2.55. TRAVEL TRAILER PARK. An area on which space is rented for travel trailers, as herein defined, on a temporary basis according to the provisions of Act 243, Public Act of 1959, as amended, and the provisions of this Ordinance.

SECTION 2.56. VARIANCE. An action by the Board of Appeals to vary or modify the requirements of this Ordinance in certain circumstances where, owing to particular conditions, literal enforcement of the Ordinance would result in unnecessary hardship.

SECTION 2.57. VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

SECTION 2.57.5 WIND FARM. The use of more than one wind turbine on a parcel of land for commercial, or non-residential production of electric power.

SECTION 2.57.6. WIND TURBINE. A rotating machine which enables the conversion of kinetic energy in wind into mechanical energy. If the mechanical energy is used directly by machinery, such as a pump or grinding stones, the machine is usually called a windmill. If the mechanical energy is converted to electricity, the machine is called a “wind generator, wind turbine, wind power unit (WPU), or wind energy converter”. Turbines that rotate around a horizontal axis are called “Horizontal-Axis Wind Turbines (HAWT)”. Turbines that have the main rotor shaft arranged vertically are called “Vertical-Axis Wind Turbines (VAWT).”

SECTION 2.58. YARD. A required open space, other than a court, unoccupied and unobstructed by any building or structure or portion thereof from thirty (30) inches above grade of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

A. Front - A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure.

B. Rear - A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

C. Side - A yard between a main building and side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

SECTION 2.59. ZONING ACT. 2006 P.A. 110, the Michigan Zoning Enabling Act, as amended.

SECTION 2.60. ZONING ADMINISTRATOR. The Williams Township Zoning administrator.

CHAPTER III

GENERAL PROVISIONS

These general provisions shall apply to all Zoning Districts except as otherwise noted.

SECTION 3.01. THE EFFECT OF ZONING. Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

Structures or uses which unlawfully existed at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of adoption of this Ordinance.

SECTION 3.02. RESTORATION OF UNSAFE BUILDING. Subject to the provisions of the Nonconforming Uses chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure, which is unsafe.

SECTION 3.03. AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS.

- A. Required Area or Space - A lot or lots in common ownership or a yard, court, parking area, or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area, or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- B. Exceptions - The following buildings and structures shall be exempt from height regulations in all Zoning Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires and penthouses housing necessary mechanical appurtenances. Additions to existing buildings and structures which now exceed the height limitations of their Zoning District, up to the height of an existing building or structure on the same lot, are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building. The above noted height exceptions shall be controlled by the provisions of the Tri-City Area Joint Airport Zoning Ordinance, as amended, and Section 3.18 of this Ordinance.

SECTION 3.04. ESSENTIAL SERVICE. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any Zoning District.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.

- B. Public utility facilities in any Zoning District are required to be constructed and maintained in a neat and orderly manner. Any building, which is constructed, shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.
- C. The installation, use and maintenance of underground pipelines is permitted in any Zoning District in the Township. However, all underground cross-country bulk distribution pipelines of public and private utilities or governmental units, boards or commissions shall be buried at least forty-two (42) inches below the surface of the ground and, furthermore, shall be located at least forty-two (42) inches under the grade of open drains and drainage tiles.

Construction plans for underground pipelines shall be submitted to the Township Board, prior to the start of construction, for review and approval by the Township Engineer to insure that such pipelines meet the required minimum depths. For the purposes of this subsection, pipelines shall exclude such lines where the public health, safety and welfare of the citizens of the Township is not involved, including by example, but not limited to, underground water sprinkling systems and public utility connections. In addition, any utility located within or immediately adjacent to a public street or road right-of-way, which is governed by another regulatory agency, such as an agency of the State of Michigan, shall also be exempted from this subsection.

SECTION 3.05. REQUIRED YARD OR LOT. All lots, yards, parking areas, or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the Zoning District in which they are located. Notwithstanding anything contained in this paragraph to the contrary, where a front yard of lesser depth than specified in Area Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block or within three hundred (300) feet of either side of the lot, whichever is lesser, in any zoned-district where single family dwellings are permitted, the depth of the front yard for any building thereafter erected or placed on any lot in such block or in such distance need not be greater than the average depth of front yards of such existing buildings.

SECTION 3.06. CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS. Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

SECTION 3.07. TEMPORARY USES OR STRUCTURES REQUIRING ZONING ADMINISTRATOR AUTHORIZATION.

- A. The following temporary uses are the only temporary uses permitted in the Township except as may be permitted by other sections of this ordinance:
1. Temporary office or yard for construction materials and/or equipment, which is both incidental to and necessary to construction at the site where located.
 2. Temporary building or structure used during necessary repair of existing building or structure and for the same purpose as such building or structure located on premises of existing business.
 3. Temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
 4. Special, short-term, outdoor events.
- B. Such temporary uses along with incidental and necessary buildings or structures are regulated as follows:
1. A person desiring to make a temporary use of land in the Township shall first obtain a written temporary use permit from the township zoning administrator who shall exercise discretion in accordance with the following requirements:
 - a. Permits for temporary construction trailers, sheds and offices may be issued by the Zoning Administrator according to the following criteria:
 - (1) Such temporary structures may be located in any zoning district.
 - (2) No temporary use permit may be issued prior to the issuance of a building permit. Temporary permits shall expire with the expiration of the building permit.
 - (3) Temporary structures shall be located on the same site as the construction.
 - (4) Temporary structures shall be located on the site such that:
 - (a) On and off-site traffic hazards are minimized.
 - (b) The aesthetic impacts are reasonably minimized.
 - (c) No temporary structure is placed closer than 10 feet to any property line.
 - (d) All applicable safety, health and fire codes are met.
 - (5) No occupancy permit for a permanent building or structure shall be issued until all temporary structures have been removed from the site.

(6) Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.

C. Permits for temporary buildings or structures used during necessary repairs of existing buildings or structures may be issued by the Zoning Administrator according to the following criteria:

1. There must be compliance with 1. - 6. of subsection (i), preceding.
2. No temporary use permit may be issued to authorize a use not currently being made upon the subject premises, the intent of this subsection being to allow an owner to continue a permitted, current use while necessary repairs are being made to existing facilities.

D. The Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project according to the following criteria:

1. No temporary use permit may be issued to authorize the sale or rental of any real estate, which is not located within the same new subdivision as the temporary sales office.
2. The permit shall specify the location of the office.
3. The permit shall be valid for a period of not more than six (6) months.
4. The permit may be renewed for up to four (4) additional consecutive periods of six (6) months or less in the same subdivision if the sales office is still incidental and necessary for the sale or rental of real property in the subdivision and if the renewal application is made before the current permit expires.
5. No office may be located in a mobile home in the subdivision. Such office must be located in a model home in such subdivision.

E. Permits for temporary structures such as tents used in conjunction with special short term outdoor events may be issued by the Zoning Administrator according to the following criteria:

1. On and off-site traffic hazards are minimized.
2. The structure is not placed within any required front or side yard area of an existing building or otherwise within twenty-five (25) feet of any adjoining property or public or private street right-of-way.
3. The structure shall be anchored according to manufacturer's specifications and the Township is indemnified by the property owner against all property damage or personal injury that may result from potential hazards caused by the erection and placement or failure of the structure.
4. The structure will be in place for no longer than one hundred twenty (120) hours.
5. The event does not directly or indirectly involve the sale, distribution or consumption of alcoholic beverages.

6. The event is a public service event or an event sponsored by existing business (es) located on or adjacent to the parcel on which the structure is to be located and that the merchandise, services or goods displayed within the structure are of the variety normally offered by those existing businesses.
7. The Zoning Administrator may impose reasonable conditions in granting a temporary use permit, including requiring security in the form of a cash deposit, certified check or surety bond to insure compliance with such conditions.
8. The Zoning Administrator may not issue a temporary use permit to authorize the placement of a sign.
9. The Township Board, by resolution, may set a fee for the issuance of a Temporary Use Permit under this section.
10. In the event that some provision in this section conflicts with some provision in another section of this ordinance, such other provision shall control.

SECTION 3.07.10. REQUIREMENTS FOR ALL SINGLE-FAMILY DWELLINGS LOCATED ON INDIVIDUAL LOTS OR PARCELS.

- A. It is recognized that there is a need for safe, attractive, economical single-family housing in the Community. It is also recognized that manufactured housing, including mobile homes, may, in part, satisfy this need. It is further recognized, however, that because it is factory-built, some types of manufactured dwellings may differ markedly in structure and appearance from traditional site-built dwellings. Therefore, it is the intent of this Section to provide specific conditions and standards, which must be met by dwellings, intended to be located on individual lots or parcels. These standards are considered necessary to assure compliance with both minimum structural standards and reasonable compatibility of exterior appearance for dwellings either previously constructed, or which might be constructed, on lots or parcels in the same vicinity, while also avoiding monotony of appearance.

The term "vicinity", as employed herein, includes that area within six hundred and sixty (660) feet of the lot or parcel upon which a dwelling is proposed to be erected or assembled and occupied. Any determination of reasonable compatibility of appearance shall be based both upon the standards established herein and upon the character, design, and appearance for one (1) or more appropriate single-family dwellings located within the vicinity of the lot or parcel, where twenty (20) percent of the properties in the vicinity are developed with dwellings; or, in instances where the vicinity is not developed to this extent, by the character, design, and appearance of single-family dwellings located throughout the Township.

- B. A single-family dwelling located on an individual lot or parcel must comply with the following requirements:
1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located;
 2. It shall have a minimum width of twenty (20) feet, as measured across the narrowest portion;
 3. The minimum width of the front (street side) elevation of the dwelling shall be thirty (30) feet;
 4. The dwelling shall be surmounted by a pitched roof with a minimum slope of 1:4 (one (1) foot of vertical rise to each four (4) feet of horizontal distance) and having a minimum six (6) inch overhang on all sides. The minimum distance from eaves to ridge shall be ten (10) feet. The pitched roof shall be securely attached to and exclusively supported by the dwelling. Any type of roofing materials generally acceptable for, and applied in a manner resulting in appearance similar to dwellings in the vicinity, may be employed on the roof of the dwelling, attached additions, and detached accessory structures;
 5. Exterior wall finishes generally acceptable for and applied in a manner resulting in appearance similar to dwellings in the vicinity may be employed on the dwelling, attached additions, and detached accessory structures;
 6. Windows and other visible, exterior features of the dwelling shall be compatible with such features of dwellings in the vicinity;

7. The dwelling shall have no fewer than two (2) exterior doors, one (1) of which shall enter upon a main living area of the dwelling, with the other located in either the rear or side.

The minimum distance between the two (2) exterior doors shall be not less than twenty (20) feet, as measured from the centerlines of door openings in a straight line course, notwithstanding the actual length of the route of travel between the doors;

8. Steps designed to provide safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area, when required by a difference in elevation between the door sill and the surrounding grade.

Steps and/or porches shall be securely attached to a permanent floating foundation separate from the foundation supporting the dwelling or additions.

Steps, porches, and foundations shall be constructed in conformance with the applicable construction code.

9. Enclosed storage space shall be provided in an amount equal to not less than ten (10) percent of the minimum square footage per dwelling requirement for the district in which the dwelling is to be located; however, in no instance shall more than one hundred (100) square feet of enclosed storage area be required under this provision.

Required enclosed storage space may be contained within a basement under the dwelling, in an attic, in a closet area, or in a separate attached or detached structure located on the lot or parcel; however, required enclosed storage space shall not include any enclosed space, which may be provided for automobile storage;

10. Additions attached to the dwelling may be constructed if such construction is in conformance with the standards adhered to in the construction of the dwelling. If such additions are constructed on site they shall be constructed in conformance with the applicable construction code with materials and workmanship similar in appearance and quality to the dwelling. Any addition shall be placed on a foundation determined by the Building Inspector to be compatible with the foundation upon which the dwelling is placed and shall be suitably attached to the dwelling; however, a pitched roof is not required on such additions, if another roof type is considered by the Building Inspector to be compatible with other dwelling construction in the vicinity.

Such attached additions shall be further subject to the same review and approval procedures as for dwellings contained herein;

11. Detached accessory buildings shall be located on the lot or parcel in conformance with this Zoning Ordinance, shall be constructed in conformance with the applicable construction code, and shall be compatible in appearance and workmanship with the dwelling and any additions thereto;

12. As a means of avoiding monotony of appearance in any single-family district in the vicinity surrounding a lot or parcel upon which a dwelling is to be erected or assembled and occupied, no dwelling of an identical model shall be located on a lot contiguous to another dwelling which fronts on the same street and is similarly sited or oriented to the street frontage;
13. It is firmly attached to a permanent foundation constructed on the site and of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family 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 complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a foundation as required above;
14. 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;
15. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department;
16. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements;
17. All construction required herein shall be commenced only after a building permit has been obtained in accordance with applicable construction code provisions and requirements;
18. The dwelling is aesthetically compatible in design and appearance with other single family dwellings in the vicinity or throughout the Township, whichever is required.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said zoning administrator's decision; and

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

SECTION 3.07.11. REQUIREMENTS FOR NON-RESIDENTIAL MANUFACTURED OR PREFABRICATED BUILDINGS IN THE C, OF, LI AND IND DISTRICTS. Any manufactured or prefabricated building used for any office, commercial, light industrial or industrial use in any commercial, office, light industrial or industrial-zoned district of Williams Township shall be constructed and permanently placed on the parcel in accordance with all applicable construction code requirements.

SECTION 3.08. ACCESSORY USES OR STRUCTURES. In any Zoning District, accessory uses or structures, incidental only to a permitted use, are permitted when located on the same lot; provided, however, that residential accessory uses or structures shall not involve the conduct of any business, trade or industry except as otherwise allowed by this ordinance. Notwithstanding anything to the contrary in this Section, a residential accessory structure may be constructed in a zoning district where single family dwellings are permitted prior to construction of a residential structure following site plan approval provided that home construction commences within two (2) years of obtaining a building permit for the residential accessory structure.

SECTION 3.09. RESIDENTIAL ACCESSORY BUILDINGS OR STRUCTURES.

- A. In any zoning district where single family dwellings are permitted, an attached garage is permitted as an accessory use when erected as an integral part of the permitted principal residential building, provided it complies with the requirements of this ordinance applicable to the permitted principal building. In addition to an attached garage, detached residential accessory buildings or structures are permitted in accordance with the height, area and setback regulations set forth on Table 1, below. The architectural character of any attached or detached residential accessory building or structure shall be compatible and similar to the principal building.
- B. No detached residential accessory building or structure shall be located closer to the front lot line than the principal building is permitted.
- C. The distance between any two (2) buildings or structures shall not be less than ten (10) feet. Accessory buildings or structures shall be considered as attached to a principal building when the distance between the two (2) buildings or building and structure is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
- D. No residential accessory building or structure shall include residential or living quarters for human beings.
- E. Sidewalks, fences, light posts and utility poles are excluded from these regulations. Fences shall be regulated as set forth in Section 3.09.11 of this Ordinance.

TABLE 1

**REGULATIONS PERTAINING TO DETACHED
RESIDENTIAL ACCESSORY BUILDINGS**

LOT SIZE (SQ. FT.)	TOTAL AREA OF ALL DETACHED ACCESSORY BLDGS. (SQ. FT.)	MAXIMUM HEIGHT (FEET)				MINIMUM SETBACKS (FEET)	
		Peak	Side Wall	Rear Yard	Side Yard	From Principal Building	From Any Structure
Less than 13,500	9% of lot area or 1,200, whichever is smaller	14	10	5	Same as principal structure side yard	10	10
13,500- 43,559	9% of lot area or 1,800, whichever is smaller	20	14	Same as sidewall height, or 10', whichever is greater	Same as sidewall height, or 10', whichever is greater	Same as sidewall height, or 10', which- ever is greater	Same as sidewall height, or 10', whichever is greater
one to 2½ acres	2,400	22	14	Same as sidewall height, or 10', whichever is greater	Same as sidewall height, or 10', whichever is greater	Same as sidewall height, or 10', which- ever is greater	Same as sidewall height, or 10', whichever is greater
over 2½ acres	3,200	22	14	Same as sidewall height, or 10', whichever is greater	Same as sidewall height, or 10', whichever is greater	Same as sidewall height, or 10', which- ever is greater	Same as sidewall height, or 10', whichever is greater

SECTION 3.09.10. NON-RESIDENTIAL ACCESSORY BUILDING OR STRUCTURES.

- A. In any non-residential Zoning District, an accessory building or structure may be erected as an integral part of the permitted principal building. When erected as an integral part of the permitted building, it shall comply in all respects with the applicable height, area and setback regulations of this Ordinance.
- B. Detached accessory buildings or structures are permitted provided that they shall not be located closer than five (5) feet to the rear lot line and shall not occupy more than thirty (30) percent of any required rear yard space. Except as otherwise permitted in this Ordinance, they shall not be located closer to any side lot line or front lot line than the principal building is permitted.
- C. The distance between any two (2) buildings or structures shall not be less than ten (10) feet. Accessory buildings or structures shall be considered as attached to a principal building when the distance between the two (2) buildings or building and structure is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
- D. The architectural character of any attached or detached non-residential accessory building or structure shall be compatible and similar to the principal building.
- E. No non-residential accessory building or structure shall include residential or living quarters for human beings.

SECTION 3.09.11. RESIDENTIAL FENCES. The term "residential fence" as employed herein shall include any barrier constructed, assembled, arranged, placed, or otherwise erected by employing wood, woven wire, chain link, masonry, metal, plastic, or similar materials, or any combination thereof, for purposes of enclosing property and/or providing privacy to specific areas within property boundaries in any zoning district where single-family dwellings are permitted or on lots in non-residential districts which are used for residential purposes. All residential fences shall be constructed of good quality materials ordinarily and customarily used for fencing and shall be compatible with other fence styles existing in the immediate vicinity; and, shall have the finished side facing away from the interior of the lot and the pole side facing the interior of the lot. Fences which enclose and/or are within a side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground. Any fence in a front yard shall not exceed four (4) feet in height, as measured from the surface of the ground, shall have see-through qualities equivalent to a chain link fence or split rail fence, and shall extend no closer than five (5) feet to the road right-of-way line.

SECTION 3.10. PRINCIPAL BUILDING ON A LOT. In any Zoning District where single family dwellings are permitted, no more than one (1) residential structure shall be placed on a lot.

SECTION 3.11. DOUBLE FRONTAGE LOTS. Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirements on both such streets.

SECTION 3.12. CLEAR VISION CORNERS. On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2 ½) feet and eight (8) feet above the established curb grade within a triangle formed by the two street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines.

SECTION 3.14. MINIMUM STREET FRONTAGE. Every principal building and use shall be located on a lot having frontage for its full, required width on a public street or an approved private street; except that, lots that front on a *cul-de-sac* or on a curve with an angle less than one hundred thirty five (135) percent shall have street frontage of at least fifty (50) feet. Multi-family, commercial, light industrial and industrial developments need not front each structure on such streets or roads provided that safe and convenient access for vehicle circulation, servicing, fire protection, off-street parking and loading, and for the provision of adequate light and air can be assured in a site plan submitted for Township approval. No one (1) or two (2) family residence shall be located behind another one (1) or two (2) family residence unless the area requirements of the Zoning District are met and the minimum frontage as required above is provided.

SECTION 3.15. GOVERNMENTAL IMPROVEMENTS. The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units - federal, state or local.

SECTION 3.16. HEALTH DEPARTMENT APPROVAL. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing water supply and sewage disposal of Bay County.

SECTION 3.17. GRADING/ADEQUATE LOT DRAINAGE.

- A. No premises shall be filled or graded so as to discharge surface runoff to abutting premises in such a manner as to cause ponding or surface accumulation of such runoff thereon.
- B. Prior to commencing construction of any residential, commercial or industrial development within Williams Township, the owner, developer or contractor shall obtain approval of a drainage plan from the Township Building Inspector or Township Engineer.
- C. Where construction of a one (1) or two (2) family dwelling is proposed on a lot or parcel that is not part of an overall development with an approved drainage plan, the Township Building Inspector shall require, at a minimum, a written drainage plan providing for positive site drainage as follows:
 - 1. Where the house site is high, the roadway is lower than the house site and there is a ditch or storm sewer in the road right-of-way in front of the site, one (1) or more swales, ditches or catch basins and tile of sufficient size and capacity to carry all house site surface runoff from the house site to the road ditch or storm sewer.
 - 2. Where the house site is relatively flat (i.e., at the same level as the roadway) and there is a ditch or storm sewer in the road right-of-way in front of the site, catch basins and tile of sufficient size, number and capacity to carry all house site surface runoff from the house site to the road ditch or storm sewer.

3. Where the house site is lower than the level of the roadway, on-site water retention of such size and capacity to contain all house site surface runoff.
4. As used in this subsection, "house site" means the minimum area requirement for the zoning district in which the house site is located.
5. Site drainage structures shall be constructed before an occupancy permit may be issued.

D. For all other residential, commercial and industrial construction, the drainage plan shall be approved by the Township Zoning Administrator or Deputy Zoning Administrator.

SECTION 3.18. AIRPORT ZONING. The provisions of this Ordinance shall not impair or interfere with the provisions or requirements of the Tri-City Area Joint Airport Zoning Ordinance, as amended, with regard to heights of structures or uses which may interfere with or hamper airport related operations as the same may apply to a fifteen (15) mile radius of Tri-City Airport and a ten (10) mile radius of the Jack Barstow Airport.

Any structure or use which does not exceed ninety-nine (99) feet in height above existing ground level shall not require a zoning permit from the Tri-City Area Joint Airport Zoning Board. Any structure or use exceeding ninety-nine feet (99) in height above existing ground level shall apply for a zoning permit as required in Section 11 of the Tri-City Area Joint Airport Zoning Ordinance, as amended.

SECTION 3.19. HOME OCCUPATIONS. A home occupation, where permitted (see table 2), shall be regulated according to the following conditions:

- A. It is conducted entirely within a principal residential building or attached garage without being evident from the street or from any neighboring premises;
- B. It does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance;
- C. It is carried on only by the inhabitants of the building plus not more than one nonresident;
- D. It employs only mechanical equipment, which is similar in power and type to that usual for household purposes and hobbies;
- E. The total area devoted to such home occupation shall not be greater than thirty (30) percent of the gross living area of the dwelling unit or greater than five hundred (500) square feet, whichever is lesser; and,
- F. There shall be no more than one (1) home occupation per dwelling unit or property under common ownership/occupancy.

SECTION 3.21. SITE DEVELOPMENT PLAN. To fully assure the safety, convenience and well-being of the citizens of the Township and of the intended occupants of a particular use, prior to the establishment of a use or the construction or expansion of any structure, subject to the conditions listed below, a site development plan shall be submitted for review and approval by the Williams Township Planning Commission, or in appropriate cases, for administrative review and approval by the Zoning Administrator or Deputy Zoning Administrator, for all nonresidential, nonagricultural principal uses, expansions of principal uses, all principal uses that require more than four (4) parking spaces, all uses permitted as special uses, those residential accessory structures, referred to in Section 3.08, requiring site plan approval and all condominium developments as set forth in Section 3.32 hereof. Approval shall be subject to the following pertaining to Site Development Plan Content, Review Procedure (except where another section or subsection of this ordinance is specifically applicable to the matter under consideration) and Standards:

- A. Site development plans shall be prepared under the seal of a Michigan licensed professional architect, engineer, land surveyor, or community planner in any of the following instances:
 - 1. For any new commercial, light industrial, or industrial use;
 - 2. For any expansion of an existing commercial, light industrial, or industrial use where the contemplated expansion is over one thousand (1,000) square feet in area;
 - 3. For any multi-family dwelling development containing five (5) or more dwelling units where more than one (1) building on a single parcel is contemplated, either in the initial or later construction stages; or,
 - 4. For any condominium development.

- B. The scale of any Site Development Plan required hereunder shall not exceed one (1) inch equals two hundred (200) feet. The following items shall be shown on the plan:
 - 1. The date the site plan was prepared and the signature of the person preparing the plan;
 - 2. Legal description of the property and the name and address of property owner or petitioner;
 - 3. Property lines and dimensions;
 - 4. Dimensions of all existing and proposed structures including setbacks, locations and heights;
 - 5. The location and the pavement and right-of-way width of all existing and proposed streets, roads, or alleys, whether on the project area or adjoining it, driveways, curb-cuts with dimensions, acceleration and deceleration lanes, water lines, sanitary sewer lines, and storm sewer lines together with proposed sizes and elevations;

6. Estimate of storm water run-off from the developed site and the submission of evidence that there is a positive drainage outlet adequate to handle the estimated run-off;
7. Location of easements, if any, together with widths;
8. Proposed paved parking areas designated by lines showing individual spaces;
9. Existing and proposed final site contour, including elevations, as may be required by the Township Engineer or Planner;
10. Location and type of fences, landscaping, buffer strips, greenbelts, and other screening;
11. Location and type of signs and on-site lighting;
12. A north arrow;
13. Location of rubbish receptacles;
14. Location and type of all existing and proposed utilities;
15. Location of all fire hydrants; and
16. For multiple-family development, a summary schedule should be affixed, which gives the following:
 - a. The number of dwelling units proposed, to include the number, size and location of one-bedroom units, two-bedroom units, mobile home sites, etc.;
 - b. The residential area of the site in acres and in square feet, including the breakdowns for any sub-areas or staging areas (excluding all existing rights-of-way); and
 - c. Typical elevation view of the front and side of each type of building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.

C. The following procedure shall be followed pertaining to Site Development Review:

1. A completed application for Site Plan Review (SPR), written evidence of a legal right to use the proposed site and (twelve) 12 copies of a site plan, along with any required fee, shall be submitted to the Township Clerk at least twenty one (21) days prior to the next scheduled Planning Commission meeting. The clerk shall review the application for completeness and place it on the agenda for the Planning Commission meeting.

2. The Planning Commission shall undertake and complete the review of all site plans, which comply with the requirements of subsection (a), hereof, pertaining to content within sixty (60) days of submission by the applicant. Upon approval the Chairman shall sign three (3) copies thereof. One copy shall be made a part of the Commission's files, one shall be forwarded to the Township Clerk and the third copy shall be returned to the applicant.
3. In undertaking their review the Planning Commission shall determine that the proposed development is arranged:
 - a. To provide convenient and safe automobile circulation and parking in relation to streets, pedestrian walkways and adjoining properties or parking areas;
 - b. To assure adequate visual distances;
 - c. To minimize conflicts of traffic movement on public streets and upon the property involved;
 - d. To assure the valuation and reasonable use of adjacent properties and the safety, convenience and well-being of adjoining property owners and residents of the Township;
 - e. To assure adequate drainage without jeopardizing adjacent or downstream properties;
 - f. To maintain proper setbacks as set forth in this Zoning Ordinance;
 - g. To assure the provision of adequate and safe water supply and sewage disposal;
 - h. To assure that adequate utility service, including proposed water, sanitary and storm water systems are sufficient to fulfill the projected needs of the development and the recommendations of the Township engineer;
 - i. To assure that approval(s) required by the County Department having jurisdiction, such as health, drain and Road Commission are procured; and
 - j. To assure that all other applicable zoning requirements are satisfied.
4. To accomplish these standards the Planning Commission may require the following:
 - a. Entries and exits for vehicular traffic;
 - b. The direction of traffic flows on off-street parking areas and drives;
 - c. The number and location of entries and exits onto public streets;

- d. The use of existing entries and exits on adjacent properties to minimize traffic hazards on public streets;
 - e. Landscaping, earth berming, fencing, construction of walls, marginal access drives, or other appurtenances that will achieve a lasting and desirable improvement to the community;
 - f. Evidence of a legal right to use the property occupied by the proposed use;
 - g. The location, number and types of items, which may be stored outside, including an outright ban of outside storage;
 - h. The location, number and types of items, which may be stored inside;
 - i. The location of parking areas;
 - j. The types of motor vehicles, which may be parked on site and where they may be parked;
 - k. The number of motor vehicles, which may be parked on site;
 - l. Evidence of necessary permits or approvals from other governmental entities having approval authority;
 - m. Reasonable hours of operation;
 - n. The location of activities on site;
 - o. Measures to prevent soil erosion and loss of soil;
 - p. Measures to prevent noises, smoke, dust, vibration, or any other like nuisance from affecting nearby properties;
 - q. Inspections by township inspectors at reasonable times to assure compliance with site plan approval conditions;
 - r. Other conditions which are reasonable and necessary in the particular case; and
 - s. Traffic impact, environmental, or other studies necessary to evaluate the suitability of a particular site for a particular proposed use.
5. Further, the Planning Commission is empowered to require a performance bond or certified check in an amount up to the estimated cost of improvements (as defined in Section 2.21.10, hereof) associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved Site Development Plan; if not, said performance bond shall be forfeited. The Township shall rebate a

proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. The Zoning Administrator may, at his discretion, call upon professional assistance from the Township Engineer or the Township Planner. In cases where the provisions of Section 3.21 (b) (6) have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

6. Each development shall be under construction within one (1) year after the date of final approval by the Planning Commission. If said developer does not fulfill this provision, the Commission may grant a sixty (60) day extension provided the developer presents reasonable evidence to the effect that said development has encountered unforeseen difficulties but is then ready to proceed. Should either of the aforementioned provisions be unfulfilled or a sixty (60) day extension expire without construction underway, the Site Development Plan shall be null and void.
7. The Planning Commission shall review the Site Development Plan and either approve it, deny it, or approve it with conditions based on the purposes, objectives and requirements of this ordinance.
8. For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the Zoning Administrator or Deputy Zoning Administrator, to provide for an administrative review by the Zoning Administrator or Deputy Zoning Administrator in lieu of a more formal review by the Planning Commission. The Zoning Administrator or Deputy Zoning Administrator may conduct an administrative review provided all of the following are true:
 - a. No variances or special use permits are required;
 - b. Such use is conducted within a completely enclosed building;
 - c. Reoccupancy does not require more than four (4) additional parking spaces; and
 - d. Reoccupancy does not substantially alter the character of the site.
9. The Zoning Administrator or Deputy Zoning Administrator may make an administrative review of site plans for residential accessory structures referred to in Section 3.08 provided that no variances are required.
10. A minor change to a site plan may be approved administratively by the Zoning Administrator or Deputy Zoning Administrator, provided that no variances or special use permits are required and the plan otherwise complies with all applicable requirements of this Ordinance and all other Township regulations and state law. The Zoning Administrator or Deputy Zoning Administrator may approve a site plan for the following:

- a. Change of location or type of landscape materials;
 - b. Minor changes to an approved site plan, which involve the relocation of any of the following items:
 - 1. Sidewalks
 - 2. Refuse containers
 - 3. Lighting
 - 4. Signs
 - 5. Retention/detention ponds;
 - c. Moving a proposed building on an approved site plan no more than ten (10) feet;
 - d. Proposed increase or decrease in building/use size under five (5) percent of building/use size or under five hundred (500) square feet, whichever is less; and
 - e. Adding an antenna and related equipment to a co-location communications tower, which has been approved by the Planning Commission where the antenna does not increase the overall height of the tower.
11. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation, or development standard.

SECTION 3.22. KEEPING OF PETS AND LIVESTOCK.

- A. The keeping of more than three (3) dogs and/or cats or the keeping of poultry, hogs, horses or other livestock is prohibited within any R-1, R-2, or R-3 Zoning District; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed to so remain on the afore-described premises within any consecutive twelve (12) month period.
- B. All such poultry, hogs, horses, livestock or more than three (3) dogs and/or cats are also prohibited in any RE, R-1, R-2, or R-3 Zoning District if the same became obnoxious by reason of odor or noise. The determination of the Board of Appeals shall, in the absence of fraud, be conclusive on the question of whether the same are obnoxious under the terms of this Ordinance.

C. Horses may be kept in the AG and RE Zoning Districts on a minimum of five (5) acres of area for the first horse and one (1) acre of area for each additional horse. All acreage required by this subsection shall be owned in fee by the party keeping horses. The keeping of horses shall be regulated as follows:

1. An accessory building used as a stable shall not be located closer than sixty (60) feet to any property line and closer than one hundred (100) feet to any dwelling;
2. Animals shall be confined in a suitable fenced area, or paddock, equal in size to sixty (60) percent of the required area, of sturdy construction, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises; and
3. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

The provisions of this subsection shall not apply to stables, which are regulated as set forth in Approval Standard 6 of Table 7.

D. No poultry, hogs, or other livestock shall be permitted closer than one hundred (100) feet to a neighboring residential structure.

SECTION 3.23. ROADSIDE STANDS. No building permit shall be required for temporary roadside stands, which sell or display only products grown or produced on the premises where the stand is located. Roadside stands, which sell or display products which are grown or produced on premises other than where the stand is located shall require a building permit.

SECTION 3.24. DRIVEWAY, SEPTIC TANK, AND SOIL EROSION PERMITS. Prior to the issuance of a building permit, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required:

- A. Driveway permit approved by the Bay County Road Commission or the Michigan Department of State Highways and Transportation;
- B. Septic tank permit approved by the Bay County Health Department; and
- C. Soil erosion permit.

SECTION 3.25. DRIVEWAY SPACING FROM SIDE LOT LINES. Except for driveways in the C, OF, LI and IND Zoning Districts and except as provided in this section for driveways on *cul-de-sac* lots, no portion of a driveway shall be located closer to a side lot line than the distance of the minimum required side yard. No portion of a driveway on a *cul-de-sac* lot shall be located closer to a side lot line than three feet.

SECTION 3.26. REMOVAL OF TOPSOIL, SAND, GRAVEL, OR OTHER SUCH MATERIALS.

- A. Except as provided in subsections C. and D., below, no topsoil, sand, gravel, or other such materials shall be removed from any Zoning District unless such removal is authorized by the Planning Commission as a special

use. In considering such authorization, the Planning Commission shall consider the following standards:

1. The size of the property from which such topsoil, sand, gravel, or other such materials are to be removed;
2. The amount of topsoil, sand, gravel, or other such materials which is to be removed;
3. The purpose of such removal;
4. The effect of such removal on adjoining property;
5. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table;
6. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas;
7. The effect of such removal on the environment and the natural topography and the potential destruction of any natural resource; and
8. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.

B. In considering such authorization, the Planning Commission shall insure that the following requirements can be met:

1. The extraction operation is located on a parcel of land of not less than twenty (20) acres;
2. All such operations will be directed away from residential streets;
3. The area of the extraction activity will be restored to useable contours not exceeding a thirty (30) degree slope upon completion of the extraction operation - such area to be planted with a suitable ground cover sufficient to prevent erosion; and,
4. In the event that the applicant desires to construct a pond on the area of extraction activity following completion of the extraction operation, the following regulations shall apply:
 - a. No pond may be constructed within two hundred (200) feet of any public thoroughfare or within one hundred (100) feet of any adjoining property line.
 - b. Above-water pond side slopes shall have a maximum slope of four feet horizontal to one (1) foot vertical. Below-water slopes shall be flattened to seven (7) feet horizontal to one (1) foot vertical for the first fourteen (14) horizontal feet from the edge toward the center of the pond. After the first fourteen (14) horizontal feet of below-water area, the remainder of

underwater pond slopes toward the center of the pond shall not exceed a slope of three (3) feet horizontal to one (1) foot vertical.

- c. The Planning Commission may require erection of a fence and gates suitable to afford adequate protection to persons and property.
- d. The premises adjacent to the impoundment shall be graded, seeded and mulched to conform with adjacent undisturbed areas.

C. The Zoning Administrator may issue a sand removal permit under circumstances set forth in subpart 4, below, in cases involving small amounts of sand and small areas in lieu of special use permit approval.

- 1. The following information shall be submitted:
 - a. The name and address of the property owner;
 - b. The name and address of the party removing sand;
 - c. The legal description of the parcel of land from which the sand is to be removed;
 - d. A statement of the quantity of sand to be removed; and
 - e. A drawing showing property lines and dimensions, the area of sand extraction, setbacks of the sand extraction area from property lines, structures, setbacks of sand extraction area from structures, roadways, utilities and a north arrow.
- 2. The Township Board shall, by resolution, set the fee for the sand removal permit referred to in this subsection which shall be based upon the Township's reasonable expenses incurred in processing sand removal permits.
- 3. Only one (1) sand removal permit shall be issued per parcel of land, or tract of land comprised of contiguous parcels under common ownership.
- 4. The Zoning Administrator may issue a sand removal permit if all of the following conditions are met:
 - a. The material to be removed is sand, only;
 - b. The quantity of sand to be removed does not exceed five thousand (5,000) cubic yards;
 - c. The area from which sand is to be removed does not exceed three (3) acres;

- d. The proposed activity is limited to reducing the elevation of an area containing sand to the elevation of the surrounding land such as removing sand hills, sand knobs, etc.;
 - e. The Zoning Administrator determines that the sand removal operation will not have a major impact upon other properties in the vicinity; and
 - f. No other sand removal permits have been issued for the parcel shown on the permit application at any time.
- 5. The Zoning Administrator may require that elevations be shown on the extraction area drawing referred to in subpart 1, above, in appropriate circumstances.
 - 6. The Zoning Administrator shall require security in the form of cash, a bond, or bank letter of credit to assure proper restoration of a proposed sand extraction area before issuing a sand removal permit. The amount of such security shall be \$1.00 per cubic yard.
 - 7. Sand removal permits shall expire two (2) years following the date of issuance.
 - 8. Within the two (2) year effective period of a sand removal permit, sand shall be removed and the land surface must be smoothed and graded to conform with adjacent land surfaces. No extensions may be granted by the Zoning Administrator. No new permits may be granted by the Zoning Administrator for any parcel previously subject to a sand removal permit.
 - 9. The property owner and party removing sand shall be responsible to prevent the creation of sand blows, stagnant water pools, or swampy areas. Sand shall not be removed to a depth below the existing grade of adjacent land areas.
- D. Topsoil or sand may be removed from a lot, without authorization from the Planning Commission, for the purpose of erecting or constructing a building or structure, provided there is compliance with all other requirements of this Ordinance. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, or possible future injury to adjoining properties.

SECTION 3.26.10. PONDS.

- A. Ponds may be constructed in any zoning district following approval by the Planning Commission as a special use. In considering such approval, the Planning Commission shall consider the standards set forth in subsection A. of Section 3.26. Except for stormwater detention or retention ponds referred-to in subsection B., below, all ponds constructed in Williams Township shall be subject to the regulations set forth in subsection B., subpart 4. of Section 3.26. In the event that a person desiring to construct a pond intends to remove topsoil, sand, gravel or other materials from the land upon which the pond is to be constructed, he shall also comply with the requirements set forth

in subsection B., subparts 1.-3. of Section 3.26. Land on which pond construction has been completed may be divided in such manner that the property lines of the resulting parcels do not comply with the pond setback requirements set forth in subpart 4. a. of subsection B. of Section 3.26. as long as the resulting parcels comply with all other applicable requirements of this ordinance and those of Ordinance No. 126, as amended, the Charter Township of Williams Land Division Ordinance.

- B. Stormwater detention or retention ponds which are to be constructed in platted subdivisions or shown on approved site plans to assure adequate site drainage shall be subject to the regulations set forth in Section 3.26.B.4.b.-d. The Planning Commission may require that the area surrounding a stormwater detention or retention pond be landscaped and planted with suitable plantings to assure that the pond blends into the surrounding residential neighborhood. Notwithstanding anything stated in this subsection to the contrary, the Planning Commission may approve such a stormwater detention or retention pond with above- and/or below-water slopes that do not exceed three (3) feet horizontal to one (1) foot vertical as long as the pond is fenced by a chain link fence at least four (4) feet high with a locked gate.

SECTION 3.27. TRANSITION ZONING. The following transitional uses are permitted on premises in an R Zoning District where the side yard adjoins a C, OF, LI, IND or PUD District:

- A. The first such lot or lots in single ownership or the first one hundred fifty (150) feet thereof, whichever is the lesser, may be utilized in accordance with the next less restricted zone requirements.
- B. The first one hundred fifty (150) feet thereof may be utilized for off-street parking.
- C. Any single principal structure located or built completely upon the first one hundred fifty (150) feet thereof may be used for offices, funeral homes or businesses, provided:
 - 1. Yards must meet the district requirements in which such lot is located;
 - 2. The building shall conform to the residential character of the neighborhood;
 - 3. Signs shall conform to the requirements of the less restricted Zoning District.

SECTION 3.28. CERTAIN USES PROHIBITED. Under the provisions of this Ordinance, it shall be unlawful to:

- A. Maintain a truck, truck trailer, motor home, camper or similar vehicle, either operable or inoperable, as a permanent storage building.
- B. Occupy a mobile home which does not conform to the standards of Section 2.12 (a) of this Ordinance unless located within a mobile home park or a mobile home plat zoned for such uses.
- C. Use a mobile home, travel trailer, or any other unit so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn by its own or other motor power, excepting a device used exclusively upon stationary rails or tracks for any business, occupation, or trade.

- D. Occupy a travel trailer, recreational vehicle, or any other similar unit as a permanent dwelling, or as a guest facility for more than thirty (30) days in one calendar year.

SECTION 3.29. STANDARD RIGHT-OF-WAY. For the purposes of this Ordinance, a right-of-way line shall be a line thirty-three (33) feet from, and parallel to, the centerline of a street or road.

SECTION 3.30. SPECIAL USE PERMITS.

- A. Upon receipt of an application for a special use permit, a notice that a request for special use has been received and of hearing shall be given in accordance with applicable requirements of the Michigan Zoning Enabling Act, 2006 P.A. 110, as amended.
- B. A public hearing, with notification as required in subsection (a) above, shall be held before a decision is made on the special use permit request.
- C. Before the Planning Commission approves a special use permit, the applicant shall submit a site development plan in accord with the provisions of Section 3.21.
- D. The Planning Commission may deny, approve, or approve with conditions, a request for a special use permit. The decision on a special land use permit shall be incorporated in a statement containing the conclusions relative to the special use under consideration, which specifies the basis for the decision and any conditions imposed.
- E. Special Use Permits, when approved by the Planning Commission, are for a specific use, at a specific location, and according to a specific layout. Any material change in the use, location, or layout requires a re-approval of the Special Use Permit.

SECTION 3.31. PRIVATE STREET PERMITS.

- A. No private street shall be constructed or used within the Charter Township of Williams unless a Private Street Permit has been obtained in accordance with the following procedure.
- B. An application shall be made to the Township Clerk which shall be signed, dated and shall have attached any and all required date, exhibits, and information, and the required fee as established by resolution of the Township Board and as may be amended from time to time. No portion of such fee shall be reimbursable to the applicant.
- C. An application for a private street shall contain the following information:
 - 1. Applicant's name, address and telephone number;
 - 2. Address, tax description and legal description of the subject parcel;
 - 3. A signed statement that the applicant is the owner of the subject parcel or is acting as the owner's representative;

4. Twelve (12) copies of a preliminary street plan prepared by a registered professional engineer at a scale no less than one (1) inch equals two hundred (200) feet. Said plan shall clearly indicate the location of the private street, the length of the private street and all parcels that will be served by the private street. Said plans shall also indicate any other facilities that will be located within the street right-of-way such as, but not limited to, storm drainage, sanitary sewers, water mains, natural gas lines and underground electric and telephone lines; and
5. Proposed deed restrictions or conveyances that indicate the following:
 - a. How permanent access for pedestrian and vehicular traffic will be assured for each parcel.
 - b. That the Charter Township of Williams has a right to construct public or semi-public utility systems within the private street right-of-way.
 - c. That the Charter Township of Williams and/or the Bay County Road Commission will not be responsible for maintaining, snowplowing or improving the private street, or constructing public or semi-public utility systems within said street and that a methodology for assessing and collecting the costs of such maintenance or improvements is the responsibility of the parcels served by the private street.
 - d. How the ownership of the land within the private road right-of-way will be held for purposes of assessing and collecting property taxes.
- D. Upon receipt of a completed application, the Township Clerk shall transmit the completed application to the Planning Commission and place it on the agenda of the next regularly scheduled meeting of the Planning Commission.
- E. The Planning Commission shall review the particular circumstances and facts applicable to each proposed private street in terms of the following standards and requirements and shall make a determination as to whether the proposed street to be developed on the subject parcel meets the following standards and requirements:
 1. Will it be consistent with and in accordance with the general objectives, intent, and purposes of this Zoning Ordinance;
 2. Will it be designed, constructed, operated, maintained, and managed so as to be compatible with existing adjacent land uses and appropriate in appearance with the existing or intended character of the general vicinity;
 3. Will it be served adequately by essential public facilities and services including but not limited to highways, streets, police and fire protection, drainage structures, municipal sanitary sewer and water, refuse disposal, or that parties or agencies responsible for the establishment of the proposed use shall be able to economically provide any such service together with sufficient deed restrictions and/or easements to accomplish the said purpose;
 4. Will it be consistent in assuring that the general public health, safety and welfare will not be infringed upon; and

5. Will it be in complete compliance with all general and specific standards and conditions imposed pursuant to this Zoning Ordinance, other applicable local ordinances, and other applicable state and federal requirements.

The Planning Commission may recommend that the application be denied, approved or approved with conditions. The recommendation on the private street shall be incorporated in a statement containing the conclusions relative to the private street under consideration, which specifies the basis for the decision and any conditions imposed. The Planning Commission shall forward said statement of findings to the Township Board.

- F. Upon receipt of the recommendation from the Planning Commission, the Township Board shall consider the matter at its next regularly scheduled meeting. Based on the specific facts of each application, the Township Board may either approve or deny the private street permit or grant approval subject to conditions deemed reasonable by the Township Board.
- G. Any decision of the Township Board shall be final and any appeal therefrom shall be to the Bay County Circuit Court within twenty-one (21) days of the final decision of said Township Board.
- H. Prior to the start of construction, engineering plans, sealed by a registered professional engineer, shall be submitted to the Township Board for approval. All plans shall be in accordance with the Board of County Road Commissioners County of Bay Alternate Design Standards except for the following:
 1. A paved surface is not required.
 2. The length of a private street shall not exceed nine hundred (900) feet as measured from a public street to the radius point of a turnaround.
 3. A private street shall not provide access to more than eight (8) parcels.
- I. The following private streets were lawfully in existence on July 3, 1987: Arndt, 450' in length; Southfield, 450' in length; Bianchi, 200' in length; Karen, 300' in length; Joan, 1,036' in length; George, 500' in length; Skelton, 750' in length; James, 325' in length; Apple, 642' in length; Polum, 1,200' in length; Ronald, 773' in length; Joy, 773' in length; Winslow, 448' in length; Karla, 1,125' in length; Pineway, 900' in length; Miner, 450' in length; Keith, 500' in length; Kelly, 600' in length; and, Francis, 742' in length. Parent parcels of record on July 3, 1987 and having frontage along any of these private streets on that date shall be buildable and may be divided into additional buildable parcels provided that such parcels comply with all applicable zoning ordinance and Township Land Division Ordinance provisions, in the limited instances and under certain conditions listed, below:
 1. Where the owner of a parcel of land of record on July 3, 1987 and having frontage along any of the above-listed streets on that date wants a building permit, such owner shall be entitled to receive one to construct any structure which is permitted or which has been allowed by special use permit after making proper

application without having to improve the roadway to comply with any of the standards stated in subsection H, above;

2. Where the owner of a parcel of land of record on July 3, 1987 and having frontage along any of the above-listed streets on that date wants to make lot splits, such owner shall improve the existing roadway its entire length so that it complies with the standards stated in subsection H, above, except for the right-of-way width requirement, as a condition to be entitled to receive building permit(s) to construct any permitted or allowed structure on the parent parcel or on any resulting parcel. In the event that such an owner cannot comply with the standards adopted in this subpart, he/she may apply to the Planning Commission for special use permit approval to obtain building permit(s). Planning Commissioners shall consider all of the following factors in deciding whether to grant special use permit approval in such instances:
 - a. The impact of additional traffic on the existing roadway;
 - b. The resulting length of the existing roadway plus roadway extension;
 - c. Adequacy of roadway width to provide ingress/egress for emergency vehicles and other traffic;
 - d. Adequacy of provision for fire suppression facilities;
 - e. Adequacy of provision for turnaround;
 - f. Adequacy of provision for maintenance of the roadway;
 - g. Adequacy of provision for placement of public/private utilities within the roadway right-of-way area;
 - h. Adequacy of provision for positive roadway drainage;
 - i. The cost to the owner of improving the existing roadway; and
 - j. Standards 1. - 4. of subsection E, above.
3. Where the owner of a parcel of land of record on July 3, 1987 and having frontage along any of the above-listed streets on that date desires to extend the existing roadway for any reason, such owner shall obtain a private street permit and shall construct the roadway extension in compliance with all of the procedural rules and standards stated in Subsections A through H, above. Such owner wanting to make an extension shall also improve the existing roadway so that it complies with the standards stated in Subsection H, above, except for the right-of-way width requirement. In the event that such an owner cannot improve the existing roadway in compliance with the standards adopted in this Part, he/she may apply to the Planning Commission for special use permit approval to obtain building permit(s). Planning Commissioners shall consider all of the factors set forth in

Part 2, above, in deciding whether to grant special use permit approval in such instances. The provisions in this part shall not be construed to authorize the extension of any of the above-listed streets into any land, which did not have frontage on one of them on July 3, 1987.

The limitations of Parts 2. and 3. of Subsection H, above, pertaining to private street maximum lengths and to maximum number of lots on a private street shall not apply to the private streets identified in this Subsection or to extensions of them.

If the plans are in accordance with these requirements the Township Board shall issue a private street permit.

SECTION 3.32. CONDOMINIUMS. Condominiums are regulated by this Ordinance pursuant to authority conferred by Section 141 of the Condominium Act. (MCL 559.241), Public Act 59 of 1978, as amended, and are permitted provided that they comply in all respects with the requirements of this ordinance and Public Act 59 of 1978.

For the purposes of this section, the words and phrases defined in Subsection A hereof shall have the meanings respectively ascribed to them in that subsection.

A. Definitions.

CONDOMINIUMS. Means a form of ownership of land and/or structures which includes separate ownership of a portion of the property which is defined as condominium unit and an undivided interest as a co-tenant in the remainder of the property which is defined as common elements and is maintained through an association of co-owners. This form of ownership is most often applied to multi-family residential uses, however, it also can apply to single-family homes, commercial and industrial developments, boat slips, and many other land uses.

CONDOMINIUM ACT. Means Public Act 59 of 1978, as amended.

CONDOMINIUM DWELLING. Means a structure built upon a lot or condominium unit which is intended for residential purposes.

CONDOMINIUM SUBDIVISION PLAN. Shall include all of the following as required in Section 66 of the Condominium Act as amended, being P.A. 59 of 1978:

- a. A cover sheet;
- b. A survey plan;
- c. A floodplain plan if the condominium lies within or abuts a floodplain area;
- d. A site plan conforming with the provisions of Section 3.21 of this Ordinance;
- e. A utility plan;

- f. Floor plans;
- g. The size, location, area and horizontal boundaries of each condominium unit;
- h. A number assigned to each condominium unit;
- i. The vertical boundaries and volume of each unit comprised of enclosed air space;
- j. Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure and improvement shown shall be labeled either a "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping and an access road, the same shall be shown and designated as "must be built", but the obligation to deliver such items exists whether or not they are shown and designated;
- k. The nature, location and approximate size of the common elements; and
- l. Any other items, which may by rule, be required by the Michigan Department of Commerce.

CONDOMINIUM UNIT. Means that portion of the condominium project 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.

COMMON ELEMENTS. Means the portions of the condominium project other than the condominium units.

LIMITED COMMON ELEMENTS. Means a portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.

CONDOMINIUM LOT. For purposes of determining zoning compliance of condominiums the term "lot" as used in Section 2.24 herein shall mean an individual condominium unit along with any limited common element or general common element as defined herein.

GENERAL COMMON ELEMENTS. The common elements other than the limited common elements.

MASTER DEED. Means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the condominium subdivision plan for the project. The Master Deed shall include the following:

- a. An accurate legal description of the land involved in the project;

- b. A statement designating the condominium units served by the limited common elements and clearly defining the rights of the limited common elements;
 - c. A statement showing the total percentage of value for the condominium project and the separate percentages of values assigned to each individual condominium unit identifying the condominium units by the numbers assigned in the condominium subdivision plan;
 - d. Identification of the local unit of government with which the detailed architectural plans and specifications for the project have been filed; and
 - e. Any other matter which is appropriate for the project.
- B. Condominium developments are permitted in any zoning district in accordance with the following conditions:
- 1. All condominium projects, developments, subdivisions, structures and uses therein shall comply with all use, area, parking, general requirements and conditions of the zoning district within which the project is located.
 - 2. Prior to the construction of any condominium project, a site plan review and approval as hereinafter described is required. Additionally, prior to construction of any condominium development, all necessary permits required by any other federal, state or local governmental agency must be secured and approval obtained.
 - a. A completed application for Site Plan Review (SPR) and twelve (12) copies of a site plan, along with any required fee, shall be submitted to the Township Clerk at least twenty-one (21) days prior to the next scheduled Planning Commission meeting. The Clerk shall review the application for completeness and place it on the agenda for the Planning Commission meeting.
 - b. The Planning Commission, together with the Township Planner and Engineer, shall undertake and complete the review of all site plans which comply with the requirements of subsection (a), hereof, pertaining to content and give its report and recommendation to the Township Board within sixty (60) days of submission by the applicant unless the sixty (60) day period is extended by a written agreement between the project developer and the Planning Commission. If no action is taken within sixty (60) days the Planning Commission shall be deemed to have recommended approval of the site plan.
 - c. The Township Board, within ninety (90) days from the date of filing unless the time period for approval has been extended pursuant to (b), above, shall approve and note its approval on a copy of the site plan to be returned to the project developer, or set forth in writing its reasons for rejection and the requirements that must be met for site plan approval.

- (1) The Township Board shall not review, approve or reject a condominium project site plan until it has received a report and recommendation from the Planning Commission; provided, however, that the Township Board may act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within sixty (60) days or within such extended time period as may be agreed upon between the project developer and the Planning Commission.
 - (2) Site Plan Approval shall guarantee that the general terms and conditions under which such approval was granted will not be changed by the Township and further, shall confer upon the project developer approval of lot sizes, lot orientation, and street layout for a period of two (2) years from the date of approval. Such approval may be extended if applied for by the project developer and granted by the Township Board in writing.
- d. If a Master Deed has not been recorded and funds escrowed for the construction of all improvements in accordance with Public Act 59 of 1978, the Planning Commission may recommend and/or the Township Board may require posting of a performance bond or that a deposit in the form of cash, certified check or irrevocable bank letter of credit shall be made with the Charter Township of Williams to guarantee the installation and completion of any required public sanitary sewer, water supply, and/or drainage facilities, within a length of time agreed upon from the date of approval of the condominium site plan by the Township Board. At such time as the escrow requirements of P.A. 59 of 1978 have been compiled with, or the project has been completed, the Township shall no longer require a performance guarantee.
 - e. Condominium Master Deed. A copy of the condominium master deed, all attachments and any amendments thereto as required by Public Act 59 of 1978, as amended, shall be filed with the Williams Township Clerk within ten (10) days after recording with the Bay County Register of Deeds.
 - f. Prior to construction of any condominium project, approval from the Board of Trustees of the Charter Township of Williams is required for all utilities to service said project.
 - g. Prior to the construction of any condominium project, a private street permit pursuant to Section 3.31 hereof shall be obtained for any roadway not dedicated to the public as a public street. Any such roadway shall conform to the requirements of Section 3.31.

SECTION 3.33. PRIVATE SWIMMING POOLS. A private swimming pool may be located in any zoning district subject to the following regulations:

- a. It shall be located in the rear yard; and,
- b. It shall be set back a minimum of ten (10) feet from the side and rear lot lines.

CHAPTER IV

MAPPED DISTRICTS

SECTION 4.01. ZONING DISTRICTS. Williams Township is hereby divided into the following Zoning Districts:

- A. AG Agricultural District
- B. RE Rural Estate District
- C. R-1 Low Density Single Family Residential District
- D. R-2 Medium Density Single Family Residential District
- E. R-3 Medium Density Multiple Family Residential District
- F. C-1 Neighborhood Business District
- G. C-2 General Business District
- H. C-3 Interchange Business District
- I. OF Office District
- J. LI Light Industrial District
- K. IND Industrial District
- L. PUD Planned Unit Development District
- M. FP Floodplain District

SECTION 4.02. ZONING MAP. The locations and boundaries of the Zoning Districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Williams Township, Bay County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- D. Boundaries indicated as approximately following river beds shall be construed as following such beds, as in the event of change in the location of river beds, shall be construed as moving with the river bed.
- E. Boundaries indicated as approximately following property lines, section lines, or other lines of a government survey shall be construed as following such property lines, section lines, or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

SECTION 4.03. AREAS NOT INCLUDED WITHIN A DISTRICT. In every case where land has not been included within a district on the zoning map, such land shall be in the AG Agricultural Zoning District.

SECTION 4.04. OFFICIAL ZONING MAP. The official zoning map shall be maintained in the Williams Township Hall and shall show all amendments in zoning district boundaries as they are made from time to time.

SECTION 4.05. PERMISSIVE ZONING CONCEPT. Land uses are specifically permitted in the various zoning districts of this Ordinance. Where not specifically permitted, uses are thereby specifically prohibited. No land contained within any zoning district shall be used for any purpose other than those uses specifically permitted in the district in which the building or land is located, except as otherwise provided in this ordinance.

CHAPTER V

AGRICULTURAL AND RESIDENTIAL ZONED DISTRICT

SECTION 5.01. AG AGRICULTURAL DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate and preserve certain portions of the Township for farming and animal husbandry, dairying, horticultural and other uses that require large parcels of land. At the same time, in order to provide a degree of flexibility, it is intended that the AG District allow single family, nonfarm dwellings and certain other uses permitted as special uses. Regulations for this zoned district are set forth in Tables 1, 2, 3, 6 and 7.

SECTION 5.03. R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the Township exclusively for low density, single-family dwellings. Certain complimentary religious, educational, and recreational facilities may also be permitted as special uses. Regulations for this zoned district are set forth in Tables 1, 2, 3, 4, 6 and 7.

SECTION 5.04. R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the Township for medium density one (1) and two (2) family dwellings. Certain complimentary religious, educational and recreational facilities may also be permitted as special uses. Regulations for this zoned district are set forth in Tables 1, 2, 3, 4, 6 and 7.

SECTION 5.05. R-3 MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the Township for multiple family developments, including mobile home parks as a special use. Certain other related and complimentary uses are also permitted. Regulations for this zoned district are set forth in Tables 2 through 7.

**TABLE 2
AGRICULTURAL & RESIDENTIAL PERMITTED & SPECIAL USES⁽²⁾**

USE TYPE	AGR	R-1	R-2	R-3	APPROVAL ⁽³⁾ STANDARDS
PERMITTED USES					
Adult Foster Care Family Homes	X	X	X	X	
Farms	X				
Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries & poultry & livestock farms	X				
Single-family homes	X	X	X	X	
Family day care homes	X	X	X	X	
Signs	X	X	X	X	
Roadside stands selling products grown/produced on premises	X				
Two-family dwellings			X	X	
Nursing homes, senior citizens & similar group housing				X	
Radio & TV stations	X				
SPECIAL USES⁽²⁾					
Construction contractor offices & supply yards	X				1
Home occupations	X	X	X	X	2
Roadside stands	X				4
Group day care homes	X	X	X	X	5
Kennels & stables	X				6
Mineral removal	X	X	X	X	7
Racing tracks	X				8
Travel trailer parks	X				9
Nursing homes, senior citizen housing & orphanages & similar uses	X				10
Vehicle & equipment storage	X				11
Two family dwellings		X			12
Private & public schools, libraries, museums, art galleries & similar uses	X	X	X	X	13
Parks, playgrounds, community centers, cemeteries, governmental administration or service buildings owned by a governmental or non-commercial organization	X	X	X	X	14

Churches	X	X	X	X	15
Golf courses, athletic grounds & parks	X				16
Composting facilities	X				17
Specialized farm uses	X				18
Multiple family dwellings and mobile home parks				X	19
Communications transmitters, receivers, relay stations and towers	X				20
Former agricultural buildings	X	X	X	X	21
Hospice Residences	X	X	X	X	22
Wind Farms	X				23
Wind Turbines	X				23

- (1) All Special Uses are subject to the specific regulations and standards stated for each, and those provisions relating generally to the review and approval of Special Uses set forth in Section 3.30.
- (2) Approval standards are set forth in Table 7.

TABLE 3

SETBACK, AREA, WIDTH, FLOOR AREA AND HEIGHT REGULATIONS FOR SINGLE-FAMILY HOMES

	Front Yard⁽¹⁾ (Feet)	Side Yard⁽¹⁾ Each (Feet)	Side Yard⁽¹⁾ Total (Feet)	Rear Yard⁽¹⁾ (Feet)	Lot Area⁽¹⁾ (Sq. Ft.)	Width⁽¹⁾ (Feet)	Floor⁽²⁾ Area (Sq. Ft.)	Height Limit⁽³⁾ (Feet)
Agriculture	40	10	30	50	One Acre ⁽⁴⁾	200 ⁽⁵⁾	720	35
R-1	40	7	20	35	18,000 ⁽⁶⁾	100 ⁽⁷⁾	720	35
R-2	40	7	20	25	15,000 ⁽⁸⁾	100 ⁽⁹⁾	720	35
R-3	40	7	20	25	15,000 ⁽¹⁰⁾	100 ⁽¹¹⁾	720	35

- (1) Stated footages are minimums.
- (2) Stated footages are minimums exclusive of basements, porches, garages, breezeways, terraces or attics.
- (3) Stated footages are maximums.
- (4) 20,000 square feet if served with public water or sewer; 20,000 square feet for lots that were zoned RE on January 1, 2012.
- (5) 150 feet if served with public water or sewer; existing width on January 1, 2012 for lots that were lawfully nonconforming because of lot width and zoned RE on that date.
- (6) 14,000 square feet if served with public water and sewer.
- (7) 90 feet if served with public water and sewer.
- (8) 12,000 square feet if served with public sewer and water.
- (9) 80 feet if served with public sewer and water.
- (10) 8,500 square feet if served with public sewer and water.
- (11) 80 feet if served with public sewer and water.

TABLE 4

**SETBACK, AREA, WIDTH, FLOOR AREA AND HEIGHT
REGULATIONS FOR TWO-FAMILY DWELLINGS**

	Front Yard⁽¹⁾ (Feet)	Side Yard⁽¹⁾ Each (Feet)	Side Yard⁽¹⁾ Total (Feet)	Rear Yard⁽¹⁾ (Feet)	Lot Area⁽¹⁾ (Sq. Ft.)	Width⁽¹⁾ (Feet)	Floor Area⁽²⁾ Per Unit (Sq. Ft.)	Height Limit⁽³⁾ (Feet)
R-1	40	7	20	35	30,000	150	650	35
R-2	40	7	20	25	30,000 ⁽⁴⁾	150 ⁽⁵⁾	650	35
R-3	40	7	20	25	30,000 ⁽⁶⁾	150 ⁽⁷⁾	650	35

- (1) Stated footages are minimums.
- (2) Stated footages are minimums exclusive of basements, porches, garages, breezeways, terraces or attics.
- (3) Stated footages are maximums.
- (4) 24,000 square feet if served with public water and sewer.
- (5) 120 feet if served with public water and sewer.
- (6) 15,000 square feet if served with public water and sewer.
- (7) 100 feet if served with public water and sewer.

TABLE 5**SETBACK, AREA, WIDTH, FLOOR AREA AND HEIGHT REGULATIONS FOR MULTIPLE DWELLINGS**

	Front Yard⁽¹⁾ (Feet)	Side Yard⁽¹⁾ (Each) (Feet)	Side Yard⁽¹⁾ (Total) (Feet)	Rear Yard⁽¹⁾ (Feet)	Lot Area⁽¹⁾ (Square Feet)	Width⁽¹⁾ (Feet)	Floor Area⁽²⁾ Per Unit (Square Feet)	Height Limit⁽³⁾ (Feet)
R-3	40	20	40	25	10,000 per unit ⁽⁴⁾	100	(5)	35

- (1) Stated footages are minimums.
- (2) Stated footages are minimums exclusive of basements, porches, garages, breezeways, terraces or attics.
- (3) Stated footages are maximums.
- (4) 4,356 per dwelling unit if served with public water and sewer.
- (5) One bedroom unit - 600 square feet per unit.
Two bedroom unit - 750 square feet per unit.
Three bedroom unit - 900 square feet per unit.
Each additional bedroom - 100 square feet of additional, usable floor area.

TABLE 6**SETBACK, AREA, WIDTH AND HEIGHT REGULATIONS FOR NONRESIDENTIAL USES IN AGRICULTURAL AND RESIDENTIAL ZONED DISTRICTS**

	Front Yard⁽¹⁾ (Feet)	Side Yard⁽¹⁾ (Each) (Feet)	Side Yard⁽¹⁾ (Total) (Feet)	Rear Yard⁽¹⁾ (Feet)	Lot Area⁽¹⁾ (Sq. Ft.)	Width⁽¹⁾ (Feet)	Height Limit⁽²⁾ (Feet)
Agricultural	40	50	100	50	10 acres	250	45
R-1	40	7	20	35	2 acres	200	35
R-2	40	7	20	25	1 acre	200	35
R-3	40	20	40	25	15,000	100	35

- (1) Stated footages are minimums.
- (2) Stated footages are maximums.

TABLE 7

**APPROVAL STANDARDS FOR SPECIAL USES
IN AGRICULTURAL AND RESIDENTIAL ZONED DISTRICTS**

Approval Standards	Required Standards
1.	<p>(1) The Planning Commission shall consider:</p> <ul style="list-style-type: none">(a) The size of the parcel of land on which the proposed use will take place;(b) The precise location of, and area of the proposed use on the parcel of land on which it will take place;(c) The nature of the proposed use;(d) The effect of the proposed use on adjoining lands;(e) The effect of the proposed use on area roadways;(f) Potential traffic congestion and problems caused by trucks or other vehicles or equipment used in the construction business;(g) The days of the week and the hours of operation of the proposed use;(h) Whether raw materials and supplies will be stored on the area of the proposed use;(i) Whether motor vehicles and other machinery will be stored on the area of the proposed use; and <p>(2) The Planning Commission shall require:</p> <ul style="list-style-type: none">(a) That the proposed use is located on a parcel of land which complies with all area regulations for uses in an AG Agricultural District as set forth in Table 6;(b) That all such operations will be directed away from residential streets;(c) That the storage of raw materials and supplies shall be permitted only if properly screened from adjoining residences, streets and highways by a screening barrier of sufficient height to be effective for screening purposes, and that no materials are stacked or stored so as to exceed the height of the screening barrier. In light of circumstances pertaining to a particular case, the Planning Commission may allow the storage of raw materials without a screening barrier upon a specific finding that such a barrier is not necessary;(d) That any soil, sand, gravel, stone, or similar loosely-packed material shall be sufficiently contained to prevent any adverse effect upon adjacent properties;(e) That any outside lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will not cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise;(f) That all roads, driveways, parking lots, other vehicular storage areas, and loading and unloading areas within the proposed use shall be paved, oiled, watered, or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by windborne dust;(g) That the construction operation complies with all yard regulations for uses in an AG Agricultural District as set forth in Table 6;(h) That any condition be imposed which is deemed necessary by the Planning Commission for the protection of area roadways; and,

Approval Standards	Required Standards
	(i) That the construction operation has physical limits on the parcel of land on which it is located;
2.	<p>The Planning Commission shall consider:</p> <ul style="list-style-type: none"> (1) All provisions of Section 3.19; (2) The nature of the home occupation; (3) The effect of the home occupation on the surrounding neighborhood; (4) The environmental effects of the home occupation; (5) The nature of the surrounding neighborhood; (6) Potential traffic congestion as a result of the home occupation; and (7) Provision for parking for traffic or clientele, which may result from the operation of the home occupation; and (8) Home occupations shall be conducted wholly within a dwelling or attached garage.
4.	<p>The Planning Commission shall consider:</p> <ul style="list-style-type: none"> (1) The proposed location of the roadside stand; (2) The size, nature and character of the building and/or structure to be utilized for the roadside stand; (3) The type and kind of produce and goods to be sold at the roadside stand; (4) The proximity of the roadside stand to adjoining properties; (5) The time or season during which the roadside stand will operate; (6) The parking facilities provided for the roadside stand; (7) Any traffic congestion or hazards which would result from the roadside stand; and (8) The effect of the roadside stand on adjoining properties and the surrounding neighborhood.
5.	<p>The Planning Commission shall require that the proposed Group Day Care Home:</p> <ul style="list-style-type: none"> (1) Is located not closer than 1,500 feet to any of the following: <ul style="list-style-type: none"> (a) Another licensed group day-care home; (b) Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws; (c) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws; or (d) A community correction center, resident home, halfway house, or other similar facility, which houses an inmate population under the jurisdiction of the department of corrections.

Approval Standards	Required Standards
	<ul style="list-style-type: none"> (2) Has appropriate fencing for the safety of children in the group day-care home as determined by the township. (3) Maintains the property consistent with the visible characteristics of the neighborhood. (4) Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m. (5) Meets regulations, if any, governing signs used by a group day-care home to identify itself. (6) Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.
6.	<p>The Planning Commission shall consider:</p> <ul style="list-style-type: none"> (1) The size, nature and character of the proposed kennel or stable; (2) The proximity of the proposed kennel or stable to adjoining properties and the current zoning and planned uses for the adjoining properties; (3) The possibility of noise, odor or other disturbances or hazards for adjoining properties and the surrounding neighborhood because of the proposed kennel or stall; and (4) Potential traffic congestion, which may arise because of the proposed kennel or stable. <p>The Planning Commission shall require:</p> <ul style="list-style-type: none"> (1) A kennel shall have a minimum lot area of five (5) acres and two hundred fifty (250) feet frontage; a stable shall have a minimum lot area of twenty (20) acres and two hundred fifty (250) feet of frontage; (2) Each kennel or stable shall provide yards as follows: <ul style="list-style-type: none"> (a) Front – fifty (50) feet. (b) Side – two (2) side yards of not less than fifty (50) feet each. (c) Rear – fifty (50) feet; and (3) Stables shall meet the requirements of Act 93 of the Public Act of 1974, as amended.
7.	See Section 3.26.
8.	<p>The Planning Commission shall insure:</p> <ul style="list-style-type: none"> (1) The racing track is located on a parcel of land of not less than forty (40) acres; (2) No structure shall be located closer than one hundred (100) feet to any property line; (3) The entire boundary of the proposed area to be developed shall be suitably screened with plantings and/or landscape development in order to prevent noise, dust, and glare from lights. Said screening plantings shall be a minimum of five (5) feet in height at the time of planting measured from the proposed grade and kept in living condition and may be within the required setback area. Other suitable screening means may be used as approved by the Planning Commission;

Approval Standards	Required Standards
	<p>(4) Off-street loading and unloading facilities required to serve any of the buildings to be located on the premises must be provided and located no closer than one hundred (100) feet from all property lines and must be hard surfaced, properly drained, properly lighted, and properly marked, and must be suitably screened by plantings and/or landscaped development a minimum of five (5) feet in height at the time of planting measured from the proposed grade and kept in living condition, or other suitable screening means as approved by the Planning Commission;</p> <p>(5) Ingress and egress to the proposed area to be developed shall be provided and located in such a manner so as to provide maximum safety to the public utilizing the facility. Said ingress and egress shall be hard surfaced, properly lighted, properly marked, and properly drained. The proposed area to be developed must be located on a primary street designated or shall have an acceptable relationship to a primary street which can provide for additional traffic generated by the development;</p> <p>(6) No sign shall be permitted on the premises, which is not incidental to the use of the property as specified by the special use granted hereunder. For incidental uses, one (1) sign per building shall be allowed and shall be attached flat against said building. One (1) freestanding or pylon sign may be permitted for the entire proposed area to be developed. Said sign shall be located not closer than fifteen (15) feet to finished grade, shall not exceed thirty (30) feet in height, shall have a square footage not in excess of one hundred (100) feet, and shall not be located closer to any property line than twenty-five (25) feet. No sign shall be of the flashing or intermittent type;</p> <p>(7) All lighting provided for the use of the proposed development shall be arranged to prevent annoyance or glare to the property owners surrounding said development; and</p> <p>(8) The development shall be provided with an approved water and sewage disposal system.</p> <p>The Planning Commission shall consider:</p> <p>(1) The location of the proposed use with respect to whether it would interfere with or substantially hinder any existing or potential future farming operations or activity within the immediate area;</p> <p>(2) The present and future ability of the township and county to provide adequate vehicular access, public safety, drawings, and other necessary public services;</p> <p>(3) The effect of the proposed use on the surrounding neighborhood and adjacent properties; and</p> <p>(4) The nature of the surrounding area.</p>
9.	<p>The Planning Commission shall insure:</p> <p>(1) The total area of the travel trailer park or campground shall be at least five (5) acres;</p> <p>(2) There shall be a required yard of not less than twenty (20) feet along all property lines. No travel trailer, tent, camper or similar accommodation, or any structure, shall be located in the required yard;</p> <p>(3) There shall be a greenbelt planting strip with a width of not less than ten (10) feet along the side and rear property lines. The planting strip shall consist of deciduous or evergreen trees a minimum of five (5) feet in height at the time of planting measured from the proposed grade and kept in living condition. Other suitable screening means may be used as approved by the Planning Commission;</p> <p>(4) Vehicular circulation systems shall consist of drives or roads properly graded and drained with access to a public street;</p> <p>(5) There shall be a maximum density of twenty (20) travel trailers or campsites per acre;</p> <p>(6) The grounds of the travel trailer park shall be sloped to drain properly and to satisfactorily meet the approval of acceptable engineering standards;</p> <p>(7) Each site so intended shall be arranged to satisfactorily and safely accommodate a travel trailer and</p>

Approval Standards	Required Standards
	<p>motor vehicle;</p> <p>(8) All sites within the travel trailer park or campground shall be used for temporary or seasonal accommodations only, excepting that the park caretaker or manager may occupy a permanent dwelling within the park which may be coincidental with the required park registration office;</p> <p>(9) All wires, cables, conduits, lines or pipes used for providing utility services to trailer or campsites or to other authorized structures in the travel trailer park shall be located underground within the park;</p> <p>(10) There may be permitted a facility for the retail sales of groceries, sundries and other similar commodities, provided that this facility shall have hours of operation coincidental with hours of operation of the park;</p> <p>(11) There shall be no sales or display of travel trailers within any portion of the park;</p> <p>(12) There shall be located, within the park, approved sanitary dumping facilities for travel trailers;</p> <p>(13) The Planning Commission may impose any other regulations deemed necessary to protect the safety, health and general welfare of the people of Williams Township and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations here in prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner but, in so doing, complying with other applicable provisions of this Ordinance; and</p> <p>(14) Consider the standards set forth in approval standard 8, above.</p>
10.	<p>The Planning Commission shall insure:</p> <p>(1) The facility will comply with the appropriate State of Michigan licensing requirements;</p> <p>(2) The effect of the facility upon adjoining properties and the surrounding neighborhood will be minimal; and</p> <p>(3) All utilities, including water, sanitary and/or storm sewer and drainage, will be accomplished in such a manner so as to meet state, county and local requirements and protect neighboring properties.</p>
11.	<p>The Planning Commission shall consider:</p> <p>(1) The nature of the operation;</p> <p>(2) The effect of the operation on the surrounding neighborhood.;</p> <p>(3) The environmental effects of the operation;</p> <p>(4) The nature of the surrounding neighborhood;</p> <p>(5) The potential traffic congestion as a result of the operation; and</p> <p>(6) Provision of parking, which may result from the operation.</p> <p>The Planning Commission shall require:</p> <p>(1) Vehicle and equipment storage shall be in conjunction with a principal residence of the owner or operator;</p> <p>(2) The minimum lot area and width shall be five (5) acres and two hundred (200) feet, respectively;</p> <p>(3) All equipment and supplies shall be stored entirely within an enclosed building. There shall be no</p>

Approval Standards	Required Standards
	<p>outside storage;</p> <p>(4) There shall be a front yard of not less than one hundred (100) feet. There shall be two (2) side yards of not less than fifty (50) feet each; and there shall be a rear yard of not less than fifty (50) feet; provided, however, that no vehicle and/or equipment storage shall be permitted closer than one hundred (100) feet to an existing neighboring residential structure;</p> <p>(5) There shall be no advertising or identifying signs;</p> <p>(6) There shall not be in excess of five (5) parking spaces for non-residential vehicles;</p> <p>(7) Vehicles and equipment stored on the property shall be owned or leased by the owner-occupant of the principal residence;</p> <p>(8) The storage building or buildings shall not exceed seven thousand five hundred (7,500) square feet;</p> <p>(9) No commercial operation shall be conducted on the premises; and</p> <p>(10) A site plan shall be submitted to the Planning Commission for review and approval, pursuant to Section 3.21.</p>
12.	<p>The Planning Commission shall require:</p> <p>(1) Each two (2) family dwelling shall have the exterior characteristics of a one (1) family dwelling; and</p> <p>(2) Each two(2) family dwelling shall front on, and have access from, a primary or secondary street as designated in the General Development Plan.</p> <p>The Planning Commission shall consider:</p> <p>(1) The necessity for such use for the surrounding neighborhood;</p> <p>(2) The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings;</p> <p>(3) The size, nature and character of the proposed use;</p> <p>(4) Potential traffic congestion which might be occasioned by the intended use;</p> <p>(5) Parking facilities to be provided for the proposed use; and,</p> <p>(6) The effect of proposed use on adjoining properties and the surrounding neighborhood.</p>
13.	<p>Requirement:</p> <p>(1) Must be owned and operated by a governmental agency or nonprofit organization.</p> <p>The Planning Commission shall consider:</p> <p>(1) The size, nature and character of the proposed use;</p> <p>(2) The proximity of the proposed use to adjoining properties;</p> <p>(3) The parking facilities provided for the proposed use;</p> <p>(4) Any traffic congestion or hazards which will be occasioned by the proposed use; and</p> <p>(5) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the</p>

Approval Standards	Required Standards
	surrounding neighborhood.
14.	<p>Requirement:</p> <p>(1) Must be owned and operated by a governmental agency or a noncommercial organization.</p> <p>The Planning Commission shall consider:</p> <p>(1) The necessity for such use for the surrounding neighborhood;</p> <p>(2) The proximity of the intended use to adjoining properties, specifically including proximity to occupied dwellings;</p> <p>(3) The size, nature and character of the proposed use;</p> <p>(4) Potential traffic congestion which might be occasioned by the intended use;</p> <p>(5) Parking facilities to be provided for the proposed use; and</p> <p>(6) The effect of proposed use on adjoining properties and the surrounding neighborhood.</p>
15.	<p>The Planning Commission shall consider:</p> <p>(1) The size, character and nature of the church building;</p> <p>(2) The proximity of the church to adjoining properties;</p> <p>(3) The off-street parking which is to be provided for the church;</p> <p>(4) The potential traffic congestion and hazards which will be caused by the church use;</p> <p>(5) The degree with which the church harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; and,</p> <p>(6) The effect of the church on adjoining properties and the surrounding neighborhood.</p>
16.	<p>The Planning Commission shall consider:</p> <p>(1) The necessity for such use for the surrounding neighborhood;</p> <p>(2) The proximity of the intended use to adjoining properties, specifically including proximity to occupied dwellings;</p> <p>(3) The size, nature and character of the proposed use;</p> <p>(4) Potential traffic congestion which might be occasioned by the intended use;</p> <p>(5) Parking facilities to be provided for the proposed use;</p> <p>(6) Structures used in connection with the proposed use; and</p> <p>(7) The effect of the proposed use on adjoining properties and the surrounding neighborhood.</p>
17.	<p>The Planning Commission shall consider the following site criteria and insure any stated requirements:</p> <p>(1) The size of the proposed use;</p>

Approval Standards	Required Standards
	<ul style="list-style-type: none"> (2) The location of the proposed use; (3) The character of the surrounding neighborhood; (4) Accessibility by hard-surfaced, non-crowded, non-residential roads; (5) A compost site shall not be located in wetlands or on a flood plain; (6) Compost areas shall be set back at least five hundred (500) feet from residences; (7) All windrow edges shall be set back at least fifty (50) feet from side and rear lot lines; (8) Natural soils at the proposed site shall have a high enough percolation rate to move water away quickly so that standing ponds of water are avoided; (9) Surface paving may be required to move water away quickly to avoid standing water ponds; (10) Areas with a high water table may not be used as a composting site; (11) Operation shall be screened by plantings or a berm seeded with grass; and (12) Provision shall be made to minimize noise and vibration from heavy equipment, dust, odors and adverse visual impact. <p>The Planning Commission may review <u>Yard Waste Composting Guidebook For Michigan Communities</u>, written by Jim McNelly, and made available by the Michigan Department of Natural Resources and make its decision or impose conditions pertaining to a composting facility based upon information contained in the Guidebook.</p>
18.	<ul style="list-style-type: none"> (1) The Planning Commission shall consider: <ul style="list-style-type: none"> (a) The size of the parcel of land on which the proposed use will take place; (b) The precise location of, and area of the proposed use on the parcel of land on which it will take place; (c) The nature of the proposed use; (d) The effect of the proposed use on the adjoining lands; (e) The effect of the proposed use on area roadways; (f) Potential traffic congestion and problems caused by trucks or other vehicles or equipment used in connection with the proposed use; (g) The days of the week and hours of operation of the proposed use; (h) Whether raw materials, supplies, chemicals, flammable liquids, equipment, machinery and/or motor vehicles will be stored on the area of the proposed use; and (i) Whether any buildings and/or other permanent structures will be constructed on the area of the proposed use. 2. The Planning Commission shall require: <ul style="list-style-type: none"> (a) That the proposed use is located on a parcel of land which complies with all area regulations for uses in an AG agricultural district as set forth in Table 6;

Approval Standards	Required Standards
	<ul style="list-style-type: none"> (b) That all such operations will be directed away from residential streets; (c) That the storage of raw materials, supplies, equipment, machinery and/or motor vehicles shall be permitted only if properly screened from adjoining residences, streets and highways by a screening barrier of sufficient height to be effective for screening purposes, and that no such items are stacked or stored so as to exceed the height of the screening barrier. In light of circumstances pertaining to a particular case, the Planning Commission may allow the storage of such items without a screening barrier upon specific finding that such a barrier is not necessary; (d) That steps be taken to control odors and noises and to contain dust and loosely-packed materials to prevent any adverse effect upon adjacent properties; (e) That any outside lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will not cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise; (f) That all roads, driveways, parking lots, other vehicular storage areas, and loading and unloading areas within the proposed use shall be paved, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by windborne dust, if such surface treatment is deemed necessary; (g) That the proposed use complies with all yard regulations for use in AG agricultural District as set forth in Table 6 and with the provisions of Section 3.22D, if applicable; (h) That the proposed use complies with the setback requirements of Section 3.22D, if applicable; (i) That any condition be imposed which is deemed necessary by the Planning Commission for the protection of area roadways; (j) That the specialized farm operation has physical limits on the parcel of land on which it is located; and (k) That the appropriate steps be taken to provide for safe storage of chemicals and/or flammable liquids, if necessary.
19.	<p>The Planning Commission shall insure:</p> <ul style="list-style-type: none"> (1) That the development shall be compatible with existing uses in the surrounding neighborhood; (2) For multiple family dwellings, the minimum distance between any two (2) buildings shall not be less than the peak height of the tallest of them; (3) That there shall be compliance with all R-3 setback, area, width, floor area and height regulations as set forth in Table 5. No structure or any moveable object may be located in the required yard; (4) That the development shall comply with the minimum front yard requirement for uses in the R-3 zoned district; (5) That there shall be a greenbelt planting strip with a width of not less than ten (10) feet along the side and rear property lines in the yard referred to in paragraph (2), above. The planting strip shall consist of deciduous or evergreen trees a minimum of five (5) feet in height at the time of planting measured from the proposed grade and kept in living condition. Other suitable screening means may be used as approved by the Planning Commission; (6) That all lighting provided for use of the proposed development shall be arranged to prevent annoyance or glare to the property owners surrounding the development; (7) That the site of the proposed development shall be accessible by adequate all-weather roads; and

Approval Standards	Required Standards
	<p>(8) That if the development is a mobile home park, there shall be compliance with all applicable State of Michigan Mobile Home Commission rules, including: general rules; dealers; fees; installer and repairer licensing; installer and repairer business practices; mobile home installation; mobile home park safety; mobile home park licensing; mobile home park construction; mobile home park business practices; seasonal mobile home parks.</p> <p>The Planning Commission shall consider:</p> <p>(1) The present and future ability of the Township and County to assure adequate vehicular access including emergency vehicles, public safety and other necessary public services;</p> <p>(2) The effect of the proposed use on the surrounding neighborhood and adjacent properties;</p> <p>(3) The nature of the surrounding area;</p> <p>(4) The proposed location and number of curbcuts; and</p> <p>(5) The type and availability of utilities to serve the development, sanitary sewage disposal, water distribution and storm drainage.</p>
20.	<p>Colocation of Communications Facilities. It is the policy of the Township to minimize the overall number of locations for communications facilities and Communications Support Structures within the community, and to encourage the use of existing structures for Attached Communications Facility purposes, consistent with the statement of purpose and intent, set forth in this approval standard. Each licensed provider of a communications facility 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 communications facilities 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 colocate on Attached Communications Facilities and Communications Support Structures in the interest of achieving the purposes and intent of these regulations. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation 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. The provisions of this approval standard are designed to carry out and encourage conformity with this policy.</p> <p>Feasibility of Colocation. Colocation of communications facilities shall be deemed to be “feasible” for purposes of this Ordinance where all of the following are met:</p> <p>(1) The applicant will pay market rent or other market compensation for colocation;</p> <p>(2) The proposed colocation site is able to provide structural support with reasonable modification;</p> <p>(3) Colocation is technologically reasonable, that is, it will not result in unreasonable interference to or from other nearby equipment with reasonable adjustment; and</p> <p>(4) The authorized height of the proposed colocation structure is not required to be increased.</p> <p>Requirements for Colocation:</p> <p>(1) Approval of a new communications facility shall not be granted unless the applicant demonstrates that feasible colocation is not available; and</p> <p>(2) All new communications facilities shall be designed and constructed so as to accommodate collocation for a minimum of four users.</p> <p>The Planning Commission shall insure:</p> <p>(1) That the setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one (1) time the height of each tower above the ground unless the engineering plans clearly</p>

Approval Standards	Required Standards
	<p>show that the tower is designed to collapse, in which case, the setbacks may be reduced by the Planning Commission based on the engineering design;</p> <p>(2) That unless specifically waived by the Planning Commission, an open-weave wire fence six (6) feet in height shall be constructed around the perimeter of the setback area for each tower;</p> <p>(3) That the applicant shall submit certification from a qualified engineer that the design of the tower is sufficient to assure safety;</p> <p>(4) That the applicant shall provide assurance that the types of signals to be received or transmitted from the tower will not cause interference with common household appliances such as radios and TV sets; and</p> <p>(5) That adequate assurance in the form of a cash deposit, bank letter of credit, or performance bond is given to provide for removal of a communications facility when it is no longer used.</p>
21.	<p>(A) Utilization of former agricultural buildings.</p> <p>(1) The intent of this approval standard is to allow utilization of former agricultural buildings, but not to encourage the construction of such buildings or to prolong their lives.</p> <p>(B) Standards for use of former agricultural buildings:</p> <p>(1) The use of such buildings shall be limited to storage of household items, or recreational equipment typically kept by a householder on residential property;</p> <p>(2) The availability of such buildings must result from their separation from land which is part of a <i>bona fide</i> farm operation;</p> <p>(3) Such building(s) must be at least ten (10) years old;</p> <p>(4) There must be compliance with applicable zoning district minimum lot size, lot width, height and setback requirements for single family homes;</p> <p>(5) There must be compliance with applicable provisions of 1967 P.A. 288, as amended, the Subdivision Control Act of 1967, and Williams Township Ordinance No. 126, the Williams Township Land Division Ordinance;</p> <p>(6) The aggregate square footage of all of such buildings shall not exceed twenty-five (25) percent of the total square footage of the lot they are located on;</p> <p>(7) Such buildings shall blend into their neighborhood harmoniously;</p> <p>(8) Such buildings shall not have an adverse impact on their neighborhood;</p> <p>(9) No variances shall be required to comply with these standards; and</p> <p>(10) No variances shall be granted from these standards.</p> <p>(C) Conditions for use of former agricultural buildings:</p> <p>(1) Any such building may be maintained and repaired as long as repair/maintenance costs do not exceed fifty (50) percent of the True Cash Value of the building as determined by the Williams Township Tax Assessor;</p> <p>(2) If the cost to repair such a building exceeds fifty (50) percent of the True Cash Value of the building as determined by the Williams Township Tax Assessor, the Zoning Administrator may order the building to be removed;</p>

Approval Standards	Required Standards
	<ul style="list-style-type: none"> (3) Any such building shall not be structurally altered or enlarged in any way; (4) (a) The Planning Commission may require security in the form of a cash deposit, bank letter of credit or performance bond to defray demolition costs; or <ul style="list-style-type: none"> (b) The Township may cause such a building to be demolished and its demolition costs shall become a lien on the property which can be collected in any manner allowed by law and, if not paid, may be placed on the Tax Roll and collected the same as other taxes; (5) A notice of any special use permit authorizing the continued use of a former agricultural building shall be recorded at the Bay County Register of Deeds office; (6) No signs shall be permitted; (7) No outside storage shall be allowed; and (8) Such former agricultural buildings may be required to be screened by a greenbelt planting strip with a width which is not less than the applicable side/rear yard setback requirement. The planting strip shall consist of deciduous or evergreen trees a minimum of five (5) feet in height at the time of planting measured from the proposed grade and kept in living condition. Other suitable screening means may be used as approved by the Planning Commission.
22.	<p>The Planning Commission shall insure that:</p> <ul style="list-style-type: none"> (1) The facility is designed as a single family dwelling house; (2) The facility provides services to at least 2, but not more than, 7 patients per month on a yearly average; (3) In-patient care will be provided in compliance with <i>Article 17 of the Michigan Public Health Code, MCL 333.20101, et seq</i> and <i>42 CFR 418.100</i>; (4) Home care will be as described in <i>Article 17 of the Michigan Public Health Code</i>; (5) The facility does not charge or receive fees for goods or services provided; (6) The facility does not receive third party reimbursement for goods or services provided; (7) The effect of the facility upon adjoining properties and the surrounding neighborhood will be minimal; (8) The facility is served with all utilities, including public water, public sanitary sewer and public storm sewer and drainage structures; (9) There is adequate provision for off-street parking; (10) There will be no traffic congestion or hazards; (11) The facility complies with regulations pertaining to signs; (12) The facility harmonizes, blends in with and enhances adjoining properties and the surrounding neighborhood.

Approval Standards	Required Standards
23.	<p>The Planning Commission shall insure:</p> <ol style="list-style-type: none"> (1) The minimum parcel size shall be two acres for one wind turbine for residential production of electric power, 40 acres for a wind farm; provided that, the size of the parcel shall be adequate for the proposed use despite compliance with stated minimum acreage requirements; (2) That the setback for each tower and turbine from adjacent right(s)-of-way and/or property line(s) shall be not less than one (1) time the combined height of the tower plus turbine including propeller unless the engineering plans clearly show that the tower is designed to collapse on itself, in which case, the setback(s) may be reduced by the Planning Commission based on the engineering design; (3) That the applicant shall submit certification from a qualified engineer that the design of the towers and turbines, and their installation is sufficient to assure safety; (4) That the applicant shall provide assurance that the towers and turbines will not cause interference with aviation radar, or with common household appliances such as radios and TV sets; (5) That the towers and turbines will not interfere with aviation paths, or patterns; (6) That the towers and turbines will not become a nuisance due to vibration, noise, or lights; (7) That any proposal to use a single wind turbine, or more than one wind turbine as a power source for a principal residential use of property is treated as an accessory use; (8) That the maximum height of towers and turbines, spacing of such structures, setbacks for such structures from other structures on the subject property and precise location of such structures on the subject property are determined on a case-by-case basis to minimize any adverse impact upon any other property in the vicinity; (9) That a plan is approved for the removal of wind turbine(s) if the use is terminated, or abandoned; and, (10) That there is compliance with the requirements of Section 3.18 of this ordinance.

CHAPTER VI

COMMERCIAL, OFFICE AND INDUSTRIAL ZONED DISTRICTS

SECTION 6.01. C-1 NEIGHBORHOOD BUSINESS DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the Township for neighborhood convenience shopping, including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood. Regulations for this zoned district are set forth in Table 8-10.

SECTION 6.02. C-2 GENERAL BUSINESS DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the Township for the retailing and wholesaling of goods, warehousing facilities, trucking facilities, and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts. Regulations for this zoned district are set forth in Tables 8-10.

SECTION 6.03. C-3 INTERCHANGE BUSINESS DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the Township along the limited access highways for uses that serve the needs of the motoring public. Regulations for this zoned district are set forth in Tables 8-10.

SECTION 6.04. OF OFFICE DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the Township for offices, both general and specialized, and other complimentary uses. Regulations for this zoned district are set forth in Tables 8-10.

SECTION 6.04.01 LI LIGHT INDUSTRIAL DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of the LI Light Industrial District to provide for the development of a variety of industrial and ancillary uses that are characterized by low density land coverage; the absence of objectionable external impacts; and top quality, attractive industrial architecture. The regulations contained in this Chapter will facilitate the continued development of new, high-quality industrial facilities in a well planned environment so as to protect the public health, safety, and general welfare; promote economic stability and growth; prevent encroachment of uses that are incompatible with the industrial character of the district; encourage variety in the design and type of structures constructed; and provide for efficient traffic movement. Regulations for this zoned district are set forth in Tables 8-10.

SECTION 6.05. IND INDUSTRIAL DISTRICT. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the Township for the compounding, assembling, or treatment of articles or materials. This district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses. Regulations for this zoned district are set forth in Tables. 8 through 10.

TABLE 8

**COMMERCIAL, OFFICE, LIGHT INDUSTRIAL⁽¹⁾ & INDUSTRIAL DISTRICT
PERMITTED & SPECIAL USES⁽²⁾**

Use Type-See Note At End Of Table	C-1	C-2	C-3	OF	LI	IND	Approval Standards ⁽¹⁾⁽³⁾
Permitted Uses							
Those nonresidential uses permitted in the R Zoning Districts subject to R Zoning District restrictions & requirements.	X	X					1,3, 5
Ambulance service		X	X				3, 6, 7, 9
Amusement enterprises		X					3, 5, 6
Antique shop	X	X					1, 3, 5
Auction house		X					3, 5, 6, 7, 9
Audio/Video store	X	X					1, 3, 5
Automobile and other vehicle sales		X	X				3, 6, 9
Automobile supplies	X	X					1, 3, 5
Automobile repair shop or garage, including major repair operations		X				X	3, 6, 7, 9
Bakery goods store	X	X	X				1, 3, 5
Banks, loan and/or finance offices, including drive-in branches	X	X		X	X		1, 3, 5, 12
Barber or beauty shop	X	X					1, 3, 5
Book, stationery or gift store	X	X					1, 3, 5
Bottling plants and dairies					X	X	3, 6, 7, 9, 12
Bowling alley, including restaurant		X					3, 6, 7, 9
Broadcasting studios		X			X		1, 3, 5, 12
Bus station		X					3, 6, 9
Business or trade school		X		X	X		1, 3, 5, 12
Candy store, soda fountain and/or ice cream store	X	X	X				1, 3, 5
Campgrounds and travel trailer parks subject to approval standard 9 in Table 7		X	X				3, 6
Car Rentals		X	X				3, 6, 9
Car Wash		X	X		X	X	3, 6, 7, 9, 12
Catering service, delicatessen and confectionery store	X	X					1, 3, 5

Use Type-See Note At End Of Table	C-1	C-2	C-3	OF	LI	IND	Approval Standards ⁽¹⁾⁽³⁾
Child care centers	X	X		X			1 ^(c) , 3, 5, 6
Clinics - dental and medical, including laboratory	X	X	X	X	X		1, 3, 5, 12
Clothing and dry goods store	X	X					1, 3, 5
Communications transmitters, receivers, relay stations and towers					X	X	10
Contractor yards provided all operations and storage are completely enclosed in a building		X			X		3, 5, 6, 12
Contractor yards subject to Industrial District storage and screening standards						X	3, 6, 7, 9
Corporate offices		X	X	X	X	X	3, 6, 7, 9, 12
Crating and packing service		X				X	3, 6, 7, 9
Cut stone and stone products						X	3, 7, 9
Data Processing center				X	X		1, 3, 5, 12
Delicatessen store	X	X	X				1, 3, 5
Diaper, linen and towel supply service		X			X		1, 3, 5, 12
Dress shop	X	X					1, 3, 5
Drug store	X	X					1, 3, 5
Dry cleaning and laundry					X	X	3, 6, 7, 9, 12
Dry cleaning and laundry - custom and self-service	X	X					1, 3, 5
Dwelling units	X	X					2, 5, 6
Electrical supplies - wholesale and storage		X			X	X	3, 6, 7, 9, 12
Emergency medical services			X		X		1, 3, 5, 9, 12
Exterminator service		X			X	X	3, 6, 7, 9, 12
Factory and mill supplies		X			X	X	3, 6, 7, 9, 12
Firearms		X			X	X	3, 6, 7, 9, 12
Florist and gift shop without nursery	X	X					1, 3, 5
Florist and gift shop including nursery		X					1, 3, 5
Frozen food locker		X			X		1, 3, 5, 12

Use Type-See Note At End Of Table	C-1	C-2	C-3	OF	LI	IND	Approval Standards ⁽¹⁾⁽³⁾
Funeral home		X					1, 3, 5
Governmental public service buildings or public utility buildings		X			X	X	3, 6, 7, 9, 12
Grocery store and meat market	X	X					1, 3, 5
Hardware store	X	X					1, 3, 5
Hotels and motels		X	X				3, 6, 9
Household appliance store	X	X					1, 3, 5
Industrial research facilities					X	X	3, 6, 7, 9, 12
Jewelry store	X	X					1, 3, 5
Juke box and vending machine service and distribution		X			X	X	3, 6, 7, 9, 12
Laboratory - medical and dental		X			X		1, 3, 5, 12
Lawn care		X				X	3, 6, 7, 9
Liquor store, including beer and wine sales	X	X					1, 3, 5
Locksmiths	X	X					1, 3, 5
Lodge hall, private clubs and veterans' clubs		X					1, 3, 5
Machine shop and welding shop					X	X	3, 6, 7, 9, 12
Malt beverage, liquor and wine distribution		X				X	3, 6, 7
Mini-warehousing and self-storage facilities		X			X		1, 3, 5, 12
Mobile home and travel trailer sales and service		X	X				3, 6, 9
Moving and storage operations		X				X	3, 6, 7, 9
Nurseries and landscaping		X				X	3, 6, 7, 9
Nursery school and day nurseries	X	X					1 ^(c) , 3, 5
Offices	X	X	X	X	X	X	1, 3, 5, 12
Office machines, sales and service	X	X		X	X		1, 3, 5, 12
Office supply store	X	X					1, 3, 5
Ornamental iron work and fence service		X			X	X	3, 6, 7, 9, 12
Paint and wallpaper stores	X	X					1, 3, 5

Use Type-See Note At End Of Table	C-1	C-2	C-3	OF	LI	IND	Approval Standards ⁽¹⁾⁽³⁾
Parcel delivery station		X	X		X	X	3, 6, 7, 9, 12
Parking lots			X				3, 6, 9
Petroleum storage located at least 500 feet from any residentially zoned property						X	3, 6, 7, 9
Pet shop, not including treatment or boarding of animals	X	X					1, 3, 5
Photographic studio and dance studio	X	X					1, 3, 5
Plumbing and heating shop, provided all operations and storage are enclosed within a building		X			X		1, 3, 5, 12
Printing and publishing, including related processes		X		X	X	X	3, 6, 7, 9, 12
Public Pools	X	X	X				1 ^(c) , 3, 5
Radio and TV towers, antennas and masts					X	X	10
Radio and television repair	X	X					1, 3, 5
Regional warehousing or distribution centers					X		12
Resale shops	X	X					1, 3, 5
Research and development centers					X	X	3, 6, 7, 9, 12
Restaurants, including drive-in service	X	X	X		X		1, 3, 9, 12
Retail sales where incidental to the principal use and area devoted to retail sales does not exceed 15 percent of the total floor area				X	X		1(a)(c), 3, 5, 12
Sanitary landfills where approved in accordance with the Township's Sanitary Landfill Ordinance						X	
Service stations		X	X		X	X	3, 6, 7, 9, 12
Shoe repair shop	X	X					1, 3, 5
Signs as regulated in Chapter 10	X	X	X	X	X	X	
Special tools and gauges - checking and service		X			X	X	3, 6, 7, 9, 12
Sporting equipment	X	X					1, 3, 5

Use Type-See Note At End Of Table	C-1	C-2	C-3	OF	LI	IND	Approval Standards ⁽¹⁾⁽³⁾
Tailor and/or dress maker	X	X					1, 3, 5
Taxidermist	X	X			X	X	1, 3, 5, 12
Sign painting and servicing shops provided all operations and storage are enclosed within a building		X			X	X	3, 6, 7, 9, 12
Special tools and gauges - checking and service		X			X	X	3, 6, 7, 9, 12
Sporting equipment	X	X					1, 3, 5
Tailor and/or dress maker	X	X					1, 3, 5
Taxidermist	X	X			X	X	1, 3, 5, 12
Theater	X	X	X				1, 3, 5
Tourist accommodations			X				1, 3, 6, 9
Transportation, maintenance and servicing facilities						X	3, 6, 7, 9
Travel agency	X	X		X			1, 3, 5
Truck/Trailer rentals		X				X	3, 6, 9
Variety store, including notions and “five & ten” stores	X	X					1, 3, 5
Warehousing and storage when completely enclosed within a building		X	X		X	X	1, 3, 9, 12
Warehousing and storage yards						X	3, 6, 7, 9
Wholesale sales		X			X	X	3, 6, 7, 9, 12
The manufacturing, compounding, processing, fabricating, packaging, treating, or assembling of the following materials: food products, limited to baked goods, confectionary and beverages; drugs and pharmaceutical products; cosmetics and toiletries; toys; jewelry; novelties; athletic goods; furniture; fixtures; office equipment; signs and displays; engineering, optical, medical, photographic and similar instruments; electrical instruments and supplies; apparel and other finished products made from fabrics, leather, canvas, fur, or similar materials; printed, published, or bound materials; plastic injection moldings; and, glass products. Any structure used for any of these uses shall be located a minimum distance of 200 feet from any AG, RE, or R-zoned district, or from any lawfully existing residential use.					X		3, 6, 7, 9, 12

Use Type-See Note At End Of Table	C-1	C-2	C-3	OF	LI	IND	Approval Standards ⁽¹⁾⁽³⁾
The manufacture, compounding, processing, packing or treatment of such products as, but not limited to, candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries & food products, except rendering or refining of fats and oils						X	3, 6, 7, 9
The manufacture, compounding, assembly, cleaning or treatment of articles from, but not limited to, the following materials: aluminum, bone, brine, cellophane, canvas, chemicals, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastic, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood and yarn						X	3, 6, 7, 9
The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay					X	X	3, 6, 7, 9, 12
Special Uses ⁽²⁾-See Note At End Of Table	C-1	C-2	C-3	OF	LI⁽¹⁾	IND	Approval Standards ⁽³⁾
Asphalt Plants, Concrete Plants, Asphalt Recycling Plants and Concrete Recycling Plants						X	3, 14
Bars, taverns and lounges with or without dancing and entertainment	X	X	X		X	X	1, 3, 9, 12
Contractor's equipment storage yard					X		12
Indoor recreation centers and health or fitness centers, including indoor tennis or swim clubs, indoor hockey or skating rinks, and similar recreation facilities within a completely enclosed building		X			X		3, 5, 6, 12
Mini-warehousing or mini-storage establishments	X						1, 3, 9
Other similar retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood	X						1, 3, 5
Other retail business or service establishments of the same general character as other C-2 uses		X					3, 5, 6
Other uses which are of the same general character as other C-3 uses			X				3, 6, 9
Outside storage establishments		X	X				3, 6, 9
Other uses which are of the same general character as other OF uses				X			3, 6, 9
Other similar industrial uses of the same general character as other IND uses						X	3, 6, 7, 8, 9
Other uses which are of the same general character as LI uses					X		12

Special Uses ⁽²⁾ -See Note At End Of Table	C-1	C-2	C-3	OF	LI ⁽¹⁾	IND	Approval Standards ⁽³⁾
Outdoor storage area where accessory use to principal use		X			X		3, 6, 7, 9
Private or public heliports				X	X	X	3, 5, 12, 13
Communications transmitters, receivers, relay stations and towers		X	X				10
Service stations, including minor auto repairs	X						1, 3, 4, 5
Salvage yards						X	11
The manufacturing, compounding, processing, fabricating, packaging, treating, or assembling of the following materials: chemicals and chemical products such as plastics, synthetic fibers and cosmetics; fabricated metal products; tool and die shop and screw machine products					X		12

Notes:

- (1) The principal approval standard for LI Light Industrial District uses is Approval Standard 12. Where some other approval standard for a LI Light Industrial use is in conflict with Approval Standard 12 or covers the same subject matter, Approval Standard 12 shall take precedence and govern. Approval Standard 12 only applies to LI Light Industrial District uses. It does not apply to uses in other zoning districts.
- (2) All Special Uses are subject to the specific regulations and standards stated for each, and those provisions relating generally to the review and approval of Special Uses set forth in Section 3.30.
- (3) Approval standards are set forth in Table 10.

TABLE 9

**SETBACK, AREA, WIDTH AND HEIGHT REGULATIONS
IN COMMERCIAL, OFFICE, LIGHT INDUSTRIAL AND INDUSTRIAL ZONED DISTRICTS**

Zone District	Front Yard ⁽¹⁾ (Feet)	Side Yard ⁽¹⁾ (Feet)		Rear Yard ⁽¹⁾ (Feet)	Lot Area ⁽¹⁾ (Sq. Ft.)	Lot Width ⁽¹⁾ (Feet)	Height ⁽²⁾ (Feet)
		Each	Total				
C-1	50 ⁽³⁾	(4) See below	(4)	10 ⁽⁵⁾	15,000	100	40
C-2	50 ⁽³⁾	(4) See below	(4)	10 ⁽⁵⁾	10,000	100	40
C-3	50	20	40	10 ⁽⁵⁾	40,000	200	40 ⁽⁶⁾
OF	40	20	40	10	15,000	100	40 ⁽⁶⁾
LI	(7) See Below	25 ⁽⁸⁾	50 ⁽⁸⁾	35 ⁽⁹⁾	two acres	200	45 ⁽⁶⁾
IND	50	50	100	50	40,000	200	45

- (1) Stated footages are minimums.
- (2) Stated footages are maximums.
- (3) Where a setback has been established on fifty (50) percent of the lands on the same side of a street between two (2) intersecting streets, then such established setback shall determine the required front yard.
- (4) (a) Where the side of a lot abuts a side lot in any AG, RE or R zoned district, each side yard shall not be less than twenty five (25) feet.
 (b) There shall be a side yard of not less than forty (40) feet on the street side of a corner lot.
 (c) No side yard shall be required when directly abutting other commercial uses or land included in a C, OF, IND or PUD Zoning District.
- (5) Where the rear of a lot abuts upon the side yard of a lot in any AG, RE or R zoned district, there shall be a rear yard of not less than twenty five (25) feet.
- (6) Stated footage is a maximum unless some other ordinance provision specifically pertains to the involved structure.
- (7) (a) Where the front of a parcel abuts a state highway or county primary road, there shall be a minimum front yard of one hundred (100) feet. Parking is permitted within the setback area provided that a forty (40) feet-wide landscaped area is maintained adjacent to the street right-of-way line.

- (b) Where the front of a parcel abuts a roadway other than a state highway or county primary road, there shall be a minimum front yard of eight (80) feet. Parking is permitted within the setback area provided that a twenty five (25) feet-wide landscaped area is maintained adjacent to the street right-of-way line.
- (8) For LI-zoned corner lots and double-frontage lots, a setback equal to the required minimum front yard is required on each street side. Where a LI-zoned parcel abuts any AG, RE or R-zoned lot, or any lawfully existing residential use on the side, a minimum fifty (50) feet side yard is required.
- (9) Where the rear of a LI-zoned parcel abuts an AG, RE, or R-zoned parcel, or any lawfully residential use, a minimum fifty (50) feet rear yard is required.

TABLE 10

**APPROVAL STANDARDS FOR PERMITTED AND ALLOWED USES WITHIN
COMMERCIAL, OFFICE, LIGHT INDUSTRIAL AND INDUSTRIAL ZONED
DISTRICTS**

Approval Standards	Required Standards
1.	<ul style="list-style-type: none"> (a) With the exception of automobile parking and off-street parking, all business, service or processing shall be conducted wholly within a completely enclosed building. (b) If goods are produced on the premises for sale at retail, more than fifty (50) percent of the quantity of such goods sold at retail shall be sold on the premises where produced. (c) All private sewage disposal systems not connected to a public sewer must be approved by the Bay County Health Department and the Township Engineer.
2.	<ul style="list-style-type: none"> (a) Must be located on second floor, or higher, above principal commercial use. (b) Dwelling units shall have a minimum floor area as required in the R-3 Zone.
3.	<p>The Planning Commission shall consider:</p> <ul style="list-style-type: none"> (a) the size, nature and character of the proposed use; (b) the proximity of the proposed use to adjoining properties; (c) the parking facilities provided for the proposed use; (d) any traffic congestion or hazard which will be created by the proposed use; (e) how well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood; (f) the need or necessity for the proposed use to service the needs of the surrounding neighborhood; and (g) the effect of the proposed use on adjoining properties and the surrounding neighborhood.
4.	<p>The Planning Commission shall require:</p> <ul style="list-style-type: none"> (a) all repair work must be conducted wholly within a completely enclosed building. <p>The Planning Commission shall consider:</p> <ul style="list-style-type: none"> (a) the size, nature and character of the gas station; (b) the proposed location of the gas station; (c) the location of entrance drives and access to the gas station with respect to potential traffic congestion or hazards; (d) how well the gas station harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood; (e) the need and necessity for the products and services of the gas station at the proposed location; and

Approval Standards	Required Standards
	(f) the effect of the gas station on adjoining properties and the surrounding neighborhood.
5.	Screening - Side yards and rear yards adjoining any lot in an AG, RE or R Zoning District shall be screened (1) by a compact hedge of deciduous or evergreen trees a minimum of five (5) feet in height at the time of planting measured from the proposed grade and kept in living condition, or other suitable screening means as approved by the Planning Commission.
6.	All private sewage disposal systems not connected to a public sewer shall be approved by the Bay County Health Department.
7.	Uses shall be conducted within a completely enclosed building except that storage is permitted within an area enclosed on all sides by a solid noncombustible fence or wall at least six (6) feet in height; provided that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect nearby properties.
8.	<p>Make written findings certifying that satisfactory provision and arrangement has been made concerning the following where applicable:</p> <ul style="list-style-type: none"> (a) Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; (b) Off-street parking and loading areas where required, with particular attention to the items in subparagraph (a) above and the economic, noise, glare, dust, or odor effects of the use on adjoining properties and the surrounding neighborhood; (c) Refuse and service areas, with particular reference to the items in subparagraphs (a) and (b) above; (d) Utilities with reference to locations, availability, and compatibility; (e) Screening and buffering with reference to type, dimensions and character; (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties; (g) Required yards and other open spaces; and (h) General compatibility with adjacent properties and the surrounding neighborhood.
9.	<ul style="list-style-type: none"> (a) Where a side or rear yard abuts a residentially zoned parcel, the required side or rear yard shall be screened by a ten (10) foot strip consisting of a compact hedge of deciduous or evergreen trees a minimum of five (5) feet in height at the time of planting measured from the proposed grade and kept in living condition, or other suitable screening means as approved by the Planning Commission. (b) Parking is permitted in required side yards; however, no portion of a parking space or parking area shall be closer than twenty (20) feet to a side lot line.

10.

Colocation of Communications Facilities. It is the policy of the Township to minimize the overall number of locations for communications facilities and Communications Support Structures within the community, and to encourage the use of existing structures for Attached Communications Facility purposes, consistent with the statement of purpose and intent, set forth in this approval standard. Each licensed provider of a communications facility 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 communications facilities 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 colocate on Attached Communications Facilities and Communications Support Structures in the interest of achieving the purposes and intent of these regulations. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation 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. The provisions of this approval standard are designed to carry out and encourage conformity with this policy.

Feasibility of Colocation. Colocation of communications facilities shall be deemed to be “feasible” for purposes of this Ordinance where all of the following are met:

- (1) The applicant will pay market rent or other market compensation for colocation;
- (2) The proposed colocation site is able to provide structural support with reasonable modification;
- (3) Colocation is technologically reasonable, that is, it will not result in unreasonable interference to or from other nearby equipment with reasonable adjustment; and
- (4) The authorized height of the proposed colocation structure is not required to be increased.

Requirements for Colocation:

- (1) Approval of a new communications facility shall not be granted unless the applicant demonstrates that a feasible colocation is not available; and
- (2) All new communications facilities shall be designed and constructed so as to accommodate colocation for a minimum of four users.

The Planning Commission shall insure:

- (1) That the setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one (1) time the height of each tower above the ground unless the engineering plans clearly show that the tower is designed to collapse, in which case, the setbacks may be reduced by the Planning Commission based on the engineering design;
- (2) That unless specifically waived by the Planning Commission, an open-weave wire fence six (6) feet in height shall be constructed around the perimeter of the setback area for each tower;
- (3) That the applicant shall submit certification from a qualified engineer that the design of the tower is sufficient to assure safety;
- (4) That the applicant shall provide assurance that the types of signals to be received or transmitted from the tower will not cause interference with common household appliances such as radios and TV sets; and
- (5) That adequate assurance in the form of a cash deposit, bank letter of credit, or performance bond is given to provide for removal of a communications facility when it is no longer used.

<p>11.</p>	<ul style="list-style-type: none"> (a) Minimum lot size shall be ten (10) acres. (b) All structures, fencing and/or the area upon which junk, waste, or discarded or salvaged materials are stored shall be set back a minimum of fifty (50) feet from all lot lines. The storage area shall be screened from the roadway and from all adjoining premises on all sides by an obscuring fence not less than six (6) feet or more than twelve (12) feet in height. The fence shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. Any stored items may not be stacked higher than the perimeter screen fence. (c) All roads, driveways, parking lots, and loading and unloading areas within any salvage yard shall be paved, oiled, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust. (d) The Planning Commission may require a performance bond, deposit of funds, letter of credit, or, similar security in an amount sufficient to pay the costs of site clean-up, if necessary, in the event that the salvage yard operation is terminated for any reason.
<p>12.</p>	<p>Required conditions for LI Light Industrial District uses, only:</p> <ul style="list-style-type: none"> (a) Where a side or rear yard abuts any lot in an AG, RE, or R-zoned district, or any lawfully existing residential use, the required side or rear yard shall be screened by a ten (10) feet strip consisting of a compact hedge of deciduous or evergreen trees a minimum of five (5) feet in height at the time of planting measured from the proposed grade and kept in living condition, or other suitable screening means as approved by the Planning Commission. (b) All operations shall be conducted completely within the confines of a building. (c) Heating, ventilation or air conditioning (HVAC) units, blowers, dryers or similar electrical or mechanical appurtenances shall be effectively screened and shall not be located within any front yard. All roof-mounted heating, ventilation, or air conditioning units and similar electrical or mechanical appurtenances shall be screened from view from street level. (d) All exterior lighting shall be arranged to deflect any light away from other properties and shall be the direct cutoff type. (e) Off-street parking and loading (shipping and receiving) facilities are required in accordance with the applicable provisions of Chapter IX. No loading facilities shall be located in the front wall of the principal building. Loading areas may be located in a side or rear yard provided that they are not visible from any street. (f) Storm Water Detention and Retention Facilities – Any required storm water detention or retention facilities may be located within a required rear yard provided that they shall not be located within any required greenbelt or landscaped area. (g) Public Utilities – All uses located within a LI, Light Industrial District shall be served by a public sanitary sewerage system and a public water distribution system. (h) All uses shall be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect nearby residential properties. (i) Access Standards and Requirements: <ul style="list-style-type: none"> (A) General Requirements <ul style="list-style-type: none"> (1) Each parcel may be permitted to have one (1) driveway provided the spacing requirements of this section can be achieved. Additional driveways may be permitted by the Planning Commission for any

site, provided that the spacing and alignment criteria listed below are met, and a traffic impact study is submitted which justifies an additional driveway.

- (2) The Planning Commission may permit two (2) one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function for the drives can be demonstrated.
- (3) The applicant shall submit evidence indicating that the sight distance requirements of the Bay County Road Commission are met.
- (4) Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
- (5) For a driveway accessing a county primary road or state highway, there must be enough on-site storage to accommodate at least five (5) queued vehicles waiting to park or exit in order to minimize the possibility of waiting vehicles creating a conflict with street traffic movement.
- (6) Provisions for circulation between adjacent parcels should be provided through coordinated and/or joint parking systems, or other methods, determined at the time of the site plan review.
- (7) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- (8) Driveway placement shall be such that loading and unloading activities will not hinder vehicle ingress or egress.

(B) Driveway Spacing Standards:

- (1) Minimum spacing between two (2) driveways along a county primary road or state highway shall be two hundred thirty (230) feet measured from centerline to centerline.
- (2) Minimum spacing requirements between a proposed driveway and a side street intersection either adjacent or on the opposite side of the street shall be at least two hundred thirty (230) feet. Such distance may be reduced to one hundred twenty five (125) feet where a channelized driveway restricting left turns from the site is proposed. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.
- (3) To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of two hundred thirty (230) feet along a county primary road or state highway measured centerline to centerline. Greater offsets may be required depending on the expected inbound left-turn volumes of the driveways.
- (4) For sites with insufficient street frontage to maintain the above spacing requirements, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road. If these design options cannot be achieved, the Planning Commission may modify the driveway spacing standards so as to allow reasonable access provided

	<p style="text-align: center;">such driveway does not create an unsafe traffic condition.</p> <p>(C) Shared Driveways, Frontage Roads and Service Drives:</p> <ol style="list-style-type: none"> (1) A shared driveway should be located so the midpoint of the driveway is on the property line. Owners of the properties shall execute and record a document to provide for joint use and maintenance. (2) Services roads, if required by the Planning Commission, shall generally be parallel or perpendicular to the front property line and may be located either along the side or behind principal buildings. Where site constraints prohibit the development of a rear service drive, the Planning Commission may permit a front service drive. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site. (3) The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be a minimum of thirty (30) feet wide. (4) The service road easement shall be setback a minimum of twenty five (25) feet from the required right-of-way to allow for snow storage and landscaping. (5) The service road is intended to be used exclusively for circulation, not as a parking or maneuvering aisle. The Planning Commission may require the posting of “no parking” signs along the service road. (6) The Planning Commission may approve temporary driveways where a continuous service road or shared driveway is not yet available. A performance bond or escrow shall be set up to ensure elimination of temporary access when the service road or shared driveway is provided. At such time as the permanent service road or shared driveway is completed, the site shall connect to the service road or shared driveway and the temporary drive shall be closed. (7) Each property owner shall be responsible for maintenance of the easement and service drive.
<p style="text-align: center;">13.</p>	<p>Private or public heliports:</p> <ol style="list-style-type: none"> (a) The proposed heliport shall be constructed, operated and maintained in accordance with the published rules and regulations of the Federal Aviation Administration. Michigan Aeronautic Commission and the National Fire Protection Association governing the use of heliports. (b) The application shall include a copy of an approved Michigan Aeronautics Commission application for licensing. (c) The application shall include an aerial photograph at a scale of one inch equals four hundred (400) feet, or less, indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one-half mile of the proposed heliport site. (d) A description of the purpose for which the heliport is being established and a schedule of proposed activities including: <ol style="list-style-type: none"> (1) Number of monthly operations; (2) Hours of operation; and

	<p>(3) All support activities such as storage, maintenance and refueling.</p> <p>(e) An environmental assessment showing the expected noise levels and possible odors, fumes and dust that may be caused by the operations of the heliport. It shall also include a statement of adverse impacts on other properties in the area and the steps that will be taken to minimize those impacts.</p>
<p>14.</p>	<p>The Planning Commission shall insure:</p> <p>(1) That the size of the parcel for the proposed use is adequate to assure safe and effective movement of vehicles on the proposed site, and compliance with Ind setback requirements;</p> <p>(2) That all operations are conducted in such manner that no noise, smoke, dust, vibration, smells, or any other like nuisance shall exist to adversely impact nearby properties;</p> <p>(3) That crushing activities are regulated by reasonable days/hours of operation regulations;</p> <p>(4) That crushing activities are regulated by other reasonable regulations as are appropriate under the circumstances;</p> <p>(5) That provision is made to minimize the noise from generators and other potentially noisy machinery, including, but not limited to, muffling, reasonable days/hours of operation regulations, on-site placement and location of noise-generating equipment, berms, walls, landscape buffers, etc.;</p> <p>(6) That the type and source of materials to be crushed, or stored on site are subject to appropriate, reasonable regulations;</p> <p>(7) That provision is made to contain stockpiled materials so that they do not encroach on any required yard setback areas;</p> <p>(8) That reasonable height limits are imposed for stockpiled materials;</p> <p>(9) That provision is made to prevent interference with any neighboring land owner's drainage;</p> <p>(10) That provision is made to prevent water from the proposed site draining on to neighboring land;</p> <p>(11) That evidence is submitted of any necessary Federal, State of Michigan, Bay County Road Commission and Bay County Drain Commissioner approvals, or permits;</p> <p>(12) That provision is made to prevent stones, gravel, or any other materials from the proposed site being dragged out, or flung out on to adjacent roadways;</p> <p>(13) That a reasonable special use permit expiration date is set for any temporary use; and,</p> <p>(14) That these regulations control over any other conflicting regulations in this ordinance.</p>

CHAPTER VII

PUD PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 7.01. DESCRIPTION AND PURPOSE. The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain large developments, these requirements would result in situations less in the interest of public health, safety, and welfare than if a controlled degree of flexibility were allowed. The PUD Planned Unit Development District is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Williams Township Zoning Ordinance and for other special uses not so provided as long as the proposed development is consistent with the current Township General Development Plan.

It is intended that this District shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to this District. Areas may be zoned under this District when problems of size, shape, terrain, topography, adjacent uses, or natural resources may require special regulations.

Zoning under this chapter of any area of Williams Township and all proceedings in regard thereto shall be done with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare.

SECTION 7.02. USE REGULATIONS. Land in the PUD District may be developed for any use permitted or allowed by special use permit in this ordinance.

Billboards are not permitted.

SECTION 7.03. PROCEDURES. Any RE, R-1, R-2, R-3, C-1, C-2, C-3, OF, LI, or IND Zoning District in Williams Township may be re-zoned a PUD Planned Unit Development District provided the procedures and requirements set forth in the following sections are met.

SECTION 7.04. PRELIMINARY DEVELOPMENT PLAN - SUBMISSION AND CONTENT. Applicants shall submit to the Secretary of the Planning Commission twelve (12) copies of a preliminary development plan for distribution to Planning Commissioners, to the Planning Commission file and to any Planning Commission consultants. Said plan shall set forth, in general terms, the proposed uses to be developed in the PUD District, and the following information:

- A. Legal description of property;
- B. Small scale sketch of properties, streets, and uses within one quarter mile of the area;
- C. A map to scale showing any existing or proposed arrangement of:

1. streets;
 2. lots and buildings;
 3. access points;
 4. other transportation arrangements; and
 5. buffer strips; and
- D. A narrative describing:
1. the overall objectives of PUD;
 2. method of financing;
 3. number of acres allocated to each proposed use;
 4. gross and net densities;
 5. proposed method of providing sewer and water service as well as other public and private utilities; and
 6. proposed method of providing storm drainage

In addition to the above required information, said applicant shall submit a fee to cover the normal expenses of the Planning Commission and Township Board as set from time to time by resolution of the Township Board.

SECTION 7.05. PLANNING COMMISSION REVIEW OF PRELIMINARY DEVELOPMENT PLAN. The Planning Commission shall review the preliminary development plan and make recommendations to the applicant based on all the requirements of this Ordinance and specifically the following considerations where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire, catastrophe, or emergency;
- B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph (1) above and the economic, noise, glare, or odor effects of each use in the PUD on adjoining properties and properties in the proposed PUD;
- C. Refuse and service areas with particular reference to the items in subparagraph (1) and (2) above;
- D. Utilities with reference to locations, availability, and character;
- E. Screening and buffering with reference to type, dimensions, and character;
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties in the proposed PUD;
- G. Required yards and other open space;
- H. General compatibility with adjacent properties and other property in the proposed PUD; and
- I. The general purposes and spirit of this Ordinance and the General Development Plan.

SECTION 7.06. TRANSMITTAL OF PLANNING COMMISSION RECOMMENDATION. The Planning Commission shall transmit its recommendation to proceed or not to proceed with the provisions as herein provided, along with any recommended changes or modifications in the preliminary development plan to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. During this time period, the Planning Commission may call an advisory public hearing for the purpose of receiving comments relative to the preliminary development plan giving such notice thereof as it shall deem appropriate.

SECTION 7.07. FINAL DEVELOPMENT PLAN SUBMISSION AND APPLICATION FOR REZONING. After receiving the recommendations of the Planning Commission on the preliminary development plan, an applicant proceeding under this PUD Planned Unit Development District shall submit twelve (12) copies of a final development plan to the Secretary of the Planning Commission for distribution to Planning Commissioners, to the Planning Commission file, to the Township Board, for attachments to any ordinance amending the zoning ordinance and to any Planning Commission consultants.

SECTION 7.08. FINAL DEVELOPMENT PLAN CONTENT. The final development plan shall include such of the following information as the Planning Commission finds reasonably necessary:

- A. A plot plan based on an accurate certified property survey showing:
 - 1. location, size and type of present buildings to be retained or removed;
 - 2. location of proposed buildings or improvements;
 - 3. location of existing and proposed streets, drives, loading areas, and parking lots;
 - 4. location of water, sewer, and other utility lines;
 - 5. storm drainage;
 - 6. topographical features, including contour intervals no greater than five (5) feet;
 - 7. ditches and watercourses;
 - 8. ground cover and other pertinent physical features of site such as trees;
 - 9. proposed landscaping;
 - 10. location of existing improvement; and
 - 11. location of lot lines;
- B. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings. Height and area of buildings and structures shall be described;
- C. The period of time within which the project will be completed;
- D. Proposed staging of the project, if any;
- E. Gross area in building and parking ratios;
- F. Gross and net densities;
- G. Delineation of the normal high water mark or the one hundred (100) year floodplain and any proposed uses therein;

- H. A description of all aspects of such plan which might have an adverse effect of public health, safety and welfare, or upon values of nearby properties, streams, or rivers;
- I. Current proof of ownership of land to be utilized or evidence of a contractual ability to acquire this land, such as an option or purchase contract;
- J. Method of financing; and
- K. Additional information which the Planning Commission may find reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general.

SECTION 7.09. PUBLIC HEARING. The Planning Commission shall hold a public hearing in accordance with the provisions of this ordinance set forth in Chapter XIV pertaining to amendments to this ordinance and applicable provisions of 2006 P.A. 110, as amended, pertaining to planned unit developments for the purpose of receiving comments relative to the final development plan and the proposed rezoning.

SECTION 7.10. PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN. The Planning Commission shall consider the final development plan based on all the requirements of this Ordinance and specifically the considerations listed in Sections 7.05 and 7.08 and shall, when appropriate, recommend that specific changes be made to conform with the spirit, purpose, intent and provisions of this Ordinance and the intent and purpose of the General Development Plan.

If the Planning Commission shall determine that the proposed use of the land as shown on the final development plan might have an enervating, debilitating or offensive effect on adjacent properties, whether industrial, commercial, residential or other, through the effects of noise, smoke, odor, dust and dirt, noxious gases, glare and heat, vibrations, fire or explosion hazards, liquid or solid industrial wastes, traffic, or adverse aesthetic effects, the Commission may require the owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the devices which shall be utilized to control the factors determined to be offensive. Upon acceptance by the Planning Commission of such control devices, they shall be incorporated as a part of the final development plan.

SECTION 7.11. PLANNING COMMISSION APPROVAL OF THE FINAL DEVELOPMENT PLAN. The Planning Commission may approve the final development plan with changes, as it deems appropriate. Upon approval of the rezoning request by the Township Board, the final development plan, as approved by the Planning Commission, shall be incorporated into, and become a part of, the zoning ordinance text and map. In the event the Planning Commission does not approve the final development plan, it shall be returned to the applicant with appropriate notations as to why the development plan was not approved.

SECTION 7.12. REZONING BY THE TOWNSHIP BOARD. After the Planning Commission has approved or disapproved the final development plan, the Township Board shall act upon the rezoning request. Approval of the rezoning request shall be in accord with the procedures established in this Ordinance. In the event the Township Board disapproves the rezoning request, it shall notify the applicant, stating the reasons therefore.

SECTION 7.13. GENERAL PROVISION: PUD PLANNED UNIT DEVELOPMENT DISTRICTS.

- A. Minimum Size - In order to be zoned as a PUD District, the proposed area shall consist of at least five (5) acres and have a minimum of two hundred (200) feet of frontage.
- B. Maximum Densities - For the purposes of this chapter, maximum densities shall be determined on the basis of the gross area of the proposed PUD District.
- C. Sewer and Water Service - In the event public sewer and/or water service is not available at the time of development, PUD may utilize a private sewer and/or water system, provided such sewer and/or water system is approved by the Bay County Department of Public Works, the Township Board, and the Township Engineer. At such time as public sewer and/or water service is available, the developer shall make arrangements to connect to said sewer and/or water system.
- D. Performance Bonds - The Planning Commission is empowered to require a performance bond or certified check in an amount up to the estimated cost of improvements (as defined in Section 2.21-10) associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, said performance bond shall be forfeited. The Township shall rebate a proportional share of the deposit, shown requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. The Zoning Administrator may, at his discretion, call upon professional assistance from the Township Engineer of the Township Planner. In cases where the provisions of the final development plan, as approved, have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition; and the balance, if any, shall be returned to the applicant.
- E. Time Limitations on Development - Each PUD shall be under construction within one (1) year after the date of final approval by the Township Board and the Planning Commission. If the development does not fulfill this requirement, the Planning Commission may initiate rezoning back to the zoning in effect at the time of PUD rezoning.
- F. Required Improvements Prior to Issuance of Occupancy Permit - The Planning Commission is hereby empowered to stipulate that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event that said improvements are partially completed to the point where occupancy would not impair the health, safety, and general welfare of residents, but are not fully completed, the Planning Commission may, upon the recommendation of the Zoning Administrator, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made; said improvements to be completed within one (1) year of the date of issuance of the occupancy permit.

- G. The Planning Commission and the Township Board are specially authorized to require the recording of a plat in connection with any such application when such would be required by the Land Division Act, 1967 P.A. 288, as amended (particularly by 1996 P.A. 591), for the State of Michigan.
- H. Additional Provisions - All of the provisions of the Zoning and other ordinances of the Township shall control in the PUD District except where inconsistent therewith, in which case the provisions of the PUD District shall supersede and control any other such provisions.
- I. In the event that any section, clause or provision of this PUD District shall be declared by a court to be invalid, the same shall not affect the validity of this section as a whole, or any part thereof, other than the part so declared to be invalid.
- J. Any proposed Planned Unit Development shall be consistent with the current Township General Development Plan.

CHAPTER VIII

FP FLOODPLAIN DISTRICT

SECTION 8.01. DESCRIPTION AND PURPOSE. This Zoning District is a special district intended to control the placement of buildings and structures and the use of land in areas subject to periodic inundation. The District is located along the Kawkawlin River, Auburn Drain, Dell Creek, Dingman Drain, Hoppler Creek, and Perry Creek as defined by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), No. 260359 0001A, dated June 17, 1977. All development within this district shall be in strict accordance with the provisions of Charter Township of Williams Ordinance No. 45 Flood Damage Prevention Ordinance.

SECTION 8.02. USE REGULATIONS. Land, buildings, or structures in this Zoning District may be used for the following purposes only:

- A. Agricultural uses permitted in the AG Agricultural District;
- B. Single family homes;
- C. Boat landings or docks for pleasure use; or
- D. Parks, playgrounds and community centers owned and operated by a governmental or nonprofit agency.

SECTION 8.03. HEIGHT REGULATIONS. Height regulations shall be the same as required in the Ag Zone.

SECTION 8.04. AREA REGULATIONS. Yard and lot requirements in the FP Zone are the same as the AG Agricultural District, except as herein provided:

Building Setback - No building or structure shall be located closer than one hundred (100) feet from the edge of the Kawkawlin River or closer than one hundred (100) feet from the edge of the floodplain related thereto, whichever is the greater distance from said river. This provision shall not preclude the placement or construction of docks, boat houses, pump houses, or similar structures in their usual and customary location. In those cases where high banks ten (10) feet or higher border the edge of the river, buildings or structures may be closer if it is demonstrated that the soil structure lends itself to adequate load-bearing and percolation rates and the building or structure is designed and engineered for such sites.

SECTION 8.05. MINIMUM FLOOR AREA. Minimum floor area requirements shall be the same as required in the AG Zone.

CHAPTER IX

PARKING AND LOADING SPACES

SECTION 9.01. GENERAL. In all Zoning Districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

- A. Automobile Sales and Service Garages – one (1) space for each five hundred (500) square feet of floor area.
- B. Barber and Beauty Shops – three (3) spaces for each chair or booth.
- C. Bowling Alleys – six (6) spaces for each alley.
- D. Churches - one (1) space for each three (3) seats.
- E. Commercial Amusements (outdoor) - twenty-five (25) percent of lot area, but in no case less than ten (10) spaces.
- F. Dance Hall, Assembly Hall, Exhibition Hall Without Fixed Seats – one (1) space for each one hundred (100) square feet of floor area.
- G. Drive-in Facilities:
 - 1. Banks and similar financial institutions – four (4) spaces for each drive-in window.
 - 2. Dry cleaners and other retail services with drive-in service facilities – three (3) spaces for each drive-in window.
- H. Dwelling – two (2) spaces per dwelling unit.
- I. Funeral Home or Mortuaries – one (1) space for each twenty-five (25) square feet in service parlors or chapels plus one (1) space for each funeral vehicle maintained on the premises.
- J. Furniture Sales (retail) – one (1) space for each five hundred (500) square feet of floor area.
- K. Hospital – one (1) space for each two (2) beds plus one (1) space for each doctor plus one (1) space for each employee other than doctors.
- L. Hotels, Motels, Tourist Homes – one (1) space for each lodging room plus one (1) space for each full-time employee.
- M. Laundry, Self-Serve – one (1) space per dryer unit.
- N. Libraries, Museums, Governmental Administration Buildings - adequate parking facilities as approved by the Board of Appeals.

- O. Manufacturing and Industrial Uses – two (2) spaces for each employee on the largest shift. If there is only one (1) shift, there shall be one (1) space for each employee.
- P. Medical Clinics Including Veterinary – six (6) spaces for each doctor or veterinarian plus one (1) space for each employee.
- Q. Office Buildings Including Banks (not drive-in), Business and Professional Offices – one (1) space for each two hundred (200) square feet of floor area.
- R. Restaurants, Bars, and Similar Establishments – one (1) space for each three (3) seats provided for patron use plus one (1) space for each employee.
- S. Retail Sales and Personal Services (except supermarkets and self-service stores) – one (1) space for each two hundred (200) square feet of floor area.
- T. Schools:
 - Private, Elementary and Junior High – two (2) for each three (3) employees normally engaged in or about the buildings and grounds plus one (1) for each eight (8) auditorium seats.
 - Senior High Schools and Institutions of Higher Learning: two (2) for each three (3) employees normally engaged in or about the buildings and grounds and one (1) additional for each four (4) students enrolled in the institution.
- U. Service Stations – two (2) spaces for each employee plus one (1) space for owner or manager plus one (1) space for each service stall.
- V. Supermarket or Self-Service Store – one (1) space for each one hundred (100) square feet of floor area.
- W. Theaters and Auditoriums (not incidental to schools) – one (1) space for each four (4) seats plus one (1) space for each two (2) employees.
- X. Warehouses, Storage Buildings, Lumber and Supply Yards, Wholesale Outlets – two (2) parking spaces for each employee.
- Y. Other Uses Not Specifically Mentioned - In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for use which is so mentioned and to which said use is similar in terms of parking demand shall apply.
- Z. Mixed Uses in the Same Building - In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

SECTION 9.02. JOINT USE OF FACILITIES. Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the minimum individual requirements.

SECTION 9.03. LOCATION OF FACILITIES. Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facilities to the nearest normal entrance to the building or use that such facility is required to serve.

- A. For all residential buildings and for all nonresidential buildings and uses in AG, RE, R or FP Zoning District, required parking shall be provided on the lot with the building or use it is required to serve.
- B. For commercial, industrial, office and all nonresidential buildings and uses in Commercial, Office and Industrial Zoning Districts, required parking shall be provided within three hundred (300) feet. In no event shall required parking be located in an AG, RE or R Zoning District.

SECTION 9.04. GENERAL REQUIREMENTS.

- A. If the use of a structure or premises changes, the minimum parking requirements shall apply to the new use. If a structure or premises is enlarged, the minimum parking requirements shall be applicable to the total area of the structure or premises.
- B. In the instance of dual function of off-street parking spaces where operating hours of use do not overlap, the Zoning Board of Appeals may grant a variance.
- C. In the AG, RE, R, OF, or FP Zoning Districts, no parking area shall be used for parking or storing of any commercial vehicle exceeding one-ton capacity. The storage of merchandise, motor vehicles for sale, or the repair of vehicles exceeding one-ton capacity is prohibited in any required parking area.
- D. The storage of major sporting equipment, such as camping trailers, motor homes, snowmobiles and other similar equipment, shall be limited to rear yard or side yard areas, provided that no part of said equipment is located closer to the street than the front line of the house.

SECTION 9.05. SIZE OF PARKING SPACE. Each off-street parking space shall have an area of not less than two hundred (200) square feet (exclusive of access drives or aisles) and shall be a minimum of ten (10) feet in width.

SECTION 9.06. PARKING REQUIREMENTS FOR SINGLE FAMILY DWELLINGS.

Parking areas to serve single-family dwellings shall be required in all districts in which they are permitted subject to the following standards and regulations:

- A. Parking areas shall not be located in any required front yard or required side yard except that the driveway in the required front yard leading to a garage or parking area may be used for parking.
- B. No commercial repair work, servicing or selling of any kind shall be conducted in such areas and no sign of any kind shall be erected thereon. No charge shall be made for parking or storage of vehicles.

SECTION 9.07. REQUIREMENTS FOR PARKING AREAS. Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- A. The parking lot and its driveways shall be effectively screened on each side which adjoins premises situated in any AG, RE or R Zoning District by a greenbelt ten (10) feet in width landscaped with a solid planting of evergreen trees at least five (5) feet in height at the time of planting measured from the proposed grade and kept in living condition, or other suitable screening means as approved by the Planning Commission.
- B. The parking lot and its driveway shall be:
 - 1. designed to provide adequate drainage;
 - 2. surfaced with concrete or asphalt pavement; and
 - 3. maintained in good condition, free of dust, trash, debris
- C. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- D. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.
- E. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- F. No part of any public or private parking area, regardless of the number of spaces provided, shall be closer than ten (10) feet to the street right-of-way.
- G. Any person desiring to establish, maintain or alter an off-street parking area shall submit plans to the Zoning Administrator showing the location, design, size, shape, landscaping, surface material, marking, lighting, drainage, curb cuts, entrances, exits, and any other pertinent features of the parking area. Any curb cuts, entrances, exits and drainage design shall have the written approval of the Zoning Administrator.
- H. The Zoning Administrator may require such assurances in the form of a performance bond, as may be required to compel compliance with the off-street parking requirements of this Ordinance; provided, however, that such bond shall not be in an amount greater than the reasonable cost of complying with the off-street parking requirements of this Ordinance.
- I. The Planning Commission, in the exercise of its discretion, may decide to waive paving requirements in certain cases based upon a review of the following factors:
 - 1. The size, character and nature of the involved use;
 - 2. The size, character and nature of the involved building/structures and accessory buildings structures already constructed or to be constructed;

3. The location of the proposed/existing use;
4. The distance of the proposed/existing use from neighboring uses;
5. The nature of neighboring uses;
6. The development density in the surrounding area;
7. The number of required parking spaces;
8. The effect of the parking area on adjoining properties and the surrounding neighborhood;
9. The effect of the parking area on adjoining roadways;
10. The design of the parking area to minimize traffic congestion and hazards;
11. The design of the parking area to maximize safety;
12. On-site circulation of both vehicular and pedestrian traffic to achieve both safety and convenience of persons and vehicles using or visiting the site; and
13. The days/hours of operation of the proposed use.

In any case where paving requirements are waived, the Planning Commission shall make specific findings relating to the above-listed factors and shall clearly state the reasons why paving requirements should not be enforced.

SECTION 9.08. OFF-STREET LOADING SPACES. For every building or addition to an existing building hereafter erected to be occupied by manufacturing storage, display of goods, retail store, or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition:

- A. An area of means adequate for maneuvering and ingress and egress for delivery vehicles; and
- B. Off-street loading spaces in relation to floor areas as follows:
 1. Up to twenty thousand (20,000) square feet – one (1) space;
 2. Twenty thousand (20,000) or more, but less than fifty thousand (50,000) square feet – two (2) spaces; and
 3. One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

SECTION 9.09. REQUIREMENTS FOR OFF-STREET LOADING AREAS.

- A. Each loading space shall be at least ten (10) feet wide, thirty-five (35) feet long, and shall have a clearance of fourteen (14) feet above grade.
- B. Off-street loading areas shall be surfaced with a concrete or bituminous pavement and shall be sloped and drained to dispose of surface water.
- C. Any lighting used to illuminate off-street loading areas shall be so arranged as to direct light away from adjoining premises.
- D. Required loading areas shall be in addition to required off-street parking areas.
- E. No loading spaces shall be located closer than fifty (50) feet to any AG, RE, R, OF or FP Zoning District unless wholly within an enclosed building or enclosed on all sides facing said Districts, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6) feet in height.
- F. Persons desiring to establish, maintain, or alter an off-street loading area shall submit to the Zoning Administrator plans as required in Section 9.07 (g).
- G. The Zoning Administrator may require such assurances in the form of a performance bond as may be required to compel compliance with the off-street loading requirements of this Ordinance; provided, however, that such bond shall not be in an amount greater than the reasonable cost of complying with the off-street loading requirements of this Ordinance.

CHAPTER X

SIGNS

SECTION 10.01. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to regulate the size, location and manner of display of exterior signs in Williams Township. While it is recognized that signs are customary for public information and for trade, it is the intent of this Ordinance to ensure that they do not endanger the public health, safety or welfare or impair property values. All signs shall conform to all codes and ordinances of the Township, shall be properly erected and maintained, and, except where noted, shall require a building permit issued by the Zoning Administrator for erection.

SECTION 10.02. EXCEPTED SIGNS. No signs shall be erected without a building permit except for the following signs which are exempt from the provisions of this Ordinance with respect to permits, heights, area and location except as otherwise provided in this section:

- A. Highway signs erected by the State of Michigan, County of Bay, or the Township of Williams.
- B. Governmental use signs erected by governmental agencies to designate hours of activity or conditions or use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
- C. Directional signs erected in conjunction with drives or off-street parking area, provided any such sign does not exceed four (4) square feet in area and three (3) feet in height and is limited to traffic control functions only.
- D. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historic Landmarks.
- E. Placards posted to control and/or prohibit hunting or trespassing within the Township.
- F. Essential service signs denoting utility lines, railroad lines, hazards and precautions.
- G. Memorial signs or tablets, which are either:
 - 1. cut into the face of a masonry surface; or
 - 2. constructed of bronze or other incombustible material when located flat on the face of a building.
- H. Special decorative displays, signs, pennants, flags or banners used for holidays or public demonstrations for promotion of civic welfare or charitable purposes. All decorative displays, signs, pennants, flags or banners referred to in this subsection shall be maintained in good condition and shall not be torn, faded or dirty.
- I. Signs and accessory professional or nameplate signs less than four (4) square feet in area.
- J. Customary farm and crop signs less than ten (10) square feet in area.

K. Temporary signs. The signs listed in the following subparts are permitted on a temporary basis and shall not require a building permit.

1. Construction signs which identify the name of the building, the owner, architect, engineer, contractor and other individuals involved with the construction, including the advertisement of a product or service during the period of construction. Signs shall not exceed two (2) in number nor have a maximum sign surface area exceeding thirty-two (32) square feet. They shall be confined to the site of construction and shall be removed within fourteen (14) days following completion of construction activities.
2. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, provided the sign surface of such signs does not exceed ten (10) square feet. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.
3. Election campaign signs announcing a candidate or election issue to be voted upon. Such signs shall be confined to private property and shall be removed within fourteen (14) days following the election, which they announce.
4. Special event signs, subject to the following conditions:
 - a. They do not exceed fifty (50) square feet in area on any side.
 - b. They are not placed in a street right-of-way, unless a permit from the Bay County Road Commission is obtained.
 - c. They may be illuminated provided such lights are not flashing or intermittent and are not placed or designed such that they can be confused with or appear similar to a highway sign or traffic safety device.
 - d. No special event sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - e. No special event sign shall be allowed to remain for more than fourteen (14) days after the event.

SECTION 10.03. PROHIBITED SIGNS. No sign listed in the following subsection shall be permitted, erected or maintained in any district:

- A. Permanent signs which incorporate any manner of flashing or moving lights.
- B. A sign which has any visible moving part, visible revolving part, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or by action of natural wind currents.
- C. String lights used in connection with commercial premises for commercial purposes.

- D. Any sign or sign structure which is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
- E. Any sign, which by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety of obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads. In determining whether a sign may constitute a traffic hazard or interfere with traffic safety or visibility, the Zoning Administrator shall consider the following:
 - 1. Height, area, supporting structure, and distance from ground level of the sign;
 - 2. Lighting of the sign;
 - 3. Location of the sign in relation to roads, drives, points of ingress and egress, parking areas, sidewalks and other vehicular or pedestrian accessways; and
 - 4. Location of the sign in relation to nearby buildings and structures.
- F. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit-way.
- G. Signs which make use of words such as "STOP", "LOOK", "DANGER", or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- H. Any sign unlawfully installed, erected, or maintained.
- I. Any sign which is not accessory to the business being conducted on the property on which the sign is located, except as otherwise provided in this Ordinance.
- J. Any sign projecting into a public right-of-way or dedicated easement, except those erected by the Township, County, State or Federal government.
- K. Signs painted on or attached to operable or inoperable automobiles, trucks or truck trailers, farm or industrial machinery, airplanes or other vehicles-of any sort, which do not have current registration certificates and plates or signs painted on rocks or other natural features.
- L. Animated signs.
- M. Flashing signs.
- N. Rotating signs.
- O. Strobe signs.

SECTION 10.04. GENERAL CONDITIONS. Except as otherwise provided, the following conditions shall apply in all districts:

- A. Prior to the erection or structural alteration of a sign, a building permit shall be secured from the Zoning Administrator. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Zoning Administrator so that he may insure that the provisions of this Article are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding pylon signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Zoning Administrator.
- B. No portion of a sign shall be located closer than ten (10) feet to a public or private street right-of-way or any property line. Signs along Midland Road shall be set back a minimum of two (2) feet from the road right-of-way.
- C. With the exception of pylon signs in the C-3 Interchange Business District and wall signs, no exterior freestanding sign, signboard, billboard or pylon signs shall exceed thirty (30) feet in height. Pylon signs in the C-3 District shall not exceed a maximum height of sixty (60) feet.
- D. Signs may be illuminated, provided the source of light does not cast light on any street or adjoining property and does not interfere with the vision of motorists or pedestrians on adjacent roadways. The provisions of this section are not intended to conflict with provisions controlling signs regulated under the authority of Public Act 106, 1972, the Highway Advertising Act, as amended.
- E. Portable signs:
 - 1. They shall satisfy all the requirements for the particular zoned district in which the portable sign is to be located except as modified by this section.
 - 2. No portable sign shall exceed ten (10) feet in height.
 - 3. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - 4. They are securely anchored to resist winds.
 - 5. They are maintained in good condition.
 - 6. The power-supply, installation and wiring of any portable sign which is illuminated and/or contains electrical wiring shall comply in all respects with applicable provisions of the current construction code.
- F. All permitted wall and freestanding signs may include reader boards as defined in Section 2.07 R. and subject to the standards in subsection E. of Section 10.03 of this ordinance.

SECTION 10.05. SIGNS IN THE AG, RE & R DISTRICTS. In the AG, RE & R Districts, only the following signs shall be permitted:

- A. Excepted signs in accordance with the provisions of Section 10.02.
- B. Non-conforming signs in accordance with the provisions of Section 10.11.
- C. Portable signs as regulated in Section 10.04E. when used as a temporary sign in accordance with the provisions of Section 10.02K.
- D. One (1) freestanding, ground mounted or portable identifying sign is permitted for an approved roadside stand, home occupation or child care center provided the sign surface of such sign does not exceed ten (10) square feet.
- E. One (1) freestanding, ground mounted or portable identifying sign is permitted for any permitted or special use except single-family homes, two-family dwellings, farms, roadside stands, home occupations or child care centers provided the sign surface of such sign does not exceed fifty (50) square feet.

SECTION 10.06. SIGNS IN THE C DISTRICTS. In the C Districts, only the following signs shall be permitted:

- A. Excepted signs in accordance with the provisions of Section 10.02.
- B. Non-conforming signs in accordance with the provisions of Section 10.11.
- C. Portable signs as regulated in Section 10.04 E. when used as a temporary sign in accordance with the provisions of Section 10.02K.
- D. One (1) freestanding or ground mounted sign or a portable sign in accordance with the provisions of 10.04 E. is permitted along each street frontage of a parcel provided it is not closer than ten (10) feet from any driveway and that no sign surface exceeds two (2) square feet for each five (5) feet of lot frontage measured at the front lot line, provided that no sign surface can exceed one hundred (100) square feet for a single use. If the sign serves more than one use on a single parcel, the surface area requirements are increased by fifty (50) percent. The lowest part of a freestanding sign shall not be less than ten (10) feet above ground level unless the sign is located within twenty (20) feet of a building.
- E. A wall sign is permitted in addition to a freestanding, ground mounted or portable sign provided it is attached to a building parallel to the side on which it is attached and cannot project above the building roof line. Wall signs can be placed on two (2) sides of a building provided the total sign surface does not exceed one hundred (100) square feet and any sign surface does not exceed ten (10) percent of the wall area to which it is attached.
- F. Billboards may be established in the C zoning district classification(s) within two hundred (200) feet of the M-47 and U.S. 10 right-of-way provided that they meet the following conditions:

1. No more than five (5) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Williams Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be considered as one (1) sign surface. Otherwise, billboard structures having more than one (1) sign surface, including billboard structures with tandem (side-by-side) or stacked (one above the other) sign surfaces shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in Subsection 2 below;
2. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway;
3. No billboard shall be located within two hundred (200) feet of a residential zone, existing residence, church or school. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet;
4. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located;
5. The sign surface of a billboard may not exceed six hundred seventy two (672) square feet;
6. The height of a billboard shall not exceed forty (40) feet above the grade of the ground on which the billboard sits or the grade of the abutting roadway, whichever is higher;
7. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building;
8. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate;
9. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity as set forth in the applicable construction code. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message; and
10. A billboard established within a business, commercial or industrial area as defined in the Highway Advertising Act of 1972 (PA 106 of 1972 as amended) bordering interstate highways, freeways or primary highways as defined in said act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said act and the regulations promulgated thereunder, as such may from time to time be amended.

SECTION 10.07. SIGNS IN THE OF DISTRICT. In the OF District, only the following signs shall be permitted:

- A. Excepted signs in accordance with the provisions of Section 10.02.
- B. Non-conforming signs in accordance with the provisions of Section 10.11.
- C. Portable signs as regulated in Section 10.04 E. when used as a temporary sign in accordance with the provisions of Section 10.02K.
- D. One (1) freestanding or ground mounted sign or a portable sign in accordance with the provisions of 10.04 E. is permitted along each street frontage of a parcel provided it is not closer than ten (10) feet from any driveway and that no sign surface exceeds two (2) square feet for each five (5) feet of lot frontage measured at the front lot line, provided that no sign surface can exceed one hundred (100) square feet for a single use. If the sign serves more than one (1) use on a single parcel, the surface area requirements are increased by fifty (50) percent. The lowest part of a freestanding sign shall not be less than ten (10) feet above ground level unless the sign is located within twenty (20) feet of a building.

SECTION 10.07.01. SIGNS IN THE LI DISTRICT. In the LI District, only the following signs shall be permitted:

- A. Excepted signs in accordance with the provisions of Section 10.02.
- B. Non-conforming signs in accordance with the provisions of Section 10.11.
- C. Portable signs as regulated in Section 10.04 E. when used as a temporary sign in accordance with the provisions of Section 10.02 K.
- D. One (1) freestanding or ground mounted sign or a portable sign in accordance with the provisions of 10.04 E. is permitted along each street frontage of a parcel provided it is not closer than ten (10) feet from any driveway and that no sign surface exceeds two (2) square feet for each five (5) feet of lot frontage measured at the front lot line, provided that no sign surface can exceed one hundred (100) square feet for a single use. If the sign serves more than one (1) use on a single parcel, the surface area requirements are increased by fifty (50) percent. The lowest part of a freestanding sign shall not be less than ten (10) feet above ground level unless the sign is located within twenty (20) feet of a building.

SECTION 10.08. SIGNS IN THE IND DISTRICT. In the IND District, only the following signs shall be permitted:

- A. Excepted signs in accordance with the provisions of Section 10.02.
- B. Non-conforming signs in accordance with the provisions of Section 10.11.
- C. Portable signs as regulated in Section 10.04 E. when used as a temporary sign in accordance with the provisions of Section 10.02K.

- D. One (1) freestanding or ground mounted sign or a portable sign in accordance with the provisions of 10.04 E. is permitted along each street frontage of a parcel provided it is not closer than ten (10) feet from any driveway and that no sign surface exceeds two (2) square feet for each five (5) feet of lot frontage measured at the front lot line, provided that no sign surface can exceed one hundred (100) square feet for a single use. If the sign serves more than one (1) use on a single parcel, the surface area requirements are increased by fifty (50) percent. The lowest part of a freestanding sign shall not be less than ten (10) feet above ground level unless the sign is located within twenty (20) feet of a building.
- E. Billboards are permitted subject to the provisions of Section 10.06 F. 1-10.

SECTION 10.09. SIGNS IN THE PUD DISTRICT. In the PUD District, signs shall be regulated according to the provisions of the District most nearly appropriate to the uses proposed in the PUD District.

SECTION 10.10. SIGNS IN THE FP DISTRICT. In the FP District, signs shall be permitted as regulated in Section 10.06.

SECTION 10.11. NON-CONFORMING SIGNS.

- A. It is the intent of this Section to permit the continuance of a lawful use of any sign existing at the effective date of this Section, although such sign may not conform with the provisions of Chapter X, as amended. It is the intent of this Section that non-conforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent of this Section that non-conforming signs shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all non-conforming signs within this Township shall be subject to the conditions and requirements set forth herein.
- B. The faces, supports, or other parts of any non-conforming sign, shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, outdoor advertising structure conforms to the provisions of Chapter X for the district in which it is located, except as otherwise provided for in this Section.
- C. Nothing in this Section shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful non-conforming sign, provided that such repair, reinforcement, alteration, improvement, or modernizing does not exceed an aggregate cost of fifty (50) percent of its estimated value on the effective date of this Section, as determined by the Building Inspector unless the subject sign is changed by such repair, reinforcement, alteration, improvement or modernizing to a conforming structure.
- D. Any lawful non-conforming sign damaged by fire, explosion or an act of God, or by other accidental causes, may be restored, rebuilt or repaired provided that the estimated expense of reconstruction does not exceed fifty (50) percent of the estimated replacement cost thereof, as determined by the Building Inspector.

- E. Whenever the activity, business or usage of a parcel of land on which a sign is located or related has been discontinued for a period of one (1) year or longer, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the non-conforming sign located on or related thereto. At the end of this period of abandonment, the non-conforming sign shall either be removed or altered to conform with the provisions of Chapter X.

- F. The Township Board may acquire any non-conforming sign with or without acquiring the property on which such sign or structure is located, by condemnation or other means, and may remove such sign.

CHAPTER XI

NONCONFORMING USES, BUILDINGS, STRUCTURES OR PARCELS

SECTION 11.01. DESCRIPTION AND PURPOSE. Within the districts established by this Ordinance or amendments thereto, there exist uses, buildings, structures, parcels and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or an amendment thereto. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

SECTION 11.02. CONTINUANCE OF NONCONFORMING USES, BUILDINGS, STRUCTURES OR PARCELS. Except where specifically provided to the contrary and subject to the provisions of this chapter, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of any amendment of this Ordinance, then on the effective date of such amendment, may be continued, although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this chapter, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued, although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

SECTION 11.03. EXPANSION. Structures or buildings nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized, provided:

- A. There is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.
- B. The Zoning Administrator shall determine that such alteration, remodeling, or modernization will substantially extend the life of any nonconforming building or structure.

Any use of a building or structure, which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space, shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement or change of use which requires greater areas for parking and/or loading space.

- A. No existing building, structure or parcel devoted to a use not permitted by this Ordinance, in the district in which it is located, shall be extended, enlarged, remodeled, modernized or moved, except in changing the use of the building structure or parcel to a use permitted in the district in which it is located.
- B. No nonconforming structure may be extended, enlarged, altered, remodeled or modernized in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- C. Should a nonconforming building or structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- D. A nonconforming use may be extended throughout any parts of a building or structure so long as any part of the building or structure was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. However, at no time shall such use be extended to occupy any land outside such building.
- E. A structure or building, 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 and the nonconforming use may not thereafter be resumed.
- F. Where nonconforming use status applies to a building or structure, or land in combination, removal or destruction of the building or structure shall eliminate the nonconforming status of the land, Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.
- G. No nonconforming uses of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged unless:
 - 1. All extensions or enlargements do not exceed fifty (50) percent of the area of the original nonconforming use; and
 - 2. Such extensions or enlargements are authorized by the Planning Commission as a special use.

In considering such authorization, the Planning Commission shall consider the following standards:

- 1. Whether the extension or enlargement will substantially extend the probable duration of such nonconforming use; and
- 2. Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

SECTION 11.04. RESTORATION AND REPAIR. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but is shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed fifty (50) percent of the value of the nonconforming building or structure after the rebuilding or restoration is complete.

In the event any nonconforming building or structure is damaged by fire, wind, Act of God, or public enemy, and the cost of rebuilding or restoration exceeds one half of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- A. Whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use.
- B. Whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable Zoning District.

SECTION 11.05. CHANGE OR DISCONTINUANCE. The nonconforming use of a building or structure or of any parcel shall not be:

- A. Changed to any other nonconforming use.
- B. Re-established after discontinuance, vacancy, lack of operation or otherwise for a period of nine (9) consecutive months.
- C. Re-established after it has been changed to a conforming use.

SECTION 11.06. CHANGE OF OWNERSHIP. Change of ownership between private parties does not remove the nonconformity nor extend time limits.

SECTION 11.07. REPLACEMENT COST. Replacement cost as used in this chapter is the cost of restoring the building or structure to its original condition as appraised by the Building Inspector.

SECTION 11.08. REMOVAL OF NONCONFORMING STATUS. A nonconforming building or structure or parcel may be made conforming by appropriate action or modifications which cause the building, structure or parcel to fulfill the requirements of the district in which it is located. In the case of a nonconformity which would be permitted as a Special Use by this Ordinance, the nonconforming status may be removed upon issuance of a special use permit after the appropriate action has been taken in accordance with the provisions of this Ordinance.

SECTION 11.09. BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE OR AMENDMENT. Any building or structure shall be considered existing and lawful and, for purposes of Section 11.02, to have been in use for the purpose for which constructed if, on the effective date of this Ordinance or amendment thereto, a building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

SECTION 11.10. EXISTING LOTS OF RECORD. If a lot in any Zoning District, which is platted or otherwise of record as of the effective date of this Ordinance, does not comply with the area and/or width requirements of its Zoning District, then such lot may be used, but only if first authorized by the Board of Appeals.

In considering such authorization, the Board of Appeals shall consider the following standards:

1. The size, character and nature of the building and accessory buildings to be erected and constructed on the lot;
2. The effect of the proposed use on adjoining properties and the surrounding neighborhood;

3. The effect of the proposed uses on light and air circulation of adjoining properties;
4. The effect of any increased density of the intended use of the surrounding neighborhood; and
5. Available parking for the intended use.

However, a lot which is platted or otherwise of record as of the effective date of this Ordinance, may be used for a permitted use in the respective district without authorization from the Board of Appeals if the lot has a minimum lot area of twelve thousand (12,000) square feet and if there is compliance with all yard requirements for the zoning district in which the lot is located.

Where two (2) or more such nonconforming lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by the combination comply with the minimum requirements of this Ordinance.

CHAPTER XII

ADMINISTRATION AND ENFORCEMENT

SECTION 12.01. ZONING ADMINISTRATION. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.

SECTION 12.02. ZONING ADMINISTRATOR. The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning Administrator, the applicant must:

- A. Be generally informed of the provisions of this Ordinance;
- B. Have a general knowledge of the building arts and trades; and
- C. Be in good health and physically capable of fulfilling the duties of the Zoning Administrator.

Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction. The Zoning Administrator may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

SECTION 12.03. DUTIES AND LIMITATIONS OF THE ZONING ADMINISTRATOR. The zoning administrator shall administrate and enforce the provisions of this ordinance and the State Construction Code, as amended, and shall have the power to grant such permits and certificates of occupancy as are required by this ordinance and the State Construction Code and shall be responsible for the inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance and the State Construction Code.

SECTION 12.04. PERMITS REQUIRED. No person, firm or corporation shall excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in Williams Township or cause the same to be done without first obtaining a separate building permit for each such building or structure from the zoning administrator as required by applicable provisions of the State Construction Code, as amended. It shall be unlawful for any person, firm, or corporation to excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in Williams Township without first obtaining such a permit from the zoning administrator.

SECTION 12.05. APPLICATIONS FOR BUILDING PERMITS. To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- A. Identify and describe the work to be covered by the permit for which application is made;
- B. Describe the land on which the proposed work is to be done, by lot, block, track, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
- C. Indicate the use or occupancy for which the proposed work is intended;

- D. Be accompanied by plans and specifications as required in Section 12.06;
- E. State the valuation of the proposed work;
- F. Be signed by permittee, or his authorized agent, who may be required to submit evidence to indicate such authority; and
- G. Give such other information as reasonably may be required by the Zoning Administrator, including, but not limited to, the following:
 - 1. The actual shape, location and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground;
 - 2. The shape, size, area and location of the building or structure to be excavated, erected, constructed, enlarged, altered, repaired, moved, improved, converted or demolished, and of any buildings or other structures already on the lot;
 - 3. The existing and intended use of the lot and of all structures upon it; and
 - 4. Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this ordinance and the State Construction Code, as amended, are being observed.

SECTION 12.06. BUILDING PERMIT PLANS AND SPECIFICATIONS. With each application for a building permit, and when required by the zoning administrator for enforcement of any provisions of this ordinance and the State Construction Code, as amended, two (2) sets of plans and specifications shall be submitted. The zoning administrator may require plans and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such.

Exceptions to this provision may be granted as provided in the State Construction Code.

SECTION 12.07. INFORMATION ON PLANS AND SPECIFICATIONS. Plans and specifications shall be submitted to the zoning administrator in accord with the requirements of the State Construction Code, as amended.

The zoning administrator, at his discretion, may require a certified property survey to insure that the provisions of this ordinance are met.

SECTION 12.08. ISSUANCE OF BUILDING PERMITS. The application, plans, and specifications filed by an applicant for a permit shall be checked by the zoning administrator and building inspector. Such plans may be reviewed by other officials of the township to check compliance with the laws and ordinances under their jurisdiction. If the zoning administrator is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this ordinance and the State Construction Code, as amended, and other pertinent laws and ordinances, and that the fee specified in Section 12.09 has been paid, he shall issue a permit therefore to the applicant; however:

- A. Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance;

- B. The Zoning Administrator, under no circumstances, is permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, erect, construct, enlarge, move, alter, improve, remove, convert, demolish or use either buildings, structures or land;
- C. The Zoning Administrator, under no circumstances, is permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator;
- D. The zoning administrator shall issue a permit when the imposed conditions of this ordinance and the State Construction Code, as amended, are met by the applicant, regardless of the effect of such a permit on contracts, such as deed covenants or private agreements; and
- D. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.

SECTION 12.09. FEES. Building permit fees shall be charged and collected by the zoning administrator in accordance with the fee schedule adopted by resolution of the Township Board as permitted by the State Construction Code. Where work for which a permit is required by the State Construction Code is started prior to obtaining a building permit, the permit fees shall be doubled.

SECTION 12.10. INSPECTIONS. All construction or work for which a permit is required shall be subject to inspections by the building inspector as required by the State Construction Code, as amended. The building inspector, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the State Construction Code.

- A. Foundation Inspection - To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job.
- B. Frame Inspection - To be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete.
- C. Lath and/or Wallboard Inspection - To be made after all lathing and/or wallboard, interior and exterior, is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
- D. Final Inspection - To be made after building is completed and ready for occupancy.

In addition to the called inspections specified, above, the Building Inspector may make or require other inspections of any construction work to ascertain compliance with the provisions of applicable construction codes.

SECTION 12.11. CERTIFICATE OF OCCUPANCY. No building or structure, except as provided in the State Construction Code, as amended, shall be used or occupied, and no change in the use or occupancy of a building or structure or portion thereof shall be made until the zoning administrator has issued a certificate of

occupancy. Such certificate shall affirm that the building or structure conforms in all respects with the provisions of this ordinance and the State Construction Code.

- A. A temporary Certificate of Occupancy may be issued by the Zoning Administrator for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.
- B. Upon written request from the owner or tenant, the Zoning Administrator may issue a Certificate of Occupancy for any building, structure or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building, structure or premises and whether such use conforms to the provisions of this Ordinance.
- C. No permit or certificate shall be issued for any illegal use or occupancy existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance.

SECTION 12.12. ADDITIONAL FEES. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by a fee in accord with the schedule adopted by resolution of the Township Board. In cases where it is certain that necessary professional services are required, the Township Clerk may require the applicant to deposit a sum of money up to the estimated cost of such professional services. The deposit shall be put into an interest-bearing account. It shall be used only to pay for necessary professional services. The Clerk may, in his/her discretion, require that additional funds be deposited after a draw has been made upon a deposit in order to maintain a minimum deposit balance sufficient to pay for future, anticipated necessary professional services. Any unused portion of the deposit together with accrued interest shall be returned to the applicant immediately following payment for professional services.

SECTION 12.13. TOWNSHIP PLANNING COMMISSION. The Williams Township Planning Commission is created as specified in 2008 P.A. 33, as amended, being the Michigan Planning Enabling Act. The Planning Commission shall have all powers, duties and responsibilities as provided to it in that Act and in 2006 P.A. 110, the Michigan Zoning Enabling Act, together with such other powers and duties as are given to such Planning Commission by the provisions of this ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

SECTION 12.14. APPOINTMENT, MEMBERSHIP, TERMS, VACANCY, REPRESENTATION, QUALIFICATIONS, *EX-OFFICIO* MEMBER, REMOVAL OF MEMBER, COMPENSATION AND FUNDING.

- A. The township supervisor shall appoint members of the Planning Commission, subject to approval by a majority vote of the members of the Township Board, elected and serving.
- B. The Planing Commission shall consist of five, seven, or nine members. Other than *ex officio* members appointed as provided in subsection E, below, members shall be appointed for three-year terms. A number of members the Planning Commission first appointed, other than *ex-officio* members, shall be appointed to one-year or two-year terms such that, as nearly as possible, the terms of 1/3 of all the Planning Commission members will expire each year. If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the

same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

- C. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.
- D. Members of the Planning Commission shall be qualified electors of the township, except that one member may be appointed who is not a qualified elector of the township.
- E. One member of the Township Board shall be appointed to the Planning Commission, as an *ex officio* member. Except as provided in this subsection, an elected official or employee of the township is not eligible to be a member of the Planning Commission. The term of the *ex officio* Township Board member of the Planning Commission shall expire with his or her term on the Township Board.
- F. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the members shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by any bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
- G. Planning Commission members may be compensated for their services as provided by the Township Board. The Planning Commission may adopt bylaws relative to compensation and expenses of members and employees for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.
- H. The Planning Commission shall make an annual written report to the Township Board concerning its operations and status of planning activities, including recommendations regarding actions by the Township Board relating to planning and development.

- I. The Planning Commission may accept gifts for the exercise of its functions. However, only the Township Board may accept such gifts on behalf of the Planning Commission. A gift of money so accepted shall be deposited with the township treasurer in a special non-reverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The treasurer shall draw a warrant against the special non-reverting fund only upon receipt of a voucher signed by the chairperson and secretary of the Planning Commission and an order drawn by the township clerk. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Township Board.

SECTION 12.15. OFFICERS, MEETINGS, PROFESSIONAL ADVISORS AND RULES.

- A. The Planning Commission shall elect a chairperson, vice-chairperson and secretary from its members and create and fill such other offices as it considers advisable. An ex-officio member of the Planning Commission is not eligible to serve as chairperson. The Commission may appoint advisory committees outside of its membership. The term of each officer shall be one year.
- B. The Planning Commission shall hold not less than four regular meetings each year, and by resolution shall determine the time and place of the meetings. Special meetings may be called by the chairperson or by other members, upon written request to the secretary. The secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting. The business that a Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the *Open Meetings Act, 1976 PA 267*.
- C. The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
- D. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

SECTION 12.16. RESPONSIBILITY FOR PREPARATION AND ADOPTION OF MASTER PLAN; PLAN CONTENT.

- A. The Planning Commission shall make and approve a master plan as a guide for development within the planning jurisdiction. The plan shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the Planning Commission's recommendations for physical development within the planning jurisdiction.

- B. The master plan shall include those of the following subjects which reasonably can be considered as pertinent to the future development of the Township:
1. A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forest, wildlife refuges, and other uses and purposes;
 2. The general location, character and extent of streets, roads, highways, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways and waterfront developments; flood prevention works, drainage, sanitary sewers and water supply systems; works for preventing pollution and works for maintaining water levels; and public utilities and structures;
 3. Recommendations as to the general character, extent and layout for the redevelopment or rehabilitation of blighted districts and slum areas; and the removal, relocation, widening, narrowing, vacating, abandonment, changes or use or extension of streets, ways, grounds, open spaces, buildings, utilities or other facilities; and
 4. Recommendations for implementing any of the master plan's proposals.

SECTION 12.17. APPROVAL OF PUBLIC IMPROVEMENTS.

- A. A street, square, park, playground, public way, ground or other open space; or public building or structure, shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character and extent thereof shall have been submitted to the Planning Commission by the Township Board or other body having jurisdiction over the authorization or financing of the project and has been approved by the Planning Commission.
- B. The Planning Commission shall submit its reasons for approval or disapproval to the body having jurisdiction, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its entire membership. If the Planning Commission fails to act within 35 days after submission of the proposal to the Planning Commission, the project shall be considered to be approved by the Planning Commission.
- C. If the public way, ground, space, building structure, or utility is one, the authorization or financing of which does not, under the law governing same, fall within the province of the Township Board, then the submission to the Planning Commission shall be by the board, commission or body having jurisdiction, and the Planning Commission's disapproval may be overruled by resolution of the board, commission or body by a vote of not less than a majority of its membership.

- D. The failure of the Planning Commission to act within sixty (60) days after the official submission to the Commission shall be deemed approval.
- E. The Planning Commission shall promote public understanding of an interest in the land use plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

SECTION 12.18. APPROVAL OF PLATS. The Township Board shall refer plats or other matters relating to land development to the Planning Commission before final action thereon by the Township Board and may request the Planning Commission to recommend regulations governing the subdivision of land. The recommendations may provide for the procedures of submittal, including recommendations for submitting a preliminary subdivision design, the standards of design, and the physical improvements that may be required.

SECTION 12.19. SPECIAL USE PERMITS. The Planning Commission shall have the authority to issue special use permits for the uses for which this Ordinance requires the obtaining of such permits.

SECTION 12.20. SOLID WASTE. The Planning Commission shall be the primary local review agency for any facilities or plans which fall under Public Act 641 or 1978 or Public Act 64 of 1979.

CHAPTER XIII

BOARD OF APPEALS

SECTION 13.01. CREATION, MEMBERSHIP, TERM OF OFFICE, OFFICERS, RULES.

- A. There is hereby created a board of appeals consisting of five (5) members: the first member of such board shall be the chairman of the Planning Commission; the second member shall be a member of the Township Board appointed by the Township Board; and the remaining three (3) members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township, provided that no elected officer of the Township except as stated above, nor any employee of the Township Board shall serve simultaneously as a member of, or as an employee of, the Township Board of Appeals.

- B. Initially, one (1) member of the Board shall be appointed for a term of three (3) years; one (1) member shall be appointed for a term of two (2) years; and three (3) members shall be appointed for a term of one (1) year. Thereafter, each member, when appointed, shall have a term of three (3) years. Terms of members serving because of their membership on the Planning Commission or Township Board shall be limited to the time they are members of the Planning Commission or Township Board and the periods stated in the resolution appointing them.

- C. The Board of Appeals shall elect one (1) of its members as its chairman and one (1) of its members as secretary, and shall prescribe rules for the conduct of its affairs. Copies of the rules shall be made available to the public at the Office of the Township Clerk.

SECTION 13.02. POWERS AND DUTIES. The Zoning Board of Appeals shall have all powers and duties prescribed by law, in other sections of this Ordinance and by this chapter which are more particularly specified as follows:

- A. Interpretation - Decide any question involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary of the Zoning Map if there is uncertainty with respect thereto;

- B. Variances - Grant variances from the terms and provisions of this Ordinance as provided in this chapter; and

- C. Appeals - Hear and decide appeals of decisions made by the Zoning Administrator. In this regard, the Board of Appeals may assume the powers of the Zoning Administrator.

SECTION 13.03. COMPENSATION. Each member shall receive a reasonable sum as determined by the Township Board for his services in attending each regular or special meeting of said Board; sums to pay said compensation and the expenses of the Board shall be provided annually in advance by the Township Board.

SECTION 13.04. REMOVAL. Members of the Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

SECTION 13.05. MEETINGS; RECORDS. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in rules of procedure may specify. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and which shall be public record.

SECTION 13.06. PROCEDURE.

- A. The presence of three (3) members shall constitute a quorum, but the concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance or to effect any variation in such Ordinance.
- B. Applications or appeals shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by filing with the Zoning Administrator and with the Board of Appeals of a notice of application or appeal specifying the grounds thereof. The Zoning Administrator shall, forthwith, transmit to the Board all the papers constituting the record from which the application or appeal was taken.
- C. When an application or appeal has been filed in proper form with the required date, the secretary of the Board shall place said application or appeal on the calendar for hearing at the next meeting of the Board. A notice that a request for a decision by the Zoning Board of Appeals has been made and of the hearing shall be given in accordance with applicable requirements of the Michigan Zoning Enabling Act, 2006 P.A. 110, as amended.
- D. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.
- E. Upon the hearing, any party may be heard in person or by agent or attorney.
- F. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
- G. The decision of the Board shall not be final until five (5) days after it is made, and any person having an interest affected by any such decision shall have the right to appeal to the Circuit Court on questions of law and fact during said period.
- H. Each appeal or application for variance shall be accompanied by a filing fee according to the fee schedule adopted by the Township Board which shall be deposited by the Zoning Administrator with the Township Treasurer.

SECTION 13.07. STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Zoning Administrator, and on due cause shown.

SECTION 13.08. CONDITIONS OF APPROVAL. In authorizing a variance or exception, the Board may, in addition to the conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest, including the right to authorize such variance or exception for a limited period of time.

SECTION 13.09. Chapter XIII of Ordinance No.33 is hereby amended by deleting Section 13.09.

SECTION 13.10. VARIANCES PERMITTED. Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this Ordinance, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Board of Appeals may grant such variances only upon finding that all of the following conditions exist:

- A. Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot;
- B. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done; and
- C. Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this Ordinance.

SECTION 13.11. VARIANCES PROHIBITED. No variance in the provisions or requirements of this Ordinance shall be affected by the Board of Appeals unless it finds, from reasonable evidence, that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or of the public health, safety and welfare, and, further, that at least two (2) of the following facts and conditions exist:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;

- B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or
- C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

SECTION 13.12. SPECIAL CONDITIONS. In considering any applications, the Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values or psychological effects. For such purpose, the Board may require the appellant to enlist experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance as provided in Section 13.08.

CHAPTER XIV

AMENDMENT TO THE ORDINANCE

SECTION 14.01. INITIATION OF AMENDMENTS. This ordinance may be amended or supplemented from time to time in accordance with applicable provisions of 2006 P.A. 110, as amended, the Michigan Zoning Enabling Act. Amendments to this ordinance may be initiated by the Township Board, the Planning Commission, or by any land owner or agent acting on the land owner's behalf by petition to the Planning Commission.

SECTION 14.02. AMENDMENT PETITION PROCEDURE. All petitions for amendment to this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission. Such petitions shall include the following:

- A. The petitioner's name, address, and interest in the petition and, if applicable, the name, address, and interest of each person having a legal or equitable interest in any land which is to be rezoned;
- B. The nature and effect of the proposed amendment;
- C. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned;
- D. The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;
- E. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare; and
- F. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

SECTION 14.03. AMENDMENT PROCEDURE. After initiation, amendments to this Ordinance shall be considered as follows:

- A. The Planning Commission shall authorize the preparation of the proposed amendment to be considered;
- B. The Planning Commission shall set a time and place for a public hearing. Notice of the public hearing shall be given in accordance with applicable requirements of the Michigan Zoning Enabling Act, 2006 P.A. 110, as amended.

- C. At said hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that proper notices have been made;
- D. The Planning Commission shall hold said public hearing, noting all comments and reports requested, or noting the absence of such;
- E. Prior to voted approval, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical or grammatical errors. The changed text shall be forwarded as above without further hearing;
- F. If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above;
- G. The Planning Commission shall forward the proposed amendment to the Bay County Planning Commission and to the Township Board with recommendation for approval or denial. Any decision or recommendation shall contain the reasons therefore;
- H. After receiving notice of action by the County Planning Commission or following the required thirty (30) days time within which County action is required, the Township Board shall consider such proposed zoning amendment;
- I. If the Township Board shall deem any amendments, changes, additions, or departures advisable as to the proposed amendment, it may refer the same back to the Planning Commission for consideration and comment within a time specified by the Board. After receiving the report, the Board shall grant a hearing on any proposed ordinance provision to any property owner who requests a hearing by certified mail, addressed to the Township Clerk;
- J. The Township Board may pass the amendment after receiving the recommendation of the County Planning Commission, if any is required, or at least thirty (30) days after the County recommendation is requested;
- K. The Township Board shall adopt the Ordinance in the prescribed manner and shall publish the Ordinance amendment or a summary of the regulatory effect of the Ordinance amendment within fifteen (15) days; and
- L. The Township Board shall then file the Ordinance in the official ordinance book of the Township within seven (7) days after adoption and publication with a certification by the Supervisor and Clerk authenticating the record.

CHAPTER XV

PENALTIES

SECTION 15.01. VIOLATIONS AND PENALTIES. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance. A record of the disposition of complaints shall be filed. Any owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any statement or plan submitted hereunder, or shall refuse reasonable opportunity to inspect any premises, shall be liable to a fine of not more than five hundred dollars (\$500) or to imprisonment for not more than ninety (90) days in the Bay County Jail, or both. Each and every day such a violation continues shall be deemed a separate and distinct violation.

SECTION 15.02. PROCEDURE. The Township Board, the Board of Appeals, the duly authorized Attorney for the Township, the Prosecuting Attorney for Bay County, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

CHAPTER XVI

MISCELLANEOUS PROVISIONS

SECTION 16.01. ADMINISTRATIVE LIABILITY. No officer, agent, employee, or member of the Planning Commission, Township Board, or Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

SECTION 16.02. SEVERABILITY. This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

SECTION 16.03. REPEAL. The former Zoning Ordinance of this Township, effective March 4, 1972, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the Township of Williams, in conflict with the provisions of this Ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed.

SECTION 16.04. EFFECTIVE DATE. This Ordinance was adopted at a regular meeting of the Williams Township Board on the 13th day of June, 1977, and is ordered to take immediate effect and shall be published once in the Bay City Democrat on or before the 13th day of July 1977.